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federal register

TUESDAY, MAY 24, 1977

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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.

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.

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Title 3—The President

Executive Order 11986 • May 20, 1977

Relating to Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11861, as amended, placing certain positions in level IV of the Executive Schedule, is further amended by deleting "(6) Director of Telecommunications and Command Control Systems, Department of Defense." and "(7) Principal Deputy Director of Defense Research and Engineering, Department of Defense.".

SEC. 2. Section 2 of Executive Order No. 11861, as amended, placing certain positions in level V of the Executive Schedule, is further amended by adding thereto "(8) Principal Deputy Assistant Secretary for Communications, Command, Control and Intelligence, Department of Defense." and "(9) Director of Policy Review, Department of Defense.".

Jimmy Carter

THE WHITE HOUSE,
May 20, 1977.

[FR Doc.77-14944 Filed 5-20-77;5:08 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Community Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment revokes the Schedule B authority for seven positions of Regional Director because it is practicable to competitively examine for these positions.

EFFECTIVE DATE: May 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3273(a) is amended to read as follows:

§ 213.3273 Community Services Administration.

(a) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–14633 Filed 5–23–77;8:45 am]

PART 213—EXCEPTED SERVICE

Civil Service Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that the following positions are excepted under Schedule C because they are confidential in nature: two Special Assistants and one Administrative Assistant to the Chairman; one Policy Advisor and one Administrative Assistant to the Vice Chairman; and one Policy Advisor and one Administrative Assistant to the Commissioner.

EFFECTIVE DATE: May 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3370 is added as set out below:

§ 213.3370 Civil Service Commission.

(a) Two Special Assistants and one Administrative Assistant to the Chairman.

(b) One Policy Advisor and one Administrative Assistant to the Vice Chairman.

(c) One Policy Advisor and one Administrative Assistant to the Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–14887 Filed 5–23–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Staff Assistant to the Ambassador at Large and Special Representative of the President for the Law of the Sea Conference because of the confidential nature of the postion.

EFFECTIVE DATE: May 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3304(a)(27) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(27) One Staff Assistant to the Ambassador at Large and Special Representative of the President for the Law of the Sea Conference.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–14886 Filed 5–23–77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 111]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

AGENCY: Food and Nutrition Service.

ACTION: Final rulemaking.

SUMMARY: This rule deletes the requirement that State agencies submit monthly reports of the number of households whose benefits were reduced or terminated because they either accepted or refused to accept suitable employment. These reports duplicate information that is already available, for the most part, through the Department of Labor's ESARS system.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Alberta Frost, Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250 (202–447–8360).

SUPPLEMENTARY INFORMATION: Section 271.3(d)(8) of the Food Stamp Program Regulations requires that State agencies submit monthly reports of the number of households whose benefits were reduced or terminated because they either accepted employment or refused to accept suitable employment. The purpose of the reports is to measure the effectiveness of the work registration requirements. These reports, however, duplicate information that is already available, for the most part, through the Department of Labor's ESARS system. To avoid this duplication, States will no longer be required to submit Form FNS–285, Report of Reduction/Termination of Food Stamp Benefits, to FNS each month.

Since elimination of this reporting burden will benefit State agencies and will have no adverse effect on food stamp applicants, the Department has decided that it is unnecessary and contrary to the public interest to give notice of proposed rulemaking. Accordingly, in § 271.3, paragraph (d)(8) is deleted as follows:

§ 271.3 Household eligibility.

* * * * *

(d) *Work registration requirement.* * * *

(8) [Deleted]

* * * * *

(78 Stat. 703, as amended (7 U.S.C. 2011–2026).)

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

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: May 17, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14687 Filed 5-23-77;8:45 am]

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

[Lemon Reg. 92, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 15-21, 1977. The amendment recognizes that demand for lemons has improved, since the regulation was issued. This action will increase the supply of lemons available to consumers.

DATES: Weekly regulation period May 15-21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Lemon Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of lemons, as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the lemon markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit lemon handlers to ship a larger quantity of lemons to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 25,000 cartons, in the interest of producers and consumers.

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

(b) *Order, as amended.* Paragraph (b)(1) of § 910.392 Lemon Regulation 92 (42 FR 24716) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 15, 1977, through May 21, 1977, is established at 320,000 cartons."

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

Dated: May 18, 1977.

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

[FR Doc.77-14660 Filed 5-23-77;8:45 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum quality and size requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: June 5, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the April 25, 1977, FEDERAL REGISTER (42 FR 21111). The notice afforded interested persons through May 13, 1977, to file written data, views or arguments pertaining to that proposal. None was filed.

This regulation is based upon recommendations made by the committee at its public meeting in Norfolk, Virginia, on April 7, 1977.

The grade and size requirements recommended herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed are so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also are exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act by setting the minimum standards of quality and the grading and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by June 5, 1977.

The regulation is as follows:

§ 953.317 Handling regulation.

During the period June 5 through July 31, 1977, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e) of this section, no handler shall ship any potatoes unless an appropriate inspection certificate has been issued covering them by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler thereof shall comply with the safeguard requirements of paragraph (d) of this section. Shipments of potatoes for canning, freezing, and "other processing" shall be exempt from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Dated: May 19, 1977.

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

[FR Doc.77-14781 Filed 5-23-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Nonimmigrant Students; Authorization of Employment for Practical Training; Petitions for Approval of Schools; Supporting Documents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to provide that the maximum period of time which may be granted a nonimmigrant alien student to engage in practical training under the immigration regulations will be one year. The amendment also provides that language schools seeking approval for attendance by nonimmigrant students shall meet the same requirements respecting submission of documents and evidence as must be met by other educational institutions seeking similar approval by the Service. The circumstances which led to the Service determination to reduce the maximum period of practical training is that the Service has determined that a maximum period of one year of practical training is sufficient to enable graduates to prepare themselves for entrance level positions in their chosen fields. Also, the Service has been advised by the Department of Labor that employment of nonresident alien students presents unfair competition to U.S. resident workers because some applicants worked for less than prevailing wages during their training period. Also, certain applicants utilized their practical training experience to apply for immigrant status contrary to the intent of the Service's practical training regulations. The regulations respecting documents and evidence to be submitted in applications for approval by language schools are being made to require language schools to meet the same standards as other educational institutions seeking approval by the Service. The intended effect of this action is to amend the Service's regulations to reduce the period of practical training for the reasons set forth above in order to insure that the intent of the Service's practical training regulations is observed and also to provide that language schools meet the same documentary and evidentiary requirements for approval as other educational institutions.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone 202–376–8373.

SUPPLEMENTARY INFORMATION: On July 15, 1976, the Immigration and Naturalization Service published a notice of proposed rulemaking at 41 FR 29149 containing proposed amendments to 8 CFR 214.2(f)(6) pertaining to employment of nonimmigrant students for practical training and 8 CFR 214.3 pertaining to the supporting documents which must be submitted by language schools applying for approval for attendance by nonimmigrant students. Over one hundred representations were received from educational associations, universities and other institutions of learning, the Departments of State and Labor, and members of the general public, and they have all been carefully considered. Only one writer completely supported the proposed rule change. Those opposing one or more of the amendments offered the following representations which are summarized below, followed by the Service's response.

1. *Representation.* The Service failed to cite the authority under which the notice of proposed rule change was published.

Service Response. There is no statute under which employment of nonimmigrant students for practical training is authorized. However, at 41 FR 29151, the Service did cite section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), which provides the Attorney General and the Commissioner of the Immigration and Naturalization Service certain powers and duties, including the establishment of regulations.

2. *Representation.* Publication of the proposed amendments was untimely since the academic community most concerned is generally inactive during July.

Service Response. The Service granted an extension of time in which to submit representations.

3. *Representation.* The rationale for proposed change is unclear.

Service Response. The proposed amendment was based in part upon information which had been reported to the Service by field offices indicating that a maximum practical training period of one year is sufficient to prepare graduates to begin at the entrance level of their occupations. In addition, the Department of Labor had reported several times that employed nonresident alien students present unfair competition to U.S. resident workers; some data indicate that students work for less than prevailing wages during their training period. The Department of Labor also expressed concern about aliens who en-

ter as students, are permitted to work for up to 18 months to gain practical experience, and who then use this acquired experience to apply for immigrant status.

4. *Representation.* The proposed twelve-month limit on practical training would make it impossible for many foreign students to obtain employment here since employers would not find such a short period productive to their business. This would result in employers hiring only those whom they would be willing to assist in obtaining permanent residence. Reduction of employment opportunity for foreign students would be the cause of fewer of them seeking to study in the U.S. to the detriment of U.S. educational institutions, and would have an adverse effect upon the attitude toward the U.S. of those who did come.

Service Response. It may be that foreign students will be less likely to find employment, and perhaps fewer aliens would enter the U.S. to obtain their education here. There must be considered, however, the loss of employment to each U.S. resident student or unemployed worker who is unable to find a job because it is filled by a nonimmigrant student. Rather than eliminate the provisions for training altogether, however, the Service will merely reduce the practical training period available to the alien student.

5. *Representation.* Actually F-1 nonimmigrant students should be permitted to engage in employment for practical training for as long as two years and then, like J-1 exchange visitors, should be made subject to a two year foreign residence requirement before becoming eligible for immigrant status in the U.S. This would eliminate concern that F-1 students would seek permanent positions in the U.S., and would prevent an increased demand for J-1 visas. Practical training for two years is necessary in some kinds of work in order to enable the graduate effectively to transfer his experience to his professional career abroad.

Service Response. Not all J-1 exchange visitors are subject to the two-year foreign residence requirement; and to impose such a requirement at all upon F-1 students would not be possible without the enactment of new legislation. The law now specifies that the nonimmigrant student be coming temporarily and solely for the purpose of pursuing a full course of study. There is no indication that the Congress intended that he remain and work in the U.S. for an extended period after completion of his course of study and until he becomes fully experienced in his occupational skill.

6. *Representation.* Concern was expressed about the restriction of the proposed formula of granting a period of only three months of practical training for every nine months of study at a college, university, or seminary, and a period of only three months for each twelve months of a full course of study at a school which devotes itself exclusively or primarily, to vocational, business, or language instruction. It was asserted that permissible practical training for less than one year would then be the rule for students who come to the U.S. in masters' programs, for doctoral degrees, or for vocational training, which usually are for only one to two years. It was also suggested that candidates for doctorates should be permitted to begin employment for practical training after completion of their academic requirements and while completing their dissertations.

Service Response. These views as to the periods of practical training have merit and the proposed formula has been changed. However, since courses in vocational, business, and language schools are themselves to a great extent in the nature of practical training, the proposed formula will be retained as to such schools. It has long been the policy of the Service to grant permission to accept employment for practical training only after completion of the courses of study. Such an application may be made prior to completion of studies only if the applicant is attending a college, university, or seminary which certifies that it requires practical training for all degree candidates in a specified professional field and that the student applicant is a candidate for a degree in that field. Thus, candidates for Ph. D. degrees may not be granted permission to begin employment for practical training until they have completed all the requirements for the degrees sought.

7. *Representation.* Many letters opposed the requirement that the foreign student submit his initial application for employment along with a letter outlining the nature of the proposed employment no later than thirty days after completion of the course of study. It was asserted that many students are unable to find employment without first being granted permission by the Service and even then it often takes from two to six months to locate employers having appropriate positions.

Service Response. Some of these views have merit and appropriate changes will be made to permit the student to apply for the first six-month period of practical training without first securing a letter from a prospective employer. However, school officials will be asked to state on applications for permission to continue previously authorized employment more specifically whether such employment is related to each student's field of study. Where application for the initial period of employment is approved, the period shall be deemed to commence either on the date the student enters upon such employment or sixty days after completion of his course of study, whichever is earlier.

8. *Representation.* Several writers alleged that the employment opportunities for nonimmigrant students who are already undergraduates in the United States should not be reduced since many came here in the belief they would be entitled to 18 months of employment after the completion of their studies.

Service Response. A nonimmigrant student at the time he entered the United States had no assurance of being able to work here and should not have assumed he would be granted such permission after admission. However, the Service will make the amended regulations effective as of September 1, 1977 and applicable only to those students completing their courses of study on or after that date.

9. *Representation.* The proposed amendments might have an unfavorable impact on work/study programs and those master's degree programs which require internships prior to graduation. In this connection it was pointed out that on-campus work experience under present regulations does not require Service permission, and the time so spent should not be subtracted from the post-graduation period of practical training. Similarly, the applicant who voluntarily discloses his previous off-campus work which was part of a work/study course should not be disadvantaged in relation to other less conscientious applicants by having his postgraduation practical training reduced.

Service Response. The regulation will be amended to provide that on-campus employment will not be considered as practical training. However, the requirement will be continued that off-campus work which is part of a work/study course be counted as a period or periods of practical training.

Based on our study of the proposed rules and in the light of the representations submitted, it has been determined that the proposed rules should be adopted with minor editorial and clarifying amendments, and with the following substantive amendments as described below:

1. The proposed formula for determining the period of time for which practical training may be granted to an alien graduate of a college, university or seminary engaging in a course of study of less than 12 months duration, has been changed to provide that such an individual may qualify for a period of training for an aggregate number of months not exceeding the length of that course of study, unless the district director and recommending school agree that the maximum 12 month period is warranted.

2. The proposed requirement that the practical training period is deemed to run immediately upon approval of the application or on the day after the student completes his course of study (whichever is later) has been changed and the adopted rule will provide that the initial authorized period of practical training shall be deemed to commence either on the date the student enters upon such employment, or 60 days after the student completes his course of study, whichever is earlier.

3. The proposed requirement that the application for the first period of practical training be accompanied by a letter from the prospective employer describing the employment has been deleted. However, the proposed rule will be amended to provide that an application

to continue employment for practical training must contain the recommendation of the school in sufficient detail to enable the Service to determine whether the position is related to the applicant's major field of study.

4. The proposed regulations will be amended to provide that on-campus employment will not be considered as practical training but the requirement will be continued that off-campus work which is part of a work/study course will be counted as a period or periods of practical training.

In the light of the foregoing, the following amendments are hereby prescribed to Title 8 of Chapter I of the Code of Federal Regulations.

In § 214.2, paragraph (f)(6) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students.* * * *

(6) *Employment.* A nonimmigrant student is not permitted to engage in off-campus employment in the United States, either for an employer or independently, unless his application to do so has first been approved by the Service. An application by a student for permission to accept or continue employment shall be filed on Form I-538. If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification; if his request is for permission to continue previously authorized part-time employment, his application may be adjudicated without regard to any short absence from the United States intervening since the original grant of permission. In either case, an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. Permission to accept or continue employment because of economic necessity may be granted in increments of not more than 12 months each, and while school is in session such employment may not exceed 20 hours per week. If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study and, upon information and belief, would not be available to the student in the country of his foreign residence. Permission to accept or continue temporary employment to obtain practical training may be granted in increments of not more than 6 months for a maximum of not more than 12 months in the aggregate. However, when the course of study was of less than 12 months' duration, the alien graduate of a college, university, or seminary as defined by subparagraph (1a) of this paragraph, may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of that course of study, unless the district director and the recommending school agree that the maximum 12 months is warranted. After completion of a course or courses of study at a school which devotes itself exclusively or primarily to vocational, business, or language instruction, an alien graduate of such school may be granted permission to engage in employment for practical training for a period or periods of time equal to 3 months for each 12 months during which such an alien carried a full course of study at such school in the United States. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible. In such case, the alien graduate may apply for change to another nonimmigrant classification that would permit his accepting employment. If application is granted for permission to engage in employment to obtain practical training, the initial authorized period shall be deemed to commence either on the date the student enters upon such employment or 60 days after the student's completion of his course of study whichever is earlier. An application for permission to accept or continue employment to obtain practical training must be submitted prior to the expiration of an alien student's authorized stay and, in the case of an initial application, not more than 60 days before graduation or completion of a course or courses of study nor more than 30 days after graduation or completion of such study. Such application may be made earlier only if the alien is attending a college, university, or seminary which certified that practical training is required of all degree candidates in a specified professional field, and that the alien student is a candidate for a degree in that field. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. An application to continue employment for practical training must contain the recommendation of the school in sufficient detail to enable the Service to determine whether the position is related to the applicant's major field of study. It shall be submitted to the office of the Service having jurisdiction over the actual place of employment, and shall be supported by a letter from the applicant's employer stating the occupation in which the applicant is employed and describing the duties he is performing. A student enrolled in a college, university, or seminary having alternate work/study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment if off-campus shall be considered as periods of practical training. An applicant for practical training who has previously participated in an alternate work/study program must submit with his application a letter from his school stating the number of hours the applicant has participated in off-campus employment under the work/study program, a description of the applicant's duties while employed and the name and address of the employer. A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I-20 endorsed by his school to indicate the date to which such training was authorized by the district director. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

* * * * *

In § 214.3 the eighth sentence of paragraph (b) is amended to read as follows:

§ 214.3 Petitions for approval of schools.

* * * * *

(b) *Supporting documents.* * * * If the petitioner is a vocational, business, or language school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character. * * *

* * * * *

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103).)

Effective date: The regulations contained in this order become effective as of September 1, 1977, and will apply only to those students completing their courses on or after that date.

Dated: May 19, 1977.

CARL J. WACK, Jr.,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.77-14731 Filed 5-23-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 420—STATE ENERGY CONSERVATION PLANS

Supplemental State Energy Conservation Plan Guidelines

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: With this notice of final rulemaking, the Federal Energy Administration (FEA) establishes the procedures and guidelines for a voluntary grant program for States to implement supplemental State energy conservation plans (supplemental plans). Under this program, FEA will promote the conservation of energy and the reduction of the rate of growth of energy demand by granting financial and technical assistance to a State for the implementation of specific State energy conservation programs contained in a supplemental plan. This notice of final rulemaking amends Part 420 by revising § 420.1; adding definitions to § 420.11; revising § 420.36; and establishing a new Subpart E, §§ 420.100 to 420.109. Subpart E prescribes guidelines for measures required to be included in, and guidelines for the development, modification and funding of, supplemental plans.

Comments on the proposed regulations were invited from interested persons by April 22, 1977, and 11 public hearings were held from April 19, 1977 through April 22, 1977. In response to the notice, 22 persons presented testimony and 17 written comments were received by FEA. These final guidelines contain revisions to the proposed guidelines which reflect FEA's consideration of the comments as well as other information available to FEA.

DATES: Effective date: May 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Vannoy, John Rivera and Craig Othmer, Office of State Financial Assistance, Office of Energy Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461 (202-566-7566).

SUPPLEMENTARY INFORMATION:

1. Introduction.
2. Payment of Auditors to Perform Class A Energy Audits.
3. Definitions.
4. Disapproval of Original and Supplemental Plans.
5. Submission of Supplemental Plans.
6. Environmental Residuals.
7. Description of Program Measures.
8. Minimum Criteria for Required Program Measures.
9. Financial Assistance.
10. Model Supplemental Plan.

1. Introduction

On March 21, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking, 42 FR 16150 et seq., March 25, 1977, to amend Part 420, Chapter II of Title 10, Code of Federal Regulations, to prescribe guidelines for supplemental State energy conservation plans. This proposal was issued pursuant to Part B of Title IV (Part B), 42 U.S.C. 6326, of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1158 et seq., which establishes a program for supplemental plans. Part B amends Part C of Title III of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6321-6326, which established a program for State energy conservation plans (original plans).

Comments were received by FEA on specific sections of the amendments and guidelines in the proposed rulemaking. Most comments dealt with specific items relating to the supplemental program. However, many comments were non-specific. They stressed the importance of the supplemental program and the role of the State in energy conservation and emphasized the need for timely technical assistance from FEA. Some reflected a general lack of understanding of the nature of the guidelines. To correct these misunderstandings, FEA has revised certain sections of the guidelines and provided explanations in this preamble. Six comments advocated the inclusion of specific measures in the National Energy Plan. These comments, while well-taken, are outside the scope of the guidelines and are not considered in today's rulemaking.

Several comments dealt with issues concerning the original program. One commenter would have FEA reconsider its position on the purchase of equipment, other than office equipment, with Federal grant funds. Another commented on an additional program measure relating to restrictions on the use of decorative or non-essential lighting. Still another would have FEA amend § 420.35 (a) and (d) to require that States, in promulgating mandatory lighting and thermal efficiency standards, adopt standards no less stringent than a revised edition of ASHRAE 90-75 that includes a new section 12. A fourth commenter would have FEA require an economic impact analysis for each original and supplemental plan. Because these comments do not deal with the proposed amendments to Part 420, they are not considered in today's rulemaking. However, these comments will be retained for consideration in any relevant future rulemaking.

Part B allows FEA to require one or more of the following:

(1) The formation of, and appointment of qualified individuals to be members of, a State energy conservation advisory committee which has continuing authority to advise and assist a State and its political subdivisions with respect to matters relating to energy conservation in the State, including the carrying out of the State's energy conservation plan, the development and formulation of any improvements or amendments to such plan, and the development and formulation of procedures pertaining to required program measures;

(2) An adequate program within such State for the purpose of preventing any unfair or deceptive acts or practices affecting commerce which relate to the implementation of energy conservation measures and renewable-resource energy measures;

(3) Procedures whereby qualified officials designated by a State can periodically verify (by use of sampling or other techniques), at reasonable times and under reasonable conditions, the purchase, installation and actual cost of energy conservation measures and renewable-resource energy measures for which financial assistance was obtained under section 509 of the Housing and Urban Development Act of 1970, or section 451 of the Energy Conservation and Production Act; and

(4) Assistance for individuals and other persons to undertake cooperative action to implement energy conservation measures and renewable-resource energy measures.

One commenter requested FEA to make all four measures mandatory. Another expressed concern that to require all seven measures would place an undue burden on small States. FEA has considered these comments and has decided not to require, at this time, implementation of these four measures. A State may include one or more of the optional measures in its supplemental plan. FEA encourages inclusion of the measure which would develop a State energy conservation advisory council.

2. Payment of Auditors To Perform Class A Energy Audits

FEA received fourteen comments opposing a statement in the preamble to the proposed regulations prohibiting the use of federal financial assistance under this part to pay auditors to perform Class A energy audits. Most commenters felt that such a restriction would unnecessarily inhibit States from proposing cost effective energy audit program measures. Although § 420.106(c) provides that grant funds may not be used to pay an auditor to perform a Class A energy audit of a commercial building or industrial plant FEA expects that most States will charge fees to perform Class A energy audits of commercial buildings and industrial plants. Such fees may be used to compensate persons who perform Class A energy audits. This provision, moreover, does not prohibit a State from using grant funds to employ a person to develop one or more types of Class A energy audits or to plan or supervise the implementation of a program measure to carry out Class A energy audits. The restriction merely prohibits the use of grant funds to compensate an auditor for the performance of a Class A energy audit. Each State will still be required to provide Class B or Class C energy audits to all interested occupants of residential buildings.

3. Definitions

FEA received nine comments on the definition of energy audits. One commenter considered the definition so narrow as to inhibit State creativity and innovation. FEA will use the statutory definition as given in Part B of ECPA. FEA has published proposed Energy Audit procedures, 42 FR 20012, April 15, 1977, which contain provisions for information audits to be used in conjunction with this program. These proposed procedures require that specific energy and cost savings likely to be realized

from specific measures be identified for the building occupant. One commenter expressed the view that the definition is too restrictive because it does not require analysis of operational activities such as lowering thermostats, cleaning exhaust filters, and lubricating motors and bearings. The proposed energy audit procedures for information audits do not require analysis of operational activities. However, any State may include analysis of changes in operational activities as an element of its information audits, and States are encouraged to do so. In the final Energy Audit procedures, FEA does not intend to require an analysis of operational activities because it may make the information energy audit process too complex, burdensome and time consuming, thereby limiting State initiatives.

One commenter requested clarification of the stipulation in the definition that only reasonable costs, as determined by FEA, be assessed for energy audits. Section 450.14 of the proposed rulemaking for energy audits proposes restricting reasonable costs of energy audits to seven percent of the total cost of all energy used in the building or industrial plant during the 12 months preceding the audit. Subject to FEA approval a State may establish procedures to permit information audit costs to exceed this limitation in those cases where the State finds that the buildings or industrial plants exhibit unique or unusually complex characteristics relating to energy use.

One commenter addressed the prohibition against making direct charges for energy audits to occupants of dwelling units and expressed concern that FEA would not approve State plans permitting residential energy audits to be conducted by utility companies because the cost of the audits would be passed on to the residential customer. Part B expressly prohibits the imposition of direct costs on occupants of dwelling units. Accordingly, no charge can be made for such services, and the utility company, if it chooses to participate, will have to provide such services without any additional charge.

FEA received nine comments concerning the definitions of energy conservation measures and renewable-resource energy measures. Both of these terms are used in § 420.104 in connection with minimum criteria for required supplemental program measures but are beyond the scope of this rulemaking. FEA is developing a proposed energy measures list which will be published by June 3, 1977, containing energy conservation measures and renewable-resource energy measures. Furthermore, the proposed energy audit procedures published in the FEDERAL REGISTER contain an informative discussion of FEA's interpretation of "energy conservation measure" and "renewable-resource energy measure" and also discuss the relationship between energy audits and energy measures.

Three comments dealt with the provision in the definitions restricting both types of energy measures to modifications of any building or industrial plant whose construction was completed prior to August 14, 1976. The commenters advocated substitution of a date determined in accordance with a State's needs. Another commenter suggested that FEA should not stress the 15 and 25 year payback periods for the two types of energy measures as they are unrealistic and economically infeasible. A third commenter suggested that the word "resources" be inserted after the word "energy" in each definition. These comments fail to take account of the fact that because both types of energy measures are defined in Part B and are therefore prescribed by the program's enabling legislation FEA cannot amend these definitions.

Three commenters requested clarification of the modifications which could be designated as renewable-resource energy measures for purposes of the supplemental program. Two other commenters suggested that FEA ensure the quality of energy measures by developing standards to protect the consumer. FEA will consider these comments prior to publication of a list of energy measures.

4. SECTIONS 420.36 AND 420.105 DISAPPROVAL OF ORIGINAL AND SUPPLEMENTAL PLANS

FEA received comments concerning provisions in §§ 420.36 and 420.105 whereby a State is afforded the opportunity to present its views prior to FEA disapproval of an original or supplemental plan. One commenter suggested that a time period should be specified for FEA review of State plans and that there should be a minimum time period of 15 working days during which the State would have the opportunity to amend and resubmit its plan for consideration by FEA. FEA intends to review submissions within 45 days. This period would enable FEA to return the plan to a State with suggested changes and provide a State the opportunity to amend its plan to conform to FEA recommendations. FEA believes the 45-day period is adequate for this plan review process. It also believes that adopting a minimum time period of 15 working days for State amendments and resubmittal is not conducive to timely approval of State plans. FEA anticipates substantial variations in the substance and magnitude of the changes which may be recommended. A period of 15 working days may either be too long or too short depending upon the specific facts and circumstances which are expected to be unique to each plan. For this reason, FEA has decided to exercise its discretion on how much time a State needs to revise its submissions.

One commenter would have § 420.136 (e) amended to specify whether deletion of unacceptable portions of a plan will also require a State to reduce its budget so that it will receive less than its initial allocation. FEA believes that this question cannot be adequately resolved in the rulemaking but should instead be handled on an individual basis by the appropriate Regional Administrator who can decide on the basis of specific facts the appropriate level of funding for eligible program measures.

One commenter requested clarification of the term "State action" as used in § 420.36(e)(1)(iii). For the purpose of that paragraph, State action refers to the request which a State may make for a review of its plan prior to disapproval in accordance with § 420.36(e)(2). FEA has extended from 15 to 20 days the period for final disapproval of a plan where a State does not request a review. This extension corresponds to extensions in the time in which a State can request a review and the time in which the Regional Administrator is required to issue a statement of approval or disapproval.

One commenter would amend § 420.36 (e)(2) to allow the State ten working days after receiving the notice of intent to disapprove the proposed plan in which to submit a request for review, including its views with supporting data and arguments. FEA has considered this comment and has modified the proposed language to provide ten instead of six working days.

Section 420.36(e)(3) requires that the panel named to review a State plan prior to disapproval shall be selected at the discretion of the Regional Administrator. Two commenters suggest that at least one member of the panel should be selected at the discretion of the Governor of the State whose plan is under review. FEA believes that this might create an adversary situation with respect to the review process and that selection of a third party by the Regional Administrator will provide a greater measure of objectivity. Another commenter requested clarification of § 420.36(e)(4) concerning the form of the review panel's recommendation to the Regional Administrator. FEA agrees with the comment that the recommendation should be in writing and has so modified the guidelines. A related comment suggested that the one day time period allotted the Regional Administrator to review a panel's recommendation and issue a written statement of approval or disapproval was inadequate. FEA agrees and has modified the proposed language to provide two days instead of one.

A final comment suggested that a State be allowed at least an additional final five working days following a Regional Administrator's disapproval of a plan within which to resubmit the plan. FEA believes that a State is already allowed sufficient time prior to any final disapproval in which to make necessary amendments to its plan. Therefore, the decision of the Regional Administrator subsequent to the review process outlined in § 420.36 will be binding.

5. SECTION 420.101(b) SUBMISSION OF SUPPLEMENTAL PLANS

FEA received thirteen comments concerning the advisability of shortening from three months to 45 days the time period specified in § 420.101 within which

a State must submit a proposed supplemental plan in order for it to be eligible for financial assistance. Three commenters considered some reduction appropriate. Ten opposed a reduction to 45 days. No State said it would not submit a plan if a reduction were made. FEA has decided that some reduction is necessary. Therefore § 420.101(b) requires a State to submit a proposed supplemental plan within 60 days in order to be eligible to receive financial assistance. While extensions may be granted in extreme cases, FEA does not anticipate granting any extension in excess of 15 days.

6. SECTION 420.102(f) ENVIRONMENTAL RESIDUALS

Proposed 420.102(f) provided that a supplemental plan shall include:

> A detailed description of the increase or decrease in environmental residuals expected from the implementation of the supplemental plan, defined insofar as possible through the use of information to be provided by FEA, and an indication of how these environmental factors were considered in the selection of program measures.

One commenter questioned the need for environmental information with respect to either the public education or the intergovernmental coordination program measures required by the Act. FEA has reviewed these program measures and has determined that they are of a nature that funding of their implementation could not constitute a "major Federal action significantly affecting the quality of the human environment" and that such funding would not require review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. in the context of approving a particular State's supplementary plan. Section 420.102(f) has accordingly been modified not to require environmental information with respect to proposed public education and intergovernmental coordination program measures.

Another commenter requested clarification concerning information to be provided by FEA with respect to environmental residuals. In assisting the States to develop their proposals under the original program, FEA supplied certain information on the calculation of environmental residuals. It is primarily this information which FEA expects to be used insofar as it is applicable. As with the original program, States are expected to develop the required environmental data from other sources where the existing FEA materials do not apply, although FEA will attempt to provide further technical assistance on this matter if needed and as resources allow. While the nature of most program measures to be proposed in supplemental plans may not allow for precise quantification of their environmental residuals, FEA expects each State to describe, as far as practicable, the positive, as well as any negative, environmental impacts expected from the implementation of its supplemental plan. This information—and an indication of how it was considered by the State in the selection of proposed program measures—is necessary to enable FEA to make determinations consistent with NEPA.

7. SECTION 420.103 DESCRIPTION OF PROGRAM MEASURES

On the basis of the contents of plans received under the original State energy conservation program, FEA has determined that the detailed description of each program measure shall include a management plan that identifies the organizations and the strategies that will be used to implement the program measure. Therefore § 420.103(a)(1) has been clarified to ensure that the narrative statement detailing the nature of the program measure includes a management plan.

FEA received eleven comments regarding the description of estimated energy savings required in § 420.103(b)(1). Two commenters addressed the burden of estimating energy savings and expressed concern that the estimates could be unreliable or misleading in certain cases. Four comments were general in scope, advocating the need for uniformity and the desirability of State and Federal cooperation in making estimates. Four commenters singled out energy savings estimates for activities relating to public education and intergovernmental coordination as particularly unreliable. FEA agrees with this conclusion and has changed § 420.103(b)(1) to provide that, in the case of program measures relating to public education and intergovernmental coordination, an explanation of the manner in which program measures contribute to energy savings in the State may be substituted for an estimate of energy savings in Btu's.

FEA received one comment suggesting that metric joules, rather than Btu's, be used to estimate energy savings in § 240.103. There are roughly one thousand joules in each Btu (1 Btu=1.055×10^3 joules). However, a change in § 420.103 would result in a combination of Btu's and joules in Part 420 since § 420.34 requires energy savings estimates in Btu's. Estimated saving expressed in Btu's may be calculated on a metric basis expressed in joules by the simple application of a conversion factor. FEA intends to consider a metric basis for data in subsequent rulemakings.

8. 420.104 MINIMUM CRITERIA FOR REQUIRED SUPPLEMENTAL PROGRAM MEASURES

FEA received many comments regarding minimum criteria for required supplemental program measures. Three commenters addressed the reasonableness of implementing the required program measures within six months. Two supported the six month deadline. One suggested allowing for an extension but did not identify the conditions or circumstances in which an extension would be appropriate. FEA has decided to adhere to a six month time frame without provision for extension. FEA considers six months to be more than sufficient to implement all of the required program measures in the supplemental plan and believes that provision for an extension would cause unnecessary delays in the administration of the program.

Several commenters emphasized the importance of public education and intergovernmental coordination in the development and implementation of State plans. FEA supports this position and expects that the two measures will play a very important role in the eventual success, in terms of energy savings, of both the original and supplemental programs.

FEA received fourteen comments addressing the minimum requirements for an energy audit program measure. Many comments were generally favorable. Some commenters indicated that it would be necessary for FEA to provide technical assistance to carry out the mandatory program measures. Other commenters noted the need to develop techniques to assure that persons receiving types B and C information audits put them to use and act upon the information obtained to conserve energy. Three comments were generally negative, indicating that either the requirements were confusing or unduly burdensome or that energy audits were an inappropriate activity for governmental bodies.

With respect to § 420.104(c)(2), several commenters urged that apartment buildings be classified as a separate category, while another commenter urged the separate classification of sewage treatment plants and cold storage facilities for quick-freeze processing. FEA has added apartment buildings as a separate category because such structures present unique energy conservation problems. FEA considers that sewage treatment plants are adequately covered under the industrial plant category and that cold storage facilities are already included in the warehouse and storage facility category. One commenter suggested eliminating the category for transportation terminals and the category for warehouses and storage facilities. FEA did not follow this suggestion because certain uses of such buildings may be energy intensive. For example, climate controlled or refrigerated storage facilities may consume significant quantities of energy which could be conserved. It would therefore be premature to eliminate these categories before FEA or a State can assess their importance as users of energy.

9. SECTION 420.106 FINANCIAL ASSISTANCE

FEA received five comments regarding the percentage distribution of available funds for 1977, 1978, and 1979. Four commenters agreed with the allocation formula, with one commenter recommending that the formula be reevaluated annually. Other commenters suggested changing the allocation formula. One suggested alternative would benefit States with a small population but large land mass and small per capita energy consumption. This alternative formula would make funds available on the basis of 25 percent for population, 25 percent for State energy consumption, 25 percent

for population density, and 25 percent distributed equally.

A second alternative suggested a formula based on 25 percent for equal distribution, 55 percent for population, 10 percent for annual heating degree days, and 10 percent based on cost of living per State. A third suggested that the proposed distribution formula is unfair to the less populous States and recommended a distribution of 60 percent for population and 40 percent divided equally.

FEA has considered each of the comments and continues to believe that an allocation formula for available funds for 1977, 1978, and 1979 based on 75 percent for population and 25 percent divided equally is equitable. Therefore, the formula has not been amended in the final guidelines.

10. Model Supplemental State Energy Conservation Plan

Three commenters addressed the suggested requirements for energy auditors contained in the model plan. This may reflect a misunderstanding because, under the published proposed Energy Audit procedures, the State prescribes the qualifications for auditors performing a Class A information audit. One commenter suggested substituting a requirement that energy auditors be plant operating engineers rather than architects or general engineers. Another recommended that the provision requiring four years experience in the design or operation of buildings was too broad and that four years experience in energy systems for buildings be required instead. The third commenter stated that the most effective energy audits are conducted by "salesmen" with minimal technical expertise. FEA notes that these provisions could be acceptable as State qualifications depending on the nature of the State's proposed energy audit program measure, but FEA sees no purpose that would be served by changing the requirements in the model plan.

The proposed regulation was reviewed in accordance with Executive Order 11821 and OMB Circular A-107 issued November 7, 1974, by Executive Order 11949 and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

(Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 (42 U.S.C. 6326); also issued under Part C, Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 69 Stat. 871 (42 U.S.C. 6321); Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275, 15 U.S.C. 761; Executive Order 11790, 39 FR 23185.)

In consideration of the foregoing, Part 420 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective May 24, 1977.

Issued in Washington, D.C., May 13, 1977.

Eric Fygi,
Acting General Counsel,
Federal Energy Administration.

1. Section 420.1 is revised to read as follows:

§ 420.1 **Purpose and scope.**

* * * * *

This part establishes the procedures and guidelines of FEA for the implementation of Part C, 42 U.S.C. 6321–6326, of Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, 42 U.S.C. 6201 et seq., as amended by Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94–385, 42 U.S.C. 6801, which establish a program for State energy conservation plans and supplemental State energy conservation plans respectively.

2. Section 420.11 is amended to add, in appropriate alphabetical sequence, definitions of appliance, building, energy audit, energy conservation measure, industrial plant, original plan, renewable-resource energy measure, and supplemental plan.

§ 420.11 **Definitions.**

* * * * *

"Act" means the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 871 42 U.S.C. 6201.

"Appliance" means any energy consuming article or device designed for household use, the primary purpose of which is labor saving or personal convenience and which, although connected to public utilities servicing a building, is not attached to the building in such a way that it would be considered part of the building or building system; for example, room air-conditioners, room heat pumps, room heaters, refrigerators, refrigerator-freezers, clothes washers and dyers, dishwashers, kitchen ranges and ovens, and television sets. Energy consuming articles or devices not classified as an appliance and considered part of a building or building system include but are not limited to: water heaters, central heat pumps, central air-conditioners, and central heating units.

* * * * *

"Building" means any structure which includes provisions for a heating or cooling system, or both, or for a hot water system.

* * * * *

"Energy audit" means a process defined in § 450.3 of this chapter and carried out in accordance with the rules of FEA prescribed in Part 450 of this chapter for energy audits.

"Energy measure" means an energy conservation measure or renewable-resource energy measure.

"Energy conservation measure" means a measure which modifies any building or industrial plant, the construction of which was completed prior to August 14, 1976, if such measure has been determined by means of an energy audit or by FEA by rule, to be likely to improve the efficiency of energy use and to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure, without regard to any tax benefit or Federal financial assistance applicable thereto, within the period of—

(a) The useful life of the modification involved, or

(b) 15 years after the purchase and installation of such measure, whichever is less.

Such term does not include the purchase or installation of any appliance; any conversion from one fuel or source of energy to another which FEA by rule determines is ineligible on the basis that such type is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels; or any measure, or type of measure, which does not have as its primary purpose an improvement in efficiency of energy use.

"ECPA" means the Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1125, 42 U.S.C. 6801.

* * * * *

"Industrial plant" means any fixed equipment or facility which is used in connection with, or as part of, any process system for industrial production or output and which was constructed prior to August 14, 1976.

* * * * *

"Original plan" means a State energy conservation plan under Subpart D of this part.

* * * * *

"Renewable-resource energy measure" means a measure which modifies any building or industrial plant, the construction of which was completed prior to August 14, 1976, if such measure has been determined by means of any energy audit or by FEA by rule to—

(a) Involve changing, in whole or in part, the fuel or source of the energy used to meet the requirements of such building or plant from a depletable source of energy to a nondepletable source of energy; and

(b) Be likely to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure without regard to any tax benefit or Federal financial assistance applicable thereto within the period of—

(1) The useful life of the modification involved, or

(2) Twenty-five years after the purchase and installation of such measure, whichever is less. Such term does not include the purchase or installation of any appliance.

"Supplemental plan" means a supplemental State energy conservation plan under Subpart E of this part.

3. Section 420.36 is revised to read as follows:

§ 420.36 **Approval of State energy conservation plans and opportunity to present views before disapproval.**

(a) FEA will review the proposed State energy conservation plan report, including the methodologies and data used to estimate energy savings. FEA

may waive all or part of a required program measure upon verification by the State that local economic, climatic, geographic, or other unique conditions and requirements would cause that measure or portion thereof to be inapplicable.

(b) On the basis of this review, FEA will determine the estimated energy savings which would result in 1980 from implementation of the State's proposed plan.

(c) FEA will compare the figure determined in paragraph (b) of this section with the State's tentative energy conservation goal for 1980, set pursuant to § 420.37. If the proposed State energy conservation plan report otherwise complies with applicable provisions of this part and if this figure is greater than, or equal to, such goal, FEA will approve the proposed State energy conservation plan. If this figure is less than the tentative energy conservation goal, FEA will return the plan report to the submitting State together with a statement of the assumptions and reasons upon which the determination referred to in paragraph (b) of this section was based.

(d) The State will have the opportunity to amend its State energy conservation plan report, including the proposed State energy conservation plan, and to resubmit it by a date specified by FEA for reconsideration under paragraphs (a) through (c) of this section.

(e)(1) In the event that the FEA Regional Administrator determines that any proposed State energy conservation plan resubmitted in accordance with paragraph (d) of this section, any proposal to develop a supplemental plan submitted in accordance with paragraph (c) of § 420.101, or any proposed supplemental plan resubmitted in accordance with paragraph (b) of § 420.105 fails to comply with applicable requirements, the Regional Administrator shall issue a notice of intent to disapprove the proposed plan to the Governor, by registered mail with return receipt requested, which notice shall include—

(i) A statement indicating those portions of the proposed plan which are unacceptable under the regulations;

(ii) A statement indicating the necessary amendments which would make the proposed plan acceptable under the regulations;

(iii) The date on which the proposed plan will be disapproved without State action, which shall in no event be later than twenty working days after receipt by the State of the notice; and

(iv) The time and place where a State may present its views.

(2) Any State which has received a notice of intent to disapprove under paragraph (e)(1) of this section and wishes to present its views may submit a request, including a statement of its views with supporting data and arguments, to the Regional Administrator to appoint and convene a review panel. Such request must be made by registered mail, return receipt requested, not later than ten working days after receipt of the notice of intent to disapprove the proposed plan.

(3) The review panel shall be appointed and convened by the Regional Administrator not later than six working days after receipt of the State request submitted under paragraph (e)(2) of this section. The review panel shall consist of one person representing the State Government, selected at the discretion of the Regional Administrator from outside the State whose plan is being considered; one person representing the Federal Government, selected at the discretion of the Regional Administrator from outside the Federal region where the review panel is convened; and a third person as determined by the Regional Administrator.

(4) The review panel shall consider the views presented by the State in a manner prescribed by the Regional Administrator and shall recommend, in writing, approval or disapproval of the proposed plan to the Regional Administrator within two working days from the date on which the review panel has been convened under paragraph (e)(3) of this section.

(5) The Regional Administrator shall consider the recommendations of the review panel and issue a written statement of approval or disapproval accompanied by supporting reasons for such action not later than two working days after receipt of the recommendation from the review panel under paragraph (c)(4) of this section.

4. Part 420 is amended by establishing Subpart E as follows:

Subpart E—Supplemental State Energy Conservation Plan Guidelines

Sec.

420.100 Purpose and scope.
420.101 Development and submission of supplemental plans.
420.102 Contents of supplemental plans.
420.103 Description of program measures in proposed supplemental plans.
420.104 Minimum criteria for required supplemental program measures.
420.105 Approval of supplemental plans and opportunity to present views before disapproval.
420.106 Financial assistance.
420.107 Technical assistance.
420.108 Amendment of supplemental plans.
420.109 Modification of supplemental plans.
Appendix A—Model supplemental State energy conservation plan.

AUTHORITY: Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 (42 U.S.C. 6326); also issued under Part C, Title III, of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6321); Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275 (15 U.S.C. 761); E.O. 11790, 39 FR 23185.

Subpart E—Supplemental State Energy Conservation Plan Guidelines

§ 420.100 Purpose and scope.

(a) This subpart prescribes guidelines with respect to program measures required to be included in a supplemental State energy conservation plan and guidelines for the development, implementation, modification and funding of a supplemental plan.

(b) It is the purpose of this subpart to encourage and facilitate, through supplemental plans, energy conservation by the public and private sectors. FEA intends that the responsibility for the development and implementation of supplemental plans be lodged with the governments of the States. The diversity of conditions among the various States and regions of the Nation indicate that a wholly Federally administered program would not be as effective as one which is tailored to meet local requirements and to respond to local opportunities.

§ 420.101 Development and submission of supplemental plans.

(a) FEA will invite the Governor of each State to submit a proposed supplemental plan to the appropriate FEA Regional Administrator.

(b) In order for a State to be eligible to receive financial assistance pursuant to this subpart for the development, implementation, or modification of a supplemental plan, its Governor shall submit a proposed supplemental plan, which may take the form of an amendment to the original plan, to the appropriate FEA Regional Administrator within 60 days after the effective date of this subpart.

(c) An extension of time for submission of a proposed supplemental plan or a proposed amendment to the original plan for the incorporation of a supplemental plan may be granted to a State if FEA determines that participation by the State islikely to result in significant progress toward achieving the purposes of ECPA. In order to be eligible to receive an extension, the State must submit a written request for an extension with accompanying justification and presenting the views of the State, to the appropriate FEA Regional Administrator within 60 days after the effective date of this subpart.

§ 420.102 Contents of supplemental plans.

A supplemental plan shall include—

(a) A brief overview statement outlining the philosophy and approach taken by a State in the development and implementation of the supplemental plan;

(b) A detailed description, in accordance with § 420.103, of the manner in which a State will meet the minimum criteria for required program measures under § 420.104;

(c) A detailed description, in accordance with § 420.103, of any additional program measures the State is proposing for Federal funding;

(d) A detailed description, in accordance with § 420.103(c), of the estimated cost of implementation associated with each program measure included in the proposed supplemental plan;

(e) A detailed description of the estimated energy savings, in accordance with § 420.103(b), for each program measure; and

(f) Except for the program measures required by § 420.104 (a) and (b), a detailed description of the increase or decrease in environmental residuals expected from the implementation of the supplemental plan, defined insofar as possible through the use of information

provided by FEA, and an indication of how these environmental factors were considered in the selection of program measures.

§ 420.103 Description of program measures in proposed supplemental plans.

(a) The detailed descriptions required by paragraphs (b) and (c) of § 420.102 shall include—

(1) A narrative statement detailing the nature of the program measure including a management plan that defines how the program measure will be implemented; and

(2) A listing of milestones, by calendar quarter from the first complete quarter subsequent to submission of the supplemental plan through December 31, 1978 and by calendar year for 1979 and 1980, consisting of those specific activities scheduled to be initiated and those scheduled to be completed, in that quarter or year.

(b) The detailed description required by § 420.102(e) of the estimated energy savings of each program measure shall include—

(1) The estimated energy savings in Btu's expected as a result of the implementation of the program measures for calendar year 1980, calculated according to subparagraphs (2) and (3) of this paragraph, except that an explanation of the manner in which the program measure will contribute to energy savings in the State may be substituted for the requirement with respect to program measures to be implemented for public education and intergovernmental coordination;

(2) The sources of numerical data, any assumptions and the actual calculations used by the State to estimate the energy savings for calendar year 1980;

(3) Except for program measures to be implemented for public education and intergovernmental coordination, in the case of program measures for which FEA has not made available a methodology for estimating the energy savings, the methodology used to estimate the energy savings; and

(4) The manner in which the State will assess actual energy savings under the program measure.

(c) The detailed description required by § 420.102(d) of the estimated cost of implementation of each program measure shall include for each of calendar years 1977, 1978, 1979 and 1980 an estimate of annual costs to be incurred for implementation of each program measure.

§ 420.104 Minimum criteria for required supplemental program measures.

(a) Each proposed supplemental plan to be eligible for Federal assistance under this part shall include procedures for carrying out a continuing public education effort—

(1) To increase significantly public awareness of the energy and cost savings which are likely to result from the implementation, including implementation through group efforts, of energy measures and which meet the following minimum criteria—

(i) Be in place and ready for implementation within six months after grant award; and

(ii) Provide a public awareness program regarding energy audits with respect to buildings and industrial plants which at least includes a campaign publicizing the availability of energy audits in at least one urbanized area with a population greater than 50,000 or in the largest urbanized area within a State if the State does not have an urbanized area with a population of 50,000 or more. The campaign must make clear reference to the range of technical assistance available to the owner or occupant of the building or industrial plant and provide a point of contact with the organization administering the energy audits, including a telephone number;

(2) To increase significantly public awareness of information and other assistance, including information as to available technical assistance, which is or may be available with respect to the planning, financing, installing, and monitoring the effectiveness of measures likely to conserve, or to improve efficiency in the use of, energy, including energy measures, and which meet at least the following minimum criteria—

(i) Be in place and ready for implementation within six months after grant award; and

(ii) Contain the elements considered appropriate by a State.

(b) Each proposed supplemental plan to be eligible for Federal assistance under this subpart shall include procedures for ensuring that effective coordination exists among various local, State and Federal energy conservation programs within and affecting such State, including any energy extension service program administered by the Energy Research and Development Administration and which procedures meet at least the following minimum criteria—

(1) Be in place and ready for implementation within six months after grant award; and

(2) Contain provisions for activities considered appropriate by a State such as coordinating local and State agencies to prevent duplication of energy conservation activities or conducting public hearings to ensure that individuals and groups concerned with program measures to be incorporated in an original plan or supplemental plan and all other energy conservation programs in the State, shall be afforded the opportunity to participate in their development, implementation, and modification.

(c) Each proposed supplemental plan to be eligible for Federal assistance under this subpart shall include procedures for encouraging and for carrying out energy audits with respect to buildings and industrial plants and which procedures meet at least the following minimum criteria—

(1) Be in place and ready for implementation throughout all political subdivisions of the State within six months after grant award;

(2) Provide and make available, to the extent feasible, Class A energy audits, as prescribed by FEA, in at least one political subdivision for the buildings or industrial plants in at least one of the following categories and as many Class C energy audits, as prescribed by FEA, as is practicable within the State in the remaining categories—

(i) Apartment buildings;
(ii) Educational institutions;
(iii) Hospitals;
(iv) Hotels and motels;
(v) Industrial plants;
(vi) Office buildings;
(vii) Restaurants;
(viii) Retail stores;
(ix) Transportation terminals; and
(x) Warehouses and storage facilities;

(3) Make available Class B or C audits to all individuals, as requested by such individuals, who are occupants of residential dwelling units in a State at no direct cost to those persons.

§ 420.105 Approval of supplemental plans and opportunity to present views bef[illegible]pproval.

(a) The proposed supplemental plan including the methodologies and data pertaining to estimated energy savings, will be reviewed by the appropriate FEA Regional Administrator who will approve it if it complies with applicable provisions of this part. All or part of a required program measure may be waived by FEA upon verification by a State that local, economic, climatic, geographic or other unique conditions or requirements would cause that program measure or portion thereof to be inapplicable.

(b) If a proposed supplemental plan is determined by the Regional Administrator not to comply with the applicable provisions of this part, FEA will return the plan to the submitting State together with a statement of the reasons for FEA's determination of non-compliance. The State will have the opportunity to amend its proposed plan and to resubmit it by a specified date for reconsideration.

(c) No supplemental plan will be disapproved without notice and an opportunity to present views in accordance with § 420.36.

§ 420.106 Financial assistance.

(a) Subject to the appropriation of funds authorized for fiscal years 1977, 1978, and 1979, grant funds may be made available to assist the States in the development, implementation, and modification of approved supplemental State energy conservation plans in accordance with the following formula—

(1) 75 percent of available funds will be divided on the basis of the resident population of the participating States as of July 1, 1976, as reported by the Department of Commerce, Bureau of Census, in "Current Population Reports," Series P–25, number 642 for each of the United States and the District of Columbia; and as of July 1, 1973, as reported by the Department of Commerce, Bureau of Census, in "Current Population Reports," Series P–25, number 603, for

the territories and possessions of the United States; and

(2) 25 percent of available funds will be divided among the participating States equally.

(b) For each calendar year 1977, 1978 and 1979, FEA will review an approved supplemental plan and, if such plan otherwise complies with applicable provisions of this part, determine a budget for the development, implementation, or modification of the plan in an amount determined pursuant to paragraph (a) of this section. Upon receipt by FEA of a State's certification of its acceptance of the terms and conditions related to the grant award, financial assistance will be granted to that State in the amount of the final budget.

(c) Grant funds may not be used to pay auditors to perform Class A energy audits.

§ 420.107 Technical assistance.

At the request of the Governor of a State to the appropriate FEA Regional Administrator, and subject to the availability of personnel and funds, FEA will provide information and technical assistance in the development, implementation, and modification of supplemental plans.

§ 420.108 Amendment of supplemental plans.

A State may amend its supplemental plan upon determination by FEA that the amendment meets the requirements of this subpart, would be likely to result in significant progress toward achieving the purposes of the Act, and would not unduly hinder the administration of the program.

§ 420.109 Modification of supplemental plan reports.

In order for a State to be eligible to receive financial assistance pursuant to this subpart for available funds appropriated for fiscal years 1978 and 1979, its Governor shall submit any desired modification of its supplemental plan to the appropriate FEA Regional Administrator by a date specified, and in the manner prescribed, by FEA.

APPENDIX A—MODEL SUPPLEMENTAL STATE ENERGY CONSERVATION PLAN

The following model outlines some illustrative provisions for a supplemental State energy conservation plan. It is not intended to have the force and effect of a rule, nor should it be used to construe or interpret any provisions contained in Part 420 of Chapter II of Title 10, Code of Federal Regulations or any other rule, regulation or policy of FEA. Other provisions may be equally acceptable.

A. A BRIEF OVERVIEW STATEMENT OUTLINING PHILOSOPHY AND APPROACH

The State proposes a supplemental State energy conservation plan to expand the scope of its original State energy conservation plan. The supplemental plan will allow a citizen to take maximum advantage of the technical expertise available from both the Federal and State governments. To provide this expertise, the State will, in addition to other activities, establish and conduct a public education program measure, an intergovernmental coordination program measure, and an energy audit program measure. A primary objective of the supplemental plan will be to provide each homeowner in the State with the opportunity to receive a Class B or Class C information energy audit.

B. NARRATIVE STATEMENTS DETAILING THE NATURE OF EACH PROGRAM MEASURE

1. *Public education program measure.* The public education program measure will consist of two primary efforts, one directed at promoting the energy audit program measure, the other designed to increase public awareness of the original State energy conservation plan.

a. The public education campaign promoting the energy audit program measure will commence six months after the grant is awarded. The promotion will consist of publication of a series of notices in a major newspaper in the largest urbanized area selected by the State for encouraging and carrying out energy audits of office buildings. Each public notice will cite the availability of technical information about energy audits and will provide a point of contact with the local organization administering the energy audits, including a local telephone number.

b. The public awareness campaign will also begin six months after the grant is awarded. The campaign will be designed and implemented for each of the five program measures contained in the original State energy conservation plan. The State will determine the most appropriate audience and approach for the campaign and will then proceed to develop and implement a full public awareness effort. A preliminary discussion of particular topics in the campaign follows—

(i) The audience for public awareness of lighting and thermal energy efficiency standards will be the owners and managers of commercial, industrial, and institutional buildings; architectural organizations; building code officials; building trade union members; and financial institutions. Some general material on energy-efficient building codes will also be prepared. In addition, material will be developed on conserving energy associated with lighting.

In particular, building managers and maintenance personnel will be advised of the State's new lighting standards for public buildings and the new thermal standards for new and existing buildings. They will be informed of how much money and energy they should be able to save by applying these standards and will receive technical advice on how to implement the measures. In addition, they will receive information relating to the financing of these measures. Building managers will be given materials and advice on how to inform affected employees of the new standards. It is intended that building managers will be responsible for informing employees of the importance of the new standards.

(ii) In conjunction with the various organizations sponsoring the carpool, vanpool or public transportation activities, the State will engage in a publicity campaign to advertise the new programs to the work force in six cities with populations over 30,000. The State will also provide computer reference lists for the carpool and vanpool program to the extent that such lists have not already been made available.

In particular, the energy office in cooperation with the State Department of Transportation and, where applicable, the mass transit commissions, will launch a publicity campaign to advertise new carpooling, vanpooling, and mass transit programs for the work force. Pamphlets will be prepared for public distribution detailing the energy and cost savings from participation in ride-sharing programs and the availability of computer matching and various ride-sharing programs. New programs will be advertised by public service announcements in the local media.

(iii) To encourage the private sector to adopt energy-efficient procurement practices, the State will publicize its policies with respect to the purchase of energy-efficient goods. In particular, the State will develop and make widely available materials on life-cycle costing which will explain the advantages that the general public can derive from this method. An information campaign will be developed to publicize the availability of these materials. In addition, there will be a series of seminars for private purchasing agents in companies with large purchasing requirements for energy consuming materials and equipment.

(iv) The public awareness effort associated with the right-turn-on-red program measure will be limited to the preparation of a pamphlet explaining the meaning of the new State law, and mentioning both the safety aspects and the intended energy conservation benefits. The pamphlet will be distributed to drivers when they receive or renew their licenses. In addition, a press release will be sent to all newspapers, radio, and television stations describing the energy and cost savings available to drivers who take advantage of the new law.

2. *Intergovernmental coordination program measure.* The intergovernmental coordination program measure involves the formation of an energy coordination committee whose function is to insure effective coordination between various local, State and Federal Energy Conservation Programs. The Energy Coordination Committee will be established and operating six months after the grant is awarded. To insure that the broadest possible range of views is represented, the committee will be appointed by the Governor. Its membership will include the State Energy Office Director, State Directors of the Associations of Cities and Counties, Energy Coordinators of cities over 50,000 population and State Agency Energy Coordinators from State Departments of Housing, Planning, Transportation, Education, Agriculture, Community Affairs, Utilities and Commerce. The State coordination committee will appoint subcommittees to conduct studies and present recommendations in the following areas: Buildings, transportation, education, agriculture, and legislation. These subcommittees will prepare recommendations for consideration by the full committee. The coordination committee will prepare for the Governor an annual report outlining the course of action that a State should follow in developing an energy conservation program. The Governor will appoint a staff director to coordinate the activities of the full committee and its subcommittees. The implementation schedule of energy programs determined by the Governor to have a major impact on the State will be reviewed and commented on by the coordination committee prior to their implementation. Public hearings will be held throughout the State prior to the implementation of energy conservation programs determined by the Governor to have a major impact on the State.

3. *Energy audit program measure.* The energy audit program measure will consist of a program to encourage and perform Class A energy audits of office buildings in the State's largest political subdivision. Class C energy audits of all other office buildings, all other categories of buildings and industrial plants as specified in the guidelines, and all residential buildings will be provided throughout the State. Special attention will be given to residential Class C energy audits and the program measure will encourage homeowners to

carry out Class C energy audits. It will also provide Class C energy audits free of charge to individuals requesting them. The program will be in place and ready for implementation throughout all political subdivisions of the State six months after receipt of Federal financial assistance.

a. Procedures for Class A energy audits will be developed and implemented for office buildings in the State's largest political subdivision. The State will develop rules to ensure that Class A energy audits are performed in accordance with FEA guidelines. These rules will include a cost scale designed to keep charges for Class A energy audits reasonable. The following is a brief discussion of certain procedures relating to Class A energy audits—

(i) Persons performing Class A energy audits must be State-licensed professional engineers or architects or must have an engineering or architectural degree from an accredited college or university and four years subsequent experience in the design and/or operation of buildings. The State will develop and implement a rule requiring an auditor to make certain financial disclosures to the person requesting an energy audit. The State will offer three day training sessions for prospective energy auditors. Auditors will be provided with a form to be completed and returned to the State on which they will report the number of energy audits performed.

(ii) A workbook containing findings based on State heating and cooling degree days, fuel costs and the cost of implementation of particular measures will be provided to an auditor with instructions for calculating energy and cost savings for energy conservation and renewable-resource energy measures. The workbook will be provided along with the auditor's general recommendations concerning energy conservation measures for the building envelope which includes, but is not limited to, windows and doors, weatherstripping and caulking, and wall, ceiling and floor insulation; renewable-resource energy measures; and energy conservation measures for a building's heating, ventilating and air conditioning systems; water heating systems; and lighting and electrical systems.

(b) Class C energy audits will be developed by the State in accordance with FEA guidelines for educational institutions, hospitals, hotels and motels, industrial plants, office buildings, restaurants, retail stores, transportation terminals, warehouse and storage facilities, and residential buildings.

(i) Class C energy audits will be provided at reasonable costs for owners, managers, operators and occupants of industrial plants and all buildings except residential buildings. These audits will consist of workbooks showing how to calculate the energy and cost savings to be realized from several energy conservation measures and supplemented by an addendum describing a procedure whereby the local heating and cooling degree days and local fuel costs can be incorporated into the calculations.

(ii) Class C energy audits will be provided at no direct cost to individuals who are occupants or owners of residential dwellings within the State. The owner or occupant of residential buildings will be given a questionnaire and workbook which contains instructions for calculating the energy and cost savings adjusted for local heating and cooling degree days and local fuel costs for energy conservation measures for the building envelope.

C. A LISTING OF MILESTONES FOR EACH PROGRAM MEASURE

1. Upon receipt of Federal financial assistance, the State will implement a public education program measure consisting of a public education campaign to promote energy audits and an awareness campaign to direct the public's attention to the original State energy conservation plan in accordance with the following schedule of milestones—

a. Milestones for a public education campaign to promote energy audits for each quarter for the first year of financial assistance and for each year for next two years of financial assistance—

(1) First quarter, first year:
(a) Identify the local organization conducting the energy audits;
(b) Identify and locate available technical assistance pertaining to energy audits;
(2) Second quarter, first year:
(a) Select target newspaper;
(b) Write and distribute public notices;
(3) Third quarter:
(a) Publish first series of public notices on a biweekly schedule beginning first day of third quarter so that the campaign is implemented within six months after the grant is awarded;
(4) Fourth quarter, first year:
(a) Evaluate effectiveness of notices and revise as necessary;
(b) Publish second series of public notices;
(5) Second year:
(a) Evaluate and restructure public campaign and continue to publish notices;
(b) Revise and update references to technical assistance available for energy audits;
(6) Third year:
(a) Evaluate effectiveness of notices by determining the degree of participation in the audit program publicized by the notices;
(b) Terminate audit program as appropriate or locate additional source of funds.

b. Milestones for an awareness campaign to direct the public's attention to the original State energy conservation plan for each quarter for the first year of financial assistance and for each year for the next two years of financial assistance—

(1) First quarter, first year:
(a) Select audience for each program measure in the original State agency conservation plan;
(b) Identify strategies for each program measure appropriate to each audience;
(c) Identify organizations to implement the campaign as it pertains to each program measure;
(2) Second quarter, first year:
(a) Develop materials in coordination with appropriate organizations;
(b) Establish campaign schedule;
(3) Third quarter, first year:
(a) Initiate public awareness campaign on first day of third quarter;
(b) Print and distribute materials in accordance with applicable strategies;
(4) Fourth quarter, first year:
(a) Reprint materials as necessary;
(b) Conduct initial evaluation and revise campaign as necessary;
(5) Second year:
(a) Evaluate effectiveness of materials and current strategies;
(b) Revise and update campaign as necessary;
(c) Conduct campaign in accordance with the needs of each program measure;
(6) Third year:
(a) Conduct comprehensive evaluation of public education campaign;
(b) Continue or terminate campaign depending on results of the evaluation.

2. Upon receipt of Federal financial assistance, the State will implement an intergovernmental coordination program measure according to the following schedule of milestones for each quarter for the first year of financial assistance and for each year for the next two years of financial assistance—

a. First quarter, first year:
(1) Appoint staff director;
(2) Compile a list of eligible members;
b. Second quarter, first year:
(1) Appoint members to State Energy Coordination Committee;
(2) Convene initial meeting of committee and select chairman;
c. Third quarter, first year:
(1) Appoint members to subcommittees;
(2) Convene meeting of each subcommittee to select chairmen and develop agenda;
(3) Convene meeting of full committee;
d. Fourth quarter, first year:
(1) Convene meeting of each subcommittee;
(2) Prepare reports and recommendations on State Conservation Program for submission to full committee;
(3) Convene meeting of full committee;
(4) Conduct 5 public hearings in State to receive suggestions for 1978 State energy conservation plan;
e. Second year:
(1) Convene 4 meetings of full committee;
(2) Convene bi-monthly meetings of subcommittees;
(3) Prepare annual report for Governor;
(4) Publish draft annual report and conduct 5 hearings in State to revise report;
(5) Publish final annual report and submit recommendation to Governor;
(6) Conduct study on impacts of State energy conservation plan.
f. Second and third year:
(1) Convene 4 meetings of full committee;
(2) Convene bi-monthly meetings of subcommittees;
(3) Prepare annual report for Governor;
(4) Publish draft annual report and conduct 5 hearings in State to revise report;
(5) Publish final annual report and submit recommendations to Governor;
(6) Conduct study on impact of State energy conservation plan;
(7) Conduct comprehensive evaluation of governmental coordination program measure;
(8) Continue or terminate activities depending on results of the evaluation.

3. Upon receipt of Federal financial assistance, the State will implement an energy audit program measure according to the following schedule of milestones for each quarter for the first year of financial assistance and for each year for the next two years of financial assistance—

a. First quarter, first year:
(1) Survey office buildings in political subdivision where program will be implemented;
(2) Begin developing audit procedures;
(3) Begin developing workbook for calculating energy and cost savings based on local data;
(4) Begin developing training materials for Class A energy auditors.
b. Second quarter, first year:
(1) Complete audit procedures;
(2) Complete workbook for calculating energy and cost savings based on local data;
(3) Complete development of training materials for Class A energy auditors;
(4) Distribute program description audit procedures for Class A energy audits and workbooks to utilities, licensed engineers and architects;
(5) Establish target number of energy audits to be conducted during first year;
(6) Establish monitoring system;
(7) Hold four training sessions on voluntary basis for prospective Class A energy auditors.
c. Third quarter, first year:
(1) Conduct Class A and C audits;
(2) Hold four training sessions for auditors.
d. Fourth quarter, first year:
(1) Conduct Class A and C audits;

(2) Hold two training sessions for auditors.

e. Second year:

(1) Evaluate and modify energy audit program measure as necessary;

(2) Establish target number of energy audits to be conducted during second year;

(3) Conduct Class A and C audits;

(4) Hold six training sessions for auditors.

f. Third year:

(1) Establish target number of energy audits to be conducted during third year;

(2) Conduct Class A and C audits;

(3) Training sessions for auditors;

(4) Evaluate and modify or terminate the energy audit program measure as necessary.

[FR Doc.77-14639 Filed 5-23-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 27769; Reg. ER-999, Amdt. 2]

PART 221a—FARE SUMMARIES

Postponement of Effective Date

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

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This is an amendment of the new fare summaries rule to postpone the effective date from June 1, 1977, until July 1, 1977. This action results from a motion filed by Delta Air Lines and earlier granted by the Board.

DATES:

Adopted: May 18, 1977.

Effective: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: By motion filed April 29, 1977, Delta Air Lines (Delta) requested a one month postponement in the effective date of the new fare summaries rule,[1] which requires certificated air carriers to make available to the public simplified summaries of their various fares at all ticket-selling locations.

On May 4, 1977, the Board granted Delta's motion, by Order 77-5-15. The Board is now amending the fare summaries rule to implement Order 77-5-15, by formally changing the effective date of Part 221a from June 1, 1977, to July 1, 1977.

Since this amendment is of a technical nature, and merely implements a previously announced action, it is found that further notice and public procedure are unnecessary and that the amendment may become effective immediately.

[1] ER-979, adopted December 2, 1976, 41 FR 55865, December 23, 1976.

Accordingly, the Civil Aeronautics Board hereby amends Part 221a of its Economic Regulations (14 CFR Part 221a) so that the effective date is July 1, 1977.

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14704 Filed 5-20-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 191—THE DEPARTMENT OF DEFENSE EQUAL OPPORTUNITY PROGRAM

Reissuance of the Department of Defense Equal Opportunity Program

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule outlines the Department of Defense Equal Opportunity Program, expanding on the previous issuance and assigning additional responsibilities to meet equal employment opportunity goals (35 FR 1976).

EFFECTIVE DATE: June 3, 1976.

FOR FURTHER INFORMATION CONTACT:

Mr. Ben Isom, Director for Equal Employment Opportunity (Civilian), Office of the Assistant Secretary of Defense (MRA&L), 202-695-0105.

Accordingly, 32 CFR Part 191 is amended as follows:

Sec.

191.1 Purpose.
191.2 Applicability and scope.
191.3 Definition of terms.
191.4 Policy.
191.5 Responsibility.
191.6 Reporting requirements.

AUTHORITY: Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133.

§ 191.1 Purpose.

This part (a) outlines the Department of Defense Equal Opportunity Program; (b) expands and updates the Civilian Equal Employment Opportunity policies which implements Executive Order 11246 and Civil Service Commission Federal Personnel Manual Chapter 713; (c) assigns additional responsibilities to comply with Pub. L. 92-261, Equal Employment Opportunity Act of 1972, and (d) assigns responsibility for assuring DoD-wide compliance with equal employment opportunity goals.

§ 191.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified Commands (referred to collectively as "DoD Components").

(b) This part applies to military personnel, civilian emloyees, nonappropriated fund employees, applicants for DoD employment and personnel of firms under contract to or seeking contracts with the Department of Defense (DoD Directive 1100.11).[1]

(c) This part does not apply the provisions of either the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 630-634) or Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-2000e-17) to military personnel.

§ 191.3 Definition of terms.

For the purposes of this part, "Equal Opportunity" means equal consideration and treatment based upon merit, fitness, and capability. "Department of Defense Equal Opportunity Program (DoD-EOP)" means the DoD wide program of equal opportunity that is accomplished through the military equal opportunity and civilian equal opportunity efforts by DoD Components.

"Military Equal Opportunity Program" means efforts by each uniformed member is assured an equal opportunity in the pursuit of the military profession.

"Civilian Equal Opportunity Program" means activities to promote Equal Employment Opportunity for DoD civilian employees, as well as those employed by applicable Federal contractors.

"Affirmative Action Plans" means comprehensive public documents which require qualified good faith goals and timetables of all DoD Components in order to achieve equal opportunity for DoD personnel.

§ 191.4 Policy.

It is the policy of the Department of Defense to:

(a) Actively oppose arbitrary discrimination based on race, color, religion, sex, or national origin.

(b) Require DoD Components to enforce the equal opportunity provisions of this Part in the development of their operating policies and programs.

(c) Require each Department of Defense contractor to comply with the policy of equal employment opportunity in accordance with parts 2-4 of Executive Order 11246, as amended by Executive Order 11375, DoD Directive 1100.11 (§ 191.2(b)) and the Armed Services Procurement Regulation.

(d) Ensure that all on-base activities, and any off-base activities made available to any Department of Defense personnel and their dependents are open, as appropriate, to any DoD personnel or their dependents regardless of race, color, religion, sex, age, or national origin.

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attention: Code 300.

(1) Any organization or activity which does not meet this requirement shall be denied the use of military facilities and resources in accordance with 32 FR 237. This policy applies equally to those organization with any arbitrarily discriminate by the nature of their organizational constitutions, bylaws, rules, and regulations as well as to those which in the judgement of the cognizant commanders are engaged in de facto discrimination irrespective of the content of their organizational constitutions, bylaws, rules and regulations.

(2) Organizations which use on-base facilities must satisfy the commander concerned that they do not discriminate against DoD personnel through their actual membership practices or in any of their activities.

(e) Oppose discrimination in off-base housing, directed against all Department of Defense personnel or their dependents. Each commander shall take the initiative to overcome such discrimination and to impose appropriate sanctions in housing cases as required by DoD Instruction 1100.16.

(f) Impose the off-limits sanction in accordance with the Armed Forces Disciplinary Control Board procedures in cases of discrimination involving places of public accommodation outside military installations.

(g) Use the chain of command to promote, support and enforce the DoD Equal Opportunity Program. The chain of command is the primary channel to correct discriminatory practices and for communication of race relations and equal opportunity matters.

§ 191.5 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD(M&RA)) shall:

(1) Represent the Secretary of Defense in equal opportunity as it impacts on all DoD activities, policies, and programs in accordance with DoD Directive 5120.27.[1]

(2) Give direction to DoD-wide programs to ensure equal opportunity for uniformed members and civilian employees, including issuance and implementation of written instructions as necessary.

(3) Use the established Office of the Deputy Assistant Secretary of Defense (Equal Opportunity) to discharge the equal opportunity responsibilities.

(4) Ensure that DoD Components fulfill the requirements of this Part.

(5) Provide policy direction in accordance with DoD Directive 1322.11 to the Defense Race Relations Institute, and serve as Chairman of the Race Relations Education Board.

(6) Establish and monitor, as appropriate, specific goals to be included in the Affirmative Action Plan(s) of each DoD Component.

(7) Provide policy direction and guidance to the Defense Contract Compliance Program in accordance with the provisions of DoD Directive 1100.11.[1]

(8) Review and take action on, as appropriate, investigations by the Military Departments and Defense Components of Equal Opportunity or discrimination complaints received by the DoD.

(b) The head of each DoD Component shall be responsible for equal opportunity within his or her respective jurisdiction and shall:

(1) Assure that all equal opportunity policies and programs are understood and executed at all levels of organization.

(2) Establish means to identify Military Equal Opportunity and Civilian Equal Employment Opportunity problems.

(3) Formulate, maintain, and carry out Affirmative Action Plans which establish quantified good faith goals, timetables, and accountability in personnel management.

(4) Submit their Affirmative Action Plan(s) covering the Military Equal Opportunity Programs and Civilian Equal Employment Opportunity Programs to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for review and approval.

(5) Develop management information, personnel accounting and reporting systems, and devise measurements to determine progress for each quantified Affirmative Action Plan goal.

(6) Forward to the ASD(M&RA) and annual report outlining the progress being made in achieving the established Equal Opportunity goals of Affirmative Action Plan(s).

(7) Consider demonstrated compliance with equal opportunity objectives, including efforts in achieving the goals of the Affirmative Action Plans, as an important criterion in evaluation for promotion of military and civilian personnel at the supervisory and management levels.

(8) Take appropriate disciplinary action against any official, who has committed an act of arbitrary discrimination based on race, color, religion, sex, age or national origin. See DoD Directive 1100.-11 for regulations concerning noncompliance by business firms.

(9) Provide information and data to ASD(M&RA) as required for program development purposes.

(10) Amend regulations or practices to eliminate arbitrary discrimination based upon race, religion, color, sex, age, or national origin that impede equal opportunity for all military personnel and civilian employees. This requirement does not apply to those service regulations which implement statutes requiring differing treatment of military personnel based on age or sex.

(11) Implement a continuing educational program for General Flag Officers, commanders and key staff personnel, as appropriate, and designated civilian managers which will assist them in managing Military Equal Opportunity and/or Civilian Equal Employment Opportunity Program within their respective Military Departments.

(12) Ensure that all military personnel receive race/human relations education in compliance with DoD Directive 1322.11.[1] Civilian personnel shall receive race/human relations education based on specific needs as determined by the Heads of DoD Components.

(13) Establish sufficient full-time staff positions and devote sufficient resources to adequately carry out all equal opportunity programs.

(14) Ensure that Military Equal Opportunity and discrimination investigations are coordinated with appropriate Equal Opportunity/Race Relations or comparable officers.

(15) Ensure that Civilian Equal Employment Opportunity investigations are to be conducted in concert with the procedures prescribed by the Civil Service Commission in accordance with the provisions of the Civil Service Commission Federal Personnel Manual, Chapter 713.

§ 191.6 Reporting requirements.

(a) The first report was due September 30, 1976 and is due on that date.

(b) Interagency Report Control Number 1046–CSC–SA has been assigned this report requirement.[2]

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 16, 1977.

[FR Doc.77-14667 Filed 5-23-77;8:45 am]

CHAPTER V—DEPARTMENT OF THE ARMY

PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES AND PUBLICATION OF RULES AFFECTING THE PUBLIC

Subpart B—Publication of Rules Affecting the Public

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation defines Army procedures and responsibilities relating to public participation in the Department of the Army rulemaking affecting the public. The Secretary of Defense voluntarily agreed to public participation in Defense-wide decision-making in December 1974 and the Army implemented the Department of Defense directive in May 1975. The Army regulation is published in the FEDERAL REGISTER so the public will be aware of the Army procedural regulation on rulemaking.

EFFECTIVE DATE: August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Miss Marian Spittle (202–693–0631).

SUPPLEMENTARY INFORMATION: On March 24, 1977, the Department of the Army published for public comment (42 FR 15924) proposed regulations to amend 32 CFR Part 518 by adding a new subpart relating to publication of rules affecting the public. The proposal provided for the filing of comments by April 25, 1977. No comments have been received; however, § 518.58 has been amended by inserting the words "The Administrative Procedures Act, as

[2] 1046–CSC–SA (Note: Defense Department makes report annually, SA (semi-annual) frequency does not apply.)

amended by the" before "the Freedom of Information Act" as suggested by an Army staff agency. Accordingly, the amendment is hereby established as set forth below:

Dated: May 18, 1977.

By authority of the Secretary of the Army:

ROME D. SMYTH,
Colonel U.S. Army,
Director, Administrative Management.

32 CFR Part 518 is proposed to be amended as follows:

1. Present §§ 518.1—518.50 are designated Subpart A, and the table of contents is revised as follows:

Subpart A—Release of Information and Records From Army Files

GENERAL

Sec.
518.1 Purpose.
518.2 Explanation of term "records".

PROCEDURES

Sec.
518.3 General policies.
518.4 Scope.
518.5 Requests for Army records.
518.6 Examination and reproduction of records.
518.7 Use of expeditious communications.
518.8 Responsibilities of officials receiving initial requests.
518.9 Initial denial authorities (IDA).
518.10 Responsibilities of IDA.
518.11 Release of records to specified members of the public.
518.12 Release to Congress.
518.13 Litigation, tort claims and contract disputes.
518.14 Exemptions.
518.15 Annual reporting requirements.
518.16 Information published in the FEDERAL REGISTER or made available for public inspection and copying.
518.17 Officials to whom requests for information may be directed.
518.18 Preservation of personal privacy of members of Army.
518.19 Schedule of fees for search and duplication under The Freedom of Information Act Amendments, Pub. L. 93-502.
518.20–518.50 [Reserved]

Subpart B—Publication of Rules Affecting the Public

GENERAL

Sec.
518.51 Purpose.
518.52 Explanation of terms.
518.53 Responsibilities.
518.54 Designation of rulemaking coordinators.
518.55 Statement of compliance.
518.56 Submission of publications for printing.
518.57 Incorporation by reference.

INFORMATION TO BE PUBLISHED IN THE FEDERAL REGISTER

518.58 General.
518.59 Information to be published.
518.60 Exceptions.
518.61 Procedures.
518.62 Effect of not publishing.

INVITING PUBLIC COMMENT AND SUBMISSION OF PETITIONS

518.63 General.
518.64 Applicability.
518.65 Procedure when proposing rules.
518.66 Consideration of public comment.
518.67 Procedure when publishing adopted rules.
518.68 Submission of petitions.
518.69 Cases in which public comment is impractical.

AUTHORITY: Sec. 3012, 70A Stat. 157 (10 U.S.C. 3012); sec. 3, 60 Stat. 238 (5 U.S.C. 552), unless otherwise noted.

2. A new Subpart B is added as follows:

Subpart B—Publication of Rules Affecting the Public

GENERAL

§ 518.51 Purpose.

This regulation prescribes procedures and responsibilities for publishing certain Department of the Army policies, practices and procedures in the FEDERAL REGISTER as required by statute, and for inviting public comment thereon, as appropriate. This regulation implements a portion of the Freedom of Information Act, 5 U.S.C. 552(a)(1), and DoD Directive 5400.9, December 23, 1974 (32 CFR Part 296, 40 FR 4911).

§ 518.52 Explanation of terms.

(a) *Rule.* The whole or a part of any Department of the Army Statement (regulation, circular, directive, or other media) of general or particular applicability and future effect, which is designed to implement, interpret, or prescribe law or policy or which describes the organization, procedure, or practice of the Army. See 5 U.S.C. 551(4).

(b) *Federal Register.* A document published daily, Monday through Friday (except holidays), by the Office of the Federal Register, National Archives and Records Service, General Service Administration (GSA) to inform the public about the regulations of the executive branch and independent administrative agencies of the U.S. Government. The FEDERAL REGISTER includes Presidential proclamations, Executive orders, Federal agency documents having general applicability and legal effect or affecting the public, and documents required to be published by Act of Congress.

(c) *Code of Federal Regulations.* A document published by GSA which contains a codification of the general and permanent rules published in the FEDERAL REGISTER by the executive departments and executive agencies of the Federal Government. It consists of 120 volumes, divided into 50 titles. Each title represents a broad area that is subject to Federal regulation. Army documents are published in Title 32, National Defense, and in Title 33, Navigation and Navigable Waters. (The FEDERAL REGISTER and the Code of Federal Regulations must be used together to determine the latest version of any given rule.)

§ 518.53 Responsibilities.

(a) The Adjutant General (TAG) is responsible for policies concerning Army announcements, rules, and proposed rules published in the FEDERAL REGISTER and for ensuring Army compliance with this regulation. TAG will assist the officials listed in Table 1 in the performance of their responsibilities. TAG will represent the Army in submitting to the Office of the Federal Register any matter published in accordance with this regulation.

(b) The officials listed in Table 1 (hereinafter referred to as proponents) are responsible for determining whether any rule originated in their areas of jurisdiction falls within the purview of § 518.6 and for taking all actions specified in §§ 518.65 through 518.69. They are also responsible for determining which matters within their areas of jurisdiction must be published in accordance with § 518.59 and for submission actions specified in § 518.61.

(c) Legal officers and staff judge advocates supporting the proponents will provide legal advice and assistance in connection with proponent responsibilities contained herein.

TABLE 1.—*Rulemaking proponents*

Official	*Area of jurisdiction*
Administrative Assistant to the Secretary of the Army.	Office of the Secretary of the Army.
Director of the Army staff.	Elements, Office of the Chief of Staff, U.S. Army.
Head of each Army staff agency.	Headquarters of the agency and its field operating and staff support agencies.
Commander, MACOM.	Headquarters of MACOM and all subordinate installations activities and units.
The Adjutant General.	All other Army elements.

§ 518.54 Designation of Rulemaking Coordinators.

The officials listed in Table 1 will designate Rulemaking Coordinators to perform the duties listed in paragraphs (a) through (d) of this section for their areas of functional responsibility. At the time of designation. The Adjutant General (DAAG-AMR-R) will be informed of the name and telephone number of the designated individual. The designee will perform the following duties:

(a) Editorial review of all rules, notices, and highlight statements required to be published in the FEDERAL REGISTER.

(b) Transmitting material to TAG and providing TAG with the name, office symbol, and telephone number of the action officer for each rule or general notice for inclusion in the FEDERAL REGISTER.

(c) Coordinating with Publications Control Officers to ensure submission of Statements of Compliance required by § 518.55.

(d) Notifying HQDA (DAAG-AMR-R), WASH DC 20314, when a regulation published in the FEDERAL REGISTER becomes obsolete or is superseded by another regulation.

§ 518.55 Statement of compliance.

In order to ensure compliance with this regulation, no rule will be issued unless there is on file with The Adjutant Gen-

eral (DAAG–AMR–R) a statement to the effect that it has been evaluated in terms of this regulation. If the proponent determines that the provisions of this regulation are inapplicable, such determination shall be explained in the statement.

§ 518.56 Submission of publications for printing.

When Army-wide publications or directives are transmitted to The Adjutant General (DAAG–PAP) for publication, the DA Form 260 (Request for Printing of Publication) or other transmittal paper will contain a statement that the directive has been processed for publication in the FEDERAL REGISTER or that it falls within the exempted category. DAAG–PAP will not publish any rule unless this statement is on DA Form 260. A copy of DA Form 260 may be submitted to DAAG–AMR–R in lieu of the statement required by § 518.55.

§ 518.57 Incorporation by reference.

(a) With the approval of the Director of the Federal Register, the requirements for publication in the FEDERAL REGISTER may be satisfied by reference in it to other publications, provided they are reasonably available to the class of persons affected and contain the information which must otherwise be published. For example, it can be purchased from the Superintendent of Documents, Government Printing Office or GPO bookstores at a reasonable cost, or its available for review at Army installations, or depository libraries. Therefore, before a document can be incorporated by reference, the proponent must determine that it is available to the public. See 5 U.S.C. 552(a)(1); 1 CFR Part 51; 37 23614 (4 Nov 1972).

(b) Incorporation by reference is not acceptable as a complete substitute for promulgating in full the material required to be published. It may, however, be utilized to avoid unnecessary repetition of published information already reasonably available to the class of persons affected. Examples include:

(1) Construction standards issued by a professional association of architects, engineers, or builders,

(2) Codes of ethics issued by professional organizations, and,

(3) Forms and formats publicly or privately published and readily available to the persons required to use them.

(c) Proposals for incorporation by reference will be submitted to HQDA (DAAG–AMR–R), WASH DC 20314 by letter giving an identification and subject description of the document, statement of availability, indicating document will be reasonably available to the class of persons affected, where and how copies may be purchased or examined, and justification for the requirement to incorporate by reference. The request will be submitted to TAG at least 20 working days before the proposed date for submission of the incorporation by reference notice for the FEDERAL REGISTER.

(d) TAG will consult with the Director, Office of the Federal Register (OFR) concerning each specific request and will notify the proponent of the outcome of the consultation.

(e) If the Director, OFR agrees to the proposal for incorporation by reference, a general notice will be submitted to HQDA (DAAG–AMR–R), WASH DC 20314.

INFORMATION TO BE PUBLISHED IN THE FEDERAL REGISTER

§ 518.58 General.

The Administrative Procedures Act, as amended by the Freedom of Information Act, 5 U.S.C. 552(a), requires that certain policies, practices, procedures, and other information concerning the Department of the Army be published in the FEDERAL REGISTER for the guidance of the public. In general, this information explains where, how, and by what authority the Army performs any of its functions that affect the public. The following sections describe that information and the effect of failing to publish it.

§ 518.59 Information to be published.

In deciding which information to publish, consideration shall be given to the fundamental objective of informing all interested persons of how to deal effectively with the Department of the Army. Information to be currently published will include:

(a) Descriptions of the Army's central and field organization and the established places at which, the officers from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;

(b) The procedures by which the Army conducts its business with the public, both formally and informally;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of applicability to the public adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Army; and

(e) Each amendment, revision, or repeal of the foregoing.

§ 518.60 Exceptions.

It is not necessary to publish in the FEDERAL REGISTER any information which comes within one or more of the exemptions to the Freedom of Information Act, 5 U.S.C. 552(b), as implemented by paragraph 2–12, AR 340–17.

§ 518.61 Procedures.

All matters to be published in accordance with § 518.59 will be submitted to The Adjutant General (DAAG–AMR–R), WASH DC 20314, in the proper format prescribed in § 518.65.

§ 518.62 Effect of not publishing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, comply with, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published.

INVITING PUBLIC COMMENT ON CERTAIN PROPOSED RULES AND SUBMISSION OF PETITIONS

§ 518.63 General.

Public comment must be sought on certain of those proposed rules which are required to be published in accordance with § 518.59. The following sections set forth the criteria and procedures for inviting public comment before publication.

§ 518.64 Applicability.

(a) These provisions apply only to those Department of the Army rules or portions thereof which:

(1) Are promulgated after the effective date of this regulation; and

(2) Must be published in the FEDERAL REGISTER in accordance with § 518.59; and

(3) Have a substantial and direct impact on the public or any significant portion of the public; and

(4) Do not merely implement a rule already adopted by a higher element within the Department of the Army or by the Department of Defense.

(b) Subject to the policy in paragraph (a) of this section and unless otherwise required by law, the requirement to invite advance public comment on proposed rules does not apply to those rules or portions thereof which:

(1) Do not come within the purview of paragraph (a) of this section; or

(2) Involve any matter pertaining to a military or foreign affairs function of the United States which has been determined under the criteria of an Executive Order or statute to require a security classification in the interests of national defense or foreign policy; or

(3) Involve any matter relating to Department of the Army management, personnel, or public contrasts, e.g., Armed Services Procurement Regulation, including nonappropriated fund contracts; or

(4) Constitute interpretative rules, general statements of policy or rules of organization, procedure or practice; or

(5) The proponent of the rule determines for good cause that inviting public comment would be impracticable, unnecessary, or contrary to the public interest. This provision will not be utilized as a convenience to avoid the delays inherent in obtaining and evaluating prior public comment. See also § 518.69.

§ 518.65 Procedure when proposing rules.

(a) A proposed rule to which this section applies will be published along with a preamble, in the Proposed Rules Section of the FEDERAL REGISTER. Public comment will be invited within a designated time, at least 30 days prior to the intended adoption of the proposed rule.

(b) The proposed rule and preamble will be prepared for publication by the proponent of the rule. Preparation will be in accordance with guidance contained in Federal Register Handbook on Document Drafting.

(c) Rulemaking proponents will submit the original and three copies of the proposed rules and preamble, in the proper format, to HQDA (DAAG-AMR-R), WASH DC 20314. The Adjutant General will prepare the required certification and submit the documents to the Office of the Federal Register for publication as a notice of proposed rulemaking.

§ 518.66 Consideration of public comment.

(a) Following publication of a notice of proposed rulemaking, all interested persons will be given an opportunity to participate in the rulemaking through the submission of written data, views and arguments to the proponent of the proposed rulemaking concerned.

(b) If the proponent of the rule determines that it is in the public interest, a hearing or other opportunity for oral presentation of view may be allowed as a means of facilitating public comment. Informal consultation by telephone or otherwise may also be utilized to facilitate presentation of oral comments by interested persons. All hearings or other oral presentations will be conducted by the proponent of the rule in a manner prescribed by him. A hearing file shall be established for each hearing. The hearing file shall include any public notices issued, the request for the hearing, any data or material submitted in justification thereof, materials submitted in opposition to the proposed action, the hearing transcript, and any other material as may be relevant or pertinent to the subject matter of the hearing.

(c) There is no requirement to respond either orally or in writing, individually to any person who submits comments with respect to a proposed rule. The proponent of the rule, however, may do so as a matter within his discretion.

§ 518.67 Procedure when publishing adopted rules.

(a) After careful consideration of all relevant material submitted, the proponent of the rule will make such revisions in the proposed rule as appear necessary in light of the comments received.

(b) The proponent will also prepare a preamble for publication with the adopted rule. The proponent shall discuss in the preamble the comments received in response to the proposed rule and the decision to accept or reject the comments in revisions to the proposed rule. Preparation will be in accordance with guidance contained in the FEDERAL REGISTER Handbook on Document Drafting.

(c) The original and three copies of the preamble and revised rule will be forwarded to HQDA (DAAG-AMR-R), WASH DC 20314 in the proper format. The Adjutant General will then prepare the required certification and submit the documents to the Office of the Federal Register for publication in the form of an adopted rule.

§ 518.68 Submission of petitions.

Each proponent of a rule will grant to any interested person the right to submit a written petition calling for the issuance, amendment, or repeal of any rule to which §§ 518.64 through 518.67 applies or would apply if issued, as specified in § 518.64. Any such petition will be given full and prompt consideration by the proponent. If compatible with the orderly conduct of public business, the appropriate official may, at his descretion, allow the petitioner to appear in person for the purpose of supporting this petition. After consideration of all relevant matters by the proponent, the petitioner will be advised in writing by the proponent of the disposition of any petition, together with the reasons supporting that disposition. This provision does not apply to comments submitted on proposed rules in § 518.66.

§ 518.69 Cases in which public comment is impractical.

(a) Whenever a rulemaking proponent determines for good cause that inviting public comment regarding a proposed rule would be impractical, unnecessary, or contrary to the public interest, he will prepare a brief statement of the reasons supporting this determination for incorporation in the preamble to the adopted rule. The preamble and adopted rule will then be published in the form outlined in § 518.67 (b) and (c).

(b) Alternatively, the proponent may request The Adjutant General (DAAG-AMR-R) (by letter or disposition form, as appropriate) to adopt and publish in the FEDERAL REGISTER a separate rule exempting from the prepublication notice provisions of this regulation those specific categories of rules which the rulemaking proponent has determined that public comment would be unnecessary, impractical, or contrary to the public interest. The request to The Adjutant General will contain an explanation of the reasons why the proponent believes that a particular category of rule or rules should not be published in proposed form for public comment. If The Adjutant General agrees that public comment should not be invited with respect to the cited category, he will adopt and publish a separate rule in the FEDERAL REGISTER exempting such rule or rules from the requirements of this regulation. This separate rule will include an explanation of the basis for exempting each particular category from the provisions of this regulation.

[FR Doc.77-14628 Filed 5-23-77;8:45 am]

Title 45—Public Welfare

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

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Disregard of Judgment Payments to Ottawa Indians; Housing Payments to Public Assistance Recipients

AGENCY: Social Security Administration, HEW.

ACTION: Final regulations.

SUMMARY: These amendments deal with requirements for disregard of certain judgment payments to Indians and certain rent subsidies in determining need and the amount of financial assistance.

DATES: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

Alice Stewart 202-245-3194.

SUPPLEMENTARY INFORMATION:

1. Section 233.20(a)(2)(vii) is revoked. The basis for the revocation is the repeal of section 2(1) of the U.S. Housing Act (Sec. 9 of Pub. L. 92-213, the Brooke Amendment) by Pub. L. 93-383, the Housing and Community Development Act of 1974. The purpose is to conform the regulations with that statutory change.

2. Section 233.20(a)(4)(ii)(e) is amended by adding a reference to Pub. L. 94-540. Section 6 of that law requires the disregard of judgment payments to the Grand River Band of the Ottawa Indians.

The basis for the requirement is section 6 of Pub. L. 94-540; the purpose is to bring our regulations into compliance with Pub. L. 94-540, by extending current disregard requirements to encompass judgment payments to the Grand River Band.

The effective date of section 6 of Pub. L. 94-540 was October 18, 1976.

The Department finds that there is good cause to dispense with proposed rulemaking with respect to the disregard of judgment payments to the Ottawa Indians because:

a. The amendment is based on a very specific statutory provision which leaves no room for alternative interpretations;

b. Prompt implementation is to the advantage of the members of the Grand River Band; and

c. Only three States are affected. Members of the Grand River Band reside primarily in Michigan, with a few scattered family groups in Wisconsin and Minnesota.

3. Section 233.20(a)(4)(ii) is amended by adding a new subdivision (*l*) which requires the disregard of Experimental Housing Allowance Program (EHAP) payments.

EHAP is a long-range program established in 12 States to test the effect of the payment in helping poor families to secure adequate housing. EHAP payments in 10 States were previously subject to disregard under section 1115 waivers. In the other two States the basis for the disregard was section 9 of Pub. L. 92-213, now repealed. The new basis is the fact that the Department of Housing and Urban Development has determined that EHAP payments made under annual contributions contracts entered into prior to January 1, 1975, continue to be subject to the same rules as were applicable at the time the contracts were executed.

The purpose of the new disregard provision is to enable all States which have such EHAP programs to disregard EHAP payments without the need to grant or extend section 1115 waivers.

The statutory provisions implemented by this amendment were effective September 26, 1975.

Notice of proposed rulemaking regarding housing payments to public assistance recipients was published in the FEDERAL REGISTER on September 22, 1976 (41 FR 41437).

Three comments were received. Two legal aid organizations asked regarding the relationship to other rent subsidy programs. There is no relationship. One State agency supported the proposal.

4. A technical amendment to § 233.20 (a)(4)(ii)(h) deletes "(VISTA)". The purpose is to make clear that there may be payments to other volunteers under Title I of Pub. L. 93-113, the Domestic Volunteer Services Act of 1973, and that, under section 404(g) of that Act, all such payments are to be disregarded in determining need and the amount of the assistance payment. Although "(VISTA)" was merely intended to identify Title I (by a term familiar to the general public), inquiries received from State agencies indicate that it is being taken to mean that only payments to volunteers in that particular program are subject to the disregard provision.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revoking § 233.20(a)(2)(vii); revising § 233.20(a)(4)(ii)(e) and (h) and adding a new subdivision (l). As revised, § 233.20(a) reads as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State Plans.* A State Plan for OAA, AFDC, AB, APTD or AABD must, as specified below:

* * * * *

(2) *Standards of assistance.* * * *

(vii) [Revoked]

* * * * *

(4) *Disregard of income and resources common to OAA, AFDC, AB, APTD, or AABD.* (i) * * *

(ii) Provide that, in determining eligibility for public assistance and the amount of the assistance payment, the following will be disregarded as income and resources:

(a) The value of the coupon allotment under the Food Stamp Act of 1964 in excess of the amount paid for the coupons;

(b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

(c) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(d) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education;

(e) Any funds distributed per capita to or held in trust for members of any Indian tribe under Pub. L. 92-254, Pub. L. 93-134 or Pub. L. 94-540;

(f) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

(g) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under titles II and III, pursuant to section 418 of Pub. L. 93-113;

(h) Payments to volunteers under Title I of Pub. L. 93-113, pursuant to section 404(g) of Pub. L. 93-113;

(i) The value of supplemental food assistance received under the Child Nutrition Act of 1966 as amended, and the special food service program for children under the National School Lunch Act, as amended (Pub. L. 92-433 and Pub. L. 93-150).

(j) The Weekly incentive allowance made under sec. 111 of Pub. L. 93-203, the Comprehensive Employment and Training Act of 1973.

(k) Tax-exempt portions of payments made pursuant to Pub. L. 92-203, the Alaska Native Claims Settlement Act.

(l) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under section 23 of the U.S. Housing Act of 1937, as amended.

* * * * * *

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

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

NOTE.—The Department has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Approved: May 16, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-14664 Filed 5-23-77;8:45 am]

CHAPTER III—OFFICE OF CHILD SUPPORT ENFORCEMENT (CHILD SUPPORT ENFORCEMENT PROGRAM), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 304—FEDERAL FINANCIAL PARTICIPATION

Deadline for Submission of Claims for Federal Financial Participation

AGENCY: Office of Child Support Enforcement (OCSE), HEW.

ACTION: Final regulation.

SUMMARY: The amendment revokes the requirement for the Child Support Enforcement Program that a State must submit all claims for Federal financial participation for a fiscal year by the due date of the expenditure report for the second quarter following the close of the fiscal year. The States have had difficulty in meeting this deadline for claims under this new program. The effect of this amendment is to permit States to submit claims for Federal funds at any time after the close of a fiscal year.

EFFECTIVE DATE: August 1, 1975.

FOR FURTHER INFORMATION CONTACT:

John M. Sacchetti, area code 202, 472-4510.

SUPPLEMENTARY INFORMATION: The Department has determined that this regulation should be revoked for the reasons set forth below:

1. Since the IV-D program is a new program, States have had some difficulty developing adequate fiscal reporting procedures that enable them to accumulate all IV-D program costs and submit these amounts as claims for Federal financial participation within the time period required by this regulation. Revocation of this regulation will provide the States the time needed to develop and submit all allowable claims for costs incurred as part of the IV-D program.

2. The change in the Federal fiscal year which was made in calendar year 1976 caused confusion as to the precise meaning of this section. In some instances, January 30, 1977 was viewed to be the deadline; in others, April 30, 1977 was assumed to be the final date for submission of claims. Revocation of this regulation will eliminate this confusion.

3. Congress, in Pub. L. 94-88, specified a grant issuance process not included in the original legislation, which would take into consideration adjustments made to expenditures for any prior quarter without placing any time limit on the submission of these adjustments. This addition to the statute raises some questions concerning the legality of this regulation as currently in effect. Revocation of this regulation will eliminate any possible conflict with the statute.

In order to avoid any confusion concerning the impact of the revocation of this regulation, it is effective as of August 1, 1975, the original effective date of the regulation.

The Department finds that there is good cause to dispense with proposed rulemaking because States will be unable to receive Federal financial participation in additional claims for costs incurred for fiscal year 1976 until such time as 45 CFR 304.25(c) is revoked. A substantial delay in processing these claims could impede State program operations and development in the effected States.

45 CFR 304.25(c) is revoked. Section 304.25 reads as follows:

§ 304.25 Treatment of expenditures; due date.

(a) *Treatment of expenditures.* Expenditures are considered to be made on the date on which the cash disbursements occur or the date to which allocated in accordance with Part 74 of this title. In the case of local administration, the date of disbursements by the local agency governs. In the case of purchase of services from another public agency,

the date of disbursements by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures only upon justification by the State to the Office of Child Support Enforcement and approval by the Office.

(b) *Due date for expenditure statements.* The due date for the submission of the quarterly statement of expenditures under § 301.15 of this chapter is 30 days after the end of the quarter.

(c) [Revoked]

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

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program.)

NOTE.—The Department has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 29, 1977.

J. B. CARDWELL,
Director, Office of Child Support Enforcement.

Approved: May 11, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-14752 Filed 5-23-77;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL REGULATIONS

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. 76-12; Amdt. No. 76-3]

MOTOR CARRIER SAFETY SETTLEMENT AND HEARING PROCEDURES

Extension of Comment Period; Correction

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of extension of time to file comments and corrections to final rule.

SUMMARY: This notice extends the date from May 1, 1977, to August 1, 1977, for commenting on the Federal Motor Carrier Safety Settlement and Hearing Procedures published at 42 FR 18076 (April 5, 1977), FR Doc. 77-10003. Also, this document corrects certain typographical errors and adds a citation to clarify the authority under which the rules were issued.

DATES: These changes become effective May 24, 1977. The time for submitting comments on the Motor Carrier Safety Settlement and Hearing Procedures is changed so that all comments must be received by August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald M. Tierney, Office of the Chief Counsel, 202-426-0346, Room 4217, HCC-20, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. EDT, Monday-Friday.

New settlement and hearing procedures for motor carrier safety and hazardous materials cases were published in the FEDERAL REGISTER on April 5, 1977. That publication established May 1, 1977, as the final date for receiving comments on the rules. In response to that notice the Private Truck Council of America, Inc., requested a 60-day extension of time to file comments. The request is reasonable and has been granted by establishing August 1, 1977, as the new final date for receipt of comments.

The preamble to the April 5, 1977, publication contained a typographical error that altered the order of a sentence. This error is corrected by this change.

The citation of authority after the index of 49 CFR Part 386 did not cite the Interstate Commerce Act as authority for those rules. Although the Interstate Commerce Act (ICA) was cited as authority at the conclusion of publication and therefore was, in fact, used as authority for issuance of Part 386, the citation immediatly following the index to Part 386 is being changed to include a reference to the ICA to avoid any confusion.

Accordingly, FR Doc. 77-10003 appearing at 42 FR page 18076 is corrected as follows:

1. By correcting the second sentence of the fifth paragraph of the preamble which appears on page 18076 to read as follows:

The following subjects are covered in the new sections: Computation of time, interrogatories and depositions, motions, official notices, extensions of time, form of evidence, medical records, burden of proof, appearances, amendments to pleadings, interlocutory appeals, subpoenas and witness fees, and motions to dismiss or make more definite.

2. On FR page 18077 the final date for submitting comments is changed from May 1, 1977, to August 1, 1977.

3. On 42 FR page 18077 the citation of authority following the index of Part 386 is revised to read as follows:

AUTHORITY: 18 U.S.C. 831-35; Pub. L. 93-633, 88 Stat. 2156 (49 U.S.C. 1801 et seq.); 49 U.S.C. 304, 322; delegations of authority 49 CFR 1.45, 1.48, Part 301.

(49 U.S.C. 304, 322; 18 U.S.C. 831-35; Pub. L. 93-633; 88 Stat. 8156 (49 U.S.C. 1801 et seq.); 49 CFR 1.48, 301.60.).

Issued on: May 17, 1977.

DR. ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation.

[FR Doc.77-14679 Filed 5-23-77;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of J. Clark Salyer National Wildlife Refuge, North Dakota, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: May 7, 1977, through March 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the J. Clark Salyer National Wildlife Refuge, North Dakota, only on areas designated by signs as being open to fishing from May 7, 1977, through December 14, 1977. These areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Winter ice fishing is open on all refuge waters from December 15, 1977, through March 26, 1978. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Boat fishing is allowed only on areas designated as such from May 7, 1977, through September 30, 1977.

2. Fishing hours will be from dawn to 10 p.m. daily.

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

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

Dated: May 16, 1977.

JON M. MALCOLM,
Refuge Manager.

[FR Doc.77-14680 Filed 5-23-77;8:45 am]

PART 33—SPORT FISHING

Opening of Necedah National Wildlife Refuge, Wisconsin, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: June 1, 1977 thru September 30, 1977, only on the Sprague-Mather Pool, and December 15, 1977 thru December 31, 1977 on the entire refuge except Rynearson No. 1 Pool.

FOR FURTHER INFORMATION CONTACT:

James M. Carroll, Jr., Refuge Manager, Necedah, Wisconsin, Telephone No. AC 608/565-2551.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Necedah National Wildlife Refuge, Wisconsin, only on the areas designated by signs as being open to fishing. These areas comprising 39,549 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The use of boats without motors is permitted.

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

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

JAMES M. CARROLL, Jr.,
Refuge Manager.

MAY 13, 1977.

[FR Doc.77-14681 Filed 5-23-77;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Occupational Exposure to Benzene; Amendment

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Amendment to Emergency Temporary Standard (ETS).

SUMMARY: This notice announces an amendment to the emergency temporary standard for occupational exposure to benzene. The amendment exempts from the ETS the storage, transportation, distribution, dispensing or sale of gasoline as a fuel subsequent to discharge of such gasoline from bulk terminals.

EFFECTIVE DATE: May 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, OSHA, Third Street and Constitution Avenue NW., Room N-3641, Washington, D.C. 20210, 202-523-8151.

SUPPLEMENTARY INFORMATION: On May 3, 1977, an emergency temporary standard for occupational exposure to benzene was published in the FEDERAL REGISTER (42 FR 22516) as 29 CFR 1910.-1028. It was issued under sections 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 1599, 29 U.S.C. 655, 657), and is effective May 21, 1977.

The ETS explicitly excluded from coverage retail automotive service stations and operations where the only exposure to benzene is from liquid mixtures containing one percent or less of benzene by volume. As indicated in the preamble to the ETS, gasoline stations were excluded, in part, because of the large number of employers and workplaces involved and the difficulty in achieving any significant compliance during the brief effective period of the ETS. Thus, whereas the evidence indicated that the equipment necessary for compliance with the ETS was available or would very soon be available for the industries and employees covered and that the standard was feasible, the evidence indicated that retail automotive service stations could not obtain the necessary equipment for compliance with the emergency standard. In our consideration of the availability of equipment and our conclusion that compliance with the standard was feasible, with the exceptions noted, we did not fully evaluate the compliance capabilities of other employers involved in the distribution of gasoline after it leaves the bulk terminal facilities. A large portion of this group of employers are geographically scattered, small businesses, with few employees and intermittent operations. They include many independent wholesalers who purchase and resell gasoline in relatively small quantities on a local basis. There are more than 21,000 such establishments employing over 30,000 employees. The demand for respirators, sampling pumps and other compliance equipment and personnel resulting from inclusion of this separate industry segment would severely strain the total resources available for compliance with the ETS. This potential demand for necessary equipment, whose extent is uncertain as a matter of firm evidence but appears significant, was not taken into account in evaluating the feasibility of the ETS. Accordingly, it has been determined that for purposes of the ETS, the storage, transfer, distribution, dispensing or sale of gasoline as a fuel subsequent to discharge from bulk terminals will not be covered. This will permit a full development of the evidence in the section 6(b) proceeding concerning the feasibility of a standard for these operations and whether there should be unique requirements applicable to this industry. As with other exempt groups, these employers continue to be covered by the standard for benzene in 29 CFR 1910.-1000.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, for the reasons set out above and in the ETS of May 3, 1977 and pursuant to section 6(c) of the Act, Secretary of Labor's Order No. 8-76 (41 FR 25059) and 29 CFR Part 1911, paragraph (a)(2)(i) of § 1910.1028 (FR Doc. 77-12726, 42 FR 22516, 22525, 3rd column) is amended and a definition of "bulk terminal" is added to paragraph (b) of § 1910.1028, to read as follows:

§ 1910.1028 Benzene.

(a) * * *

(2) * * *

(i) To the storage, transportation, distribution, dispensing, or sale of gasoline as a fuel subsequent to discharge of such gasoline from bulk terminals; or

* * * * *

(b) *Definitions.* * * *

"Bulk terminal" means a facility which is primarily used for the marketing of gasoline and which receives its petroleum products by tanker, barge, or pipeline.

* * * * *

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 20th day of May 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-14958 Filed 5-23-77;9:48 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 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The proposal would amend the current container and pack regulation applicable to California nectarines. The principal change would require each No. 12B box containing place-packed nectarines to bear the appropriate size designation of the fruit therein. The proposed action is designed to assure informative labeling of such boxes used to ship fresh nectarines. In addition, the proposal would delete references to "loose-packed" nectarines and make minor revisions in the current language of the regulation for purposes of simplification and clarity.

DATE: Comments must be received on or before June 6, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250.

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: The proposed amendment was submitted by the Nectarine Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) which regulate the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The committee reports that a small quantity of nectarines are place-packed and shipped in No. 12B boxes. The proposal would make these boxes subject to the same size marking requirements applicable to other specified packages and containers used for shipping place-packed nectarines. The regulation presently contains the terms "loose-filled" and "loose-packed" nectarines to describe the same style of packing such fruit. This proposal is designed to permit easier understanding of the regulation by deleting the nonessential term "loose-packed" nectarines. The proposal would make additional minor revisions of the current language for clarity.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment published herein, shall file the same, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than June 6, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Under the proposal, the provisions of Nectarine Regulation 8 (§ 916.350; 41 FR 24699, 31179) are revised to read as follows.

§ 916.350 Nectarine Regulation 8.

Order. (a) On and after June 15, 1977, no handler shall handle any package or container of any variety of nectarines except in accordance with the following terms and conditions:

(1) Such nectarines, when packed in any closed container, shall conform to the requirements of standard pack: *Provided,* That nectarines loose-filled in any open container shall be fairly uniform in size.

(2) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the name "nectarines" and the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the following count or size description of the nectarines as applicable:

(i) The size of nectarines packed in molded forms (tray packs) in No. 22D standard lug boxes, cartons, flats, or No. 12B standard fruit boxes and the size of wrapped nectarines packed in rows in No. 12B standard fruit boxes shall be indicated in accordance with the number of nectarines in each container, such as "80 count," "88 count," etc.

(ii) The size of nectarines loose-filled or tight-filled in any container shall be indicated in terms of the count size of such nectarines when packed in molded forms in the No. 22D standard lug box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(4) Each No. 22D standard lug box of loose-filled nectarines shall bear on one end, in plain silght and in plain letters, the words "25 pounds net weight."

(5) Each No. 22E standard lug box of loose-filled nectarines shall bear on one outside end, in plain sight and in plain letters, the words "35 pounds net weight."

(6) Each bulk bin container of loose-filled nectarines shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper:

(ii) The net weight.

(b) As used herein, "standard pack" and "fairly uniform in size" shall have the same meanings as set forth in the U.S. Standards for Grades of Nectarines (§ 51.3145-51.3160 of this title); the terms "No. 22D standard lug box," "No. 22E standard lug box," and "No. 12B standard fruit box" shall have the same meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: May 19, 1977.

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

[FR Doc.77-14782 Filed 5-23-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking Regarding Test Procedures for Television Receivers; Corrections

AGENCY: Federal Energy Administration (FEA).

ACTION: Proposed rulemaking; correction.

SUMMARY: This document corrects errors made in the proposed rulemaking regarding test procedures for television receivers which appeared at pages 21580 and following of the April 27, 1977, FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461 (202-566-4635).

SUPPLEMENTARY INFORMATION: The number of hours of standby or off-time of a television receiver, incorrectly stated in the third column of page 21581 of the April 27, 1977 FEDERAL REGISTER as 6500 hours, is corrected to read 6560 hours.

A number of provisions of Appendix H contained in the proposed regulation, pages 21583 and following, were also incorrectly stated and are corrected below. In all other respects the proposed rulemaking remains as published on April 27, 1977.

(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 F.R. 23185.)

In consideration of the foregoing, the proposed regulation for test procedures for television receivers published in 41 FR 21580 et seq. (April 27, 1977) is corrected as set forth below.

Issued in Washington, D.C., May 18, 1977.

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

Section 2.1.2.3 and 3.3 of Appendix H are corrected to read as follows:

APPENDIX H—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF TELEVISION RECEIVERS

* * * * *

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, shall be adjusted to a level of 70 decibels (dB) ±3dB, referred to a zero dB level of one femtowatt (1×10^{-15} watt) available power. (For a 300 ohm source, 70 dB referred to 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.)

* * * * *

3.3 Annual Remote Control Energy Consumption (E_{rc}).

$E_{rc}=(P_{rc}/1000)\ t_s=6.56\ P_{rc}$

E_{rc}=annual remote control energy consumption, kWh/yr

$P_{rc}/1000$=remote control power consumption, expressed in kilowatts

t_s=standby time, 6560 hr/yr.

* * * * *

[FR Doc.77-14662 Filed 5-23-77;8:45 am]

[10 CFR Part 871]

AIR TRANSPORTATION OF PLUTONIUM

AGENCY: Energy Research and Development Administration.

ACTION: Proposed rule.

SUMMARY: The Energy Research and Development Administration proposes to revise Part 871 (1) to establish, with greater specificity, circumstances under which air shipments of plutonium for purposes of national security, within the meaning of section 502(2) of Pub. L. 94-187, may be authorized; (2) to specify that determinations pursuant to § 871.1 National Security Exemption shall be made, as appropriate, by Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, and Nevada Operations Offices; and (3) to implement section 502(2) of 94-187 by promulgating rules with regard to air transportation of plutonium for purposes of public health and safety.

DATES: Comments must be received on or before June 23, 1977.

ADDRESS: Send comments to Major General J. K. Bratton, USA, Director of Military Application, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Colonel Roy E. Lounsbury, USA, 301-353-5277.

SUPPLEMENTARY INFORMATION: Pub. L. 94-187, which was approved on December 31, 1975, restricts air transportation of plutonium by the Energy Research and Development Administration as follows:

SEC. 501. The Energy Research and Development Administration shall not ship plutonium in any form by aircraft whether exports, imports, or domestic shipments: *Provided*, That any exempt shipments of plutonium, as defined by section 502, are not subject to this restriction. This restriction shall be in force until the Energy Research and Development Administration has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast testing equivalent to the crash and explosion of a high-flying aircraft.

SEC. 502. For the purposes of this title, the term "exempt shipments of plutonium" shall include the following:

* * * * *

(2) Plutonium shipments which pursuant to rules promulgated by the Administrator of the Energy Research and Development Administration are determined to be made for purposes of national security, public health and safety, or emergency maintenance operations.

* * * * *

On February 12, 1976, ERDA published in the FEDERAL REGISTER (41 FR 6259) rules implementing section 502(2) of Pub. L. 94-187 with regard to air shipments of plutonium for purposes of national security. Notice is given that ERDA proposes to revise Part 871 to revise such rules and to further implement section 502(2) by promulgation of rules with regard to air transportation of plutonium for purposes of public health and safety.

Section 871.1 would be revised (1) to establish, with greater specificity, circumstances under which air shipments of plutonium for "purposes of national security" within the meaning of section 502(2) may be authorized, and (2) to specify that determinations pursuant to § 871.1 shall be made, as appropriate, by the Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, and Nevada Operations Offices. A new section, § 871.2 Public Health and Safety Exemption, would be added to set forth rules with regard to air transportation of plutonium for purposes of public health and safety. Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, Nevada, Chicago, Idaho, and Richland Operations Offices would be authorized to make determinations pursuant to § 871.2. Two other new sections, § 871.3 Records and § 871.4 Limitation on Redelegation of Authority, would also be added.

It is proposed to make the proposed rules effective on the date of republication in the FEDERAL REGISTER. Interested parties wishing to comment on these proposed rules should submit their comments in writing to Major General J. K. Bratton, USA, Director of Military Application, U.S. Energy Research and Development Administration, Washington, D.C. 20545, on or before June 23, 1977.

Dated at Washington, D.C., this 17th day of May 1977.

ROBERT W. FRI,
Acting Administrator.

PART 871—AIR TRANSPORTATION OF PLUTONIUM

Part 871 would be revised to read as follows:

Sec.

871.1 National security exemption.
871.2 Public health and safety exemption.
871.3 Records.
871.4 Limitation on redelegation of authority.

AUTHORITY: Pub. L. 94-187, P.L. 93-438, §§ 2, 3, 91, 123, and 161 of the Atomic Energy Act of 1954, as amended.

§ 871.1 National Security Exemption.

(a) The following ERDA air shipments of plutonium are considered as being made for the purposes of national security within the meaning of section 502(2) of Pub. L. 94-187:

(1) Shipments made in support of the development, production, testing, sampling, maintenance, repair, modification, or retirement of atomic weapons or devices;

(2) Shipments made pursuant to international agreements for cooperation for mutual defense purposes;

(3) Shipments necessary to respond to an emergency situation involving a possible threat to the national security.

(b) The Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, and Nevada Operations Offices may authorize air shipments falling within paragraph (a)(1) of this section, on a case-by-case basis: *Provided*, That matter falls within their respective scopes of responsibility and that they determine such shipment is required to be made by aircraft either because:

(1) The delay resulting from using ground transportation methods would have serious adverse impact upon a national security requirement;

(2) Safeguards or safety considerations dictate the use of air transportation;

(3) The nature of the item to be shipped necessitates the use of air transportation in order to avoid possible damage which may be expected from other available transportation environments; or

(4) The nature of the item being shipped necessitates rapid shipment by air in order to preserve the chemical, physical, or isotopic properties of the item.

They may also authorize air shipments falling within paragraph (a)(2) of this section in all cases since the inherent time delays of surface transportation for such shipments are considered unacceptable. They may also authorize air shipments falling within paragraph (a)(3) of this section in cases where failure to make shipments by air could jeopardize the national security of the United States.

§ 871.2 Public health and safety exemption.

The Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, Nevada, Chicago, Idaho, and Richland Operations Offices may authorize, on a case-by-case basis, ERDA air shipments of plutonium where they determine that rapid shipment by air is required to respond to an emergency situation involving possible loss of life, serious personal injuries, considerable property damage, or other significant threat to the public health and safety.

§ 871.3 Records.

Determinations made by the authorizing officials pursuant to these rules shall be matters of record. Such authorizations shall be reported to the Assistant Administrator for National Security within twenty-four hours after authorization is granted.

§ 871.4 Limitation on redelegation of authority.

The authority delegated in this part may not be redelegated without the prior approval of the Assistant Administrator for National Security.

[FR Doc.77-14732 Filed 5-23-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 443]

HEALTH SPAS

Final Notice Concerning Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Final Notice of Proposed Rulemaking.

SUMMARY: The Commission, on the basis of information compiled by the staff and materials and data contained in previous staff investigations, issued on August 18, 1975 a proposed Trade Regulation Rule relating to the practices of the health spa industry. This notice sets out the scheduled oral hearing dates, invites continued written comments, and designates disputed issues. It also instructs prospective witnesses and other interested persons concerning filing and other procedural requirements and lists certain questions for the purpose of eliciting comment relative to the Commission's proposed Trade Regulation Rule.

DATES: Hearings commence: Atlanta, Georgia, September 12, 1977; San Francisco, California, October 17, 1977; New York, New York, November 28, 1977. Statements of testimony or comprehensive written outlines and exhibits (see Section C) due for hearings at Atlanta by August 22, 1977; San Francisco by September 26, 1977; New York by November 7, 1977. Notifications of Interest (see Section E) due by June 13, 1977; written comments (see Section A) and available exhibits due by July 25, 1977.

ADDRESSES: Written comments required by Section A should be submitted to Roger J. Fitzpatrick, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack Cothran 404-881-4836, Federal Trade Commission Atlanta Regional Office, 1718 Peachtree Street NW., Room 1000, Atlanta, Georgia 30309; Mr. Jerome Steiner 415-556-1270, Federal Trade Commission San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102; Mr. John A. Crowley or Mr. Alan F. Rubenstein 212-264-7150 or 212-264-7174, Federal Trade Commission New York Regional Office, 26 Federal Plaza, New York, New York 10007.

SUPPLEMENTARY INFORMATION: On August 18, 1975, the Commission published in the FEDERAL REGISTER (40 FR 34615) an Initial Notice proposing a trade regulation rule relating to health spas pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice (hereinafter rules of practice) 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure). The Presiding Officer extended the time for proposing disputed issues of fact from October 20, 1975 to December 19, 1975, then to March 18, 1976 and later to August 2, 1976 by notices in the FEDERAL REGISTER dated October 24, 1975 (40 FR 49801), December 19, 1975 (40 FR 58867) and April 8, 1976 (41 FR 14903). A Commission staff report in support of the proposed rule was placed in the public record of this proceeding and is available for examination by interested persons in Room 130, Public Reference Branch, Federal Trade Commission, Washington, D.C.

Pursuant to the authority above and more specifically to the authority of § 1.12 of the rules of practice the undersigned duly appointed Presiding Officer gives Final Notice of proposed rulemaking. The contents of the Initial Notice, which includes the proposed rule, are incorporated by reference.

NOTICE TO INTERESTED PERSONS

SECTION A—WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit writte data, views and arguments on any issue of fact, law and policy having some bearing upon the proposed rule. The scope of these written comments is not restricted to the designated issues set forth below in Section D. Parties may comment on any aspect of the proposed rule. Such comments should be submitted to Roger J. Fitzpatrick, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 no later than July 25, 1977. To assure prompt consideration comments should be identified as "Health Spa Comments" and submitted when feasible and not burdensome, in five copies. Comments previously submitted in response to the Initial Notice have been placed in the public record and need not be resubmitted.

SECTION B—PUBLIC HEARINGS DATES AND PLACES

1. Public hearings will begin on September 12, 1977 at 9:30 a.m. in Room 1010 at the Federal Trade Commission Atlanta Regional Office, 1718 Peachtree Street NW., Atlanta, Georgia 30309.

2. Public hearings will begin on October 17, 1977 at 9:30 a.m. in Room 12138 at the Federal Trade Commission San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.

3. Public hearings will begin on November 28, 1977 at 9:30 a.m. in Rooms C and D, 2204, 2206, at the Federal Trade Commission New York Regional Office, Federal Building, 26 Federal Plaza, New York, New York 10007.

SECTION C—INSTRUCTIONS FOR WITNESSES

1. *Advance notice.* Persons wishing to testify at a hearing should contact the Commission representative for that hearing location immediately. This will enable us to assist you in complying with the requirements set forth below. You may testify at only one hearing.

2. *Notification and filing requirements.* (a) If you wish to testify at the Atlanta hearings, contact Mr. Jack Cothran, Federal Trade Commission, Atlanta Regional Office, 1718 Peachtree Street NW., Room 1000, Atlanta, Georgia 30309; telephone 404-881-4836. You must notify Mr. Cothran of your desire to testify and file with him the full text of your statement of testimony no later than August 22, 1977.

(b) If you wish to testify at the San Francisco hearings contact Mr. Jerome Steiner, Federal Trade Commission San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102; telephone 415-556-1270. You must notify Mr. Steiner of your desire to testify and file with him the full text of your statement of testimony no later than September 26, 1977.

(c) If you wish to testify at the New York hearings contact Mr. John A. Crowley or Mr. Alan F. Rubenstein, Federal Trade Commission New York Regional Office, 26 Federal Plaza, New

York, New York 10007; telephone 212–264–7150 or 212–264–7174. You must notify Messrs. Crowley or Rubenstein of your desire to testify and file with them the full text of your statement of testimony no later than November 7, 1977.

(d) *Exceptions.* If you are unable to submit the full text of your statement of testimony you must file a comprehensive written outline summarizing what you expect to say with the Commission representative at the location you wish to testify. The written outline must be filed prior to the applicable deadlines specified in this paragraph 2(a)–(c).

3. *Completeness.* Your statements of testimony or your comprehensive written outline summarizing what you expect to say must list each fact, observation, opinion and conclusion that you are going to discuss and recite the basis for each such observation, opinion and conclusion. If you choose to file a comprehensive written outline and the outline is not sufficiently detailed or factual, the Presiding Officer may require you to file the full text of your statement before you testify.

All statements and outlines filed will be made available for inspection by the Commission representatives designated in paragraph 2 of this Section C at the location where the witness intends to appear and copies thereof will also be placed on the public record in Room 130, Public Reference Branch, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

If at all possible, witnesses should furnish five copies of their statements or outlines.

4. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the general comment period (Section A) so they can be studied by other interested persons. If such documents are unavailable during this period, file them as soon as you can but not later than the deadlines in paragraph 2 of this Section C for filing statements or outlines. Mark the documents with your name, and number it in sequence, e.g., Jones Exhibit 1. The Presiding Officer has the authority to refuse to accept for the public record any hearing exhibits which are not furnished by the deadlines.

5. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement or outline a curriculum vitate, biographical sketch, resume or summary of your professional background and a bibliography of your publications. In addition it would be helpful if you would include documentation for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations can be accomplished in the form of footnotes.

6. *Results of surveys and other research studies.* If you present in your testimony the results of a survey or other research study, you must also submit as an exhibit or exhibits in compliance with paragraph 4 above the following:

(a) A complete report of the survey or other research study and the information and documents listed in (b) through (e) below if they are not included in that report.

(b) A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

(c) Copies of all questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

(d) A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

(e) A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

In addition, other interested parties may wish to examine the questionnaires, data collection forms and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punched cards or computer tapes used to conduct analyses should be made available (with appropriate documentation) to the Presiding Officer if requested by him. He will then be in a position to permit its use by counsel for the other interested parties.

7. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule your appearance and that of other witnesses in an orderly fashion. In addition other interested parties must have your testimony and supporting documents available for study before the hearings so they can decide whether to examine or cross-examine you or file contradictory statements (rebuttals). If you do not comply with the requirements, the Presiding officer has the authority to refuse to let you testify.

8. *Testimony.* All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. In your testimony you can discuss any questions of fact, law or policy concerning the proposed rule. You do not have to limit your testimony to the issues designated in Section D; but if it does bear on those issues, you may be examined and cross-examined by the Presiding Officer or other persons he designates and there may be rebuttals. Also, the Presiding Officer may question you directly or let others cross-examine you about other relevant matters and to offer rebuttals to your comments.

9. *Procedures and time limits.* The hearings will be informal and as a general rule courtroom rules of evidence and procedures will not apply. You will not be put under oath unless the Presiding Officer so requires. Ordinarily you will have about twenty minutes for your testimony. If you need more than twenty minutes, send your request for extra time when you file your statement of testimony or outline. The Presiding Officer may set other reasonable time limits and may also allow extra time for questioning, and reserves the right to limit the number of witnesses to be heard if the orderly conduct of the hearing so requires. If you want to discuss more than can be presented in the time allotted to you, include all of the material in your prepared statement of testimony. Then you may summarize the statement in your testimony, and the entire written statement of testimony will be introduced into the record as an exhibit.

SECTION D—ISSUES DESIGNATED UNDER § 1.13(d)(1)

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d)(1) of the rules of practice as issues to be considered in accordance with § 1.13(d) (5) and (6) of the rules of practice. Oral statements with respect to these issues may entitle designated representatives or other interested parties to conduct or have conducted such examinations including cross-examinations, as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral and written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by an interested party, add designated issues or modify any issue listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice.

The issues designated by the Presiding Officer are:

1. Do the practices described in (a)–(f) of the Commission's Statement of Reason for the Proposed Rule exist; if so, are these practices widespread?

2. Do the interests of consumers or industry members warrant modification of the definition of "health spa" (§ 443.1 (a))?

3. What will be the impact upon consumers of § 443.2 (c) and (d) requiring the inclusion of provisions in contracts reserving to the customer the unilateral right of cancellation and pro-rata refunds?

4. What will be the impact upon industry members of § 443.2(c) and (d) requiring the inclusion of provisions in contracts reserving to the customer the unilateral right of cancellation and pro-rata refund?

5. As they relate to the computation of refund and cancellation fees, what expenditures do health spas make in selling and servicing their membership contracts and at what point in the life of the typical contract do they make such expenditures?

SECTION E.—NOTIFICATION OF INTEREST AND REQUESTS FOR RIGHTS OF CROSS-EXAMINATION

Interested persons who desire to avail themselves of the procedures described in Section D with respect to designated issues, e.g., examination, cross-examination, must notify the Presiding Officer no later than June 13, 1977, in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to each such issue. Those having no interest or position as to a particular issue, should merely indicate "No interest". Such interested persons must specifically request to participate in examination and cross-examination of witnesses. Request to examine, including cross-examination of witnesses or to present rebuttal submissions shall be accompanied by a specific justification therefor. Notifications should be labeled "Health Spa Notifications" so that they may be considered promptly. In the event new issues are added, interested persons must promptly notify the Presiding Officer of their particular interest with respect to each issue in the same manner. The Presiding Officer retains the authority to refuse parties the opportunity to avail themselves of the procedure described in Section D if they fail to comply with the notification requirements of this Section E.

Before the public hearings begin, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination and if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative, may be allowed to conduct or have conducted any examination, including cross-examination or present rebuttal submissions, to which he is entitled on issues designated in Section D.

SECTION F—ADDITIONAL COMMENTS INVITED

The questions set out in this Section F are not designated issues and are posed in order to facilitate the development of views and comments from all interested parties.

1. Should a final rule contain an option permitting a health spa to maintain an informal dispute settlement mechanism such as that contemplated under Section 110 of the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act and the rules thereunder (see 16 CFR Part 703) for determining the amount of refunds and indebtedness? Should such mechanism be required to meet the same standards as those which would be applicable to such warranty dispute mechanism? What modifications if any should be made?

2. Should a final rule contain a requirement that all funds obtained from buyers during preopening sales or prior to a health spa becoming fully operational be segregated in an escrow account until the spa is fully operational? In the event of a spa not becoming fully operational, what form of mechanism should be utilized to return the escrowed amounts to buyers?

3. Should a final rule contain prohibitions against various specific misrepresentations and unfair practices such as, for example:

(a) Bait advertising; (b) Fictitious bargains; (c) Deceptive pricing; (d) The length of enrollment periods available; (e) The facilities available and the qualifications of spa employees; and, (f) The results to be obtained through participation in spa programs?

4. Should a final rule contain a requirement that a health spa provide a short-rate cancellation table to buyers so that in the event of cancellation prior to the expiration of the contract term, a buyer will have exact knowledge of his or her monetary obligation to the health spa or the amount of refund due the buyer from the health spa?

5. Should a final rule require a health spa to disclose, prior to the signing of a contract, the proportion of the contract price which represents costs incurred by the spa for advertising and selling expense?

6. Should a final rule require that a customer be considered as having elected to cancel the contract if the customer fails to visit or use the facilities of a health spa for a given number of consecutive sessions or some calendar period, as for example, 10 sessions or 1 calendar month, at times when the services or facilities of the health spa are available for the customer's use?

7. Should a final rule provide alternative procedures other than a specific cancellation and refund policy in situations where a buyer cancels or withdraws from the contract prior to completion of the contract term? What are the elements to be considered and included in such alternative procedures?

Issued: May 24, 1977.

ROGER J. FITZPATRICK,
Presiding Officer.

The proposal as it appeared in the FEDERAL REGISTER of August 18, 1975 (40 FR 34615) is reprinted below:

Sec.
443.1 Definitions.
443.2 Business and sales practices.
443.3 Exemptions.

AUTHORITY: 38 Stat. 717, as amended; 15 U.S.C. 41, *et seq.*

§ 443.1 Definitions.

For the purpose of this part the following definitions shall apply:

(a) *Health spa.* An establishment which provides as one of its primary purposes services or facilities which are purported to assist patrons to improve their physical condition or appearance through change in weight, weight control, treatment, dieting or exercise. The term includes an establishment designated as "reducing salon", "health spa", "spa", "exercise gym", "health studio", "health club", or by other terms of similar import.

(b) *Primary establishment.* The health spa at a specific location, whether or not it has actually been constructed or is in operation, at which the buyer desires or expects to obtain the services or to use the facilities offered on a regular and continuing basis throughout the life of the contract, even though he may also have the right to visit and use the services and facilities of other establishments owned, controlled or operated by the seller.

(c) *Operating day.* Any calendar day on which the buyer may inspect the facilities of the health spa during a period of at least eight hours.

(d) *Total contract price.* The total price paid or to be paid by the buyer for the right to use the health spa facilities, or the services which are the subject of the contract, including any finance charges determined in accordance with § 226.4 of Federal Reserve Regulation Z (12 CFR 226.4).

(e) *Cancellation of the contract.* The contract or sale shall be deemed to have been cancelled upon the mailing of a written notice, or the delivery of a written notice, by the buyer to the seller at the place designated in the contract pursuant to paragraph (a) of § 443.2 and the detachable "NOTICE OF CANCELLATION" set forth in paragraph (f) (4) of § 443.2.

§ 443.2 Business and sales practices.

In connection with the sale or offering for sale in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, by any person, corporation, partnership, association or group engaged in the operation of a health spa, of any service, or the right to use the facilities or receipt of its services, it constitutes an unfair or deceptive act or practice, in violation of the Federal Trade Commission Act to:

(a) Fail to employ a written contract which shall constitute the entire agreement between the seller and the buyer, a fully completed copy of which shall be furnished to the buyer at the time of its execution which shows the date of the transaction, the name and address of the seller, the identity and location of the primary establishment, and in immediate proximity to the space reserved in the contract for the signature of the buyer and in bold face uppercase type of a minimum size of ten points, the following statement:

NOTICE TO BUYER: DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ THE PROVISIONS UNDER THE HEADING 'CANCELLATION AND REFUNDS'. ALSO, DO NOT SIGN THIS CONTRACT IF IT CONTAINS ANY BLANK SPACES

(b) Fail, prior to the time the contract is executed by the buyer, to furnish the buyer with a current copy of any rules and regulations of the seller which are applicable to the buyer's use of the facilities or receipt of its services and which are not set forth in the contract.

(c) Fail, unless the provisions of paragraph (d) of this section are applicable, to include in the contract pertaining to the sale, under the caption "CANCELLATION AND REFUNDS" which caption shall be printed in bold face uppercase type of a minimum size of 10 points, the following cancellation and refund provision:

(1) *Right to Cancel within Three Operating Days.*

You are permitted to inspect the facilities of [the seller] within three operating days after the date of this contract. If, within those three days, and whether or not you make an inspection, you decide that you want to cancel this contract, you may do so by notifying [the seller] on the attached form which has been provided to you, or by any other writing mailed or delivered before midnight of the third operating day after the date of this contract to [the seller] at the address shown on the contract. If you so cancel, any payments made by you under the contract will be refunded; and any evidence of indebtedness executed by you will be cancelled by [the seller], and arrangements will be made to relieve you of any further obligation to pay the same. If during the first three operating days after the date of this contract [the seller] allows you to use its facilities or performs any services, it must do so without charge.

For the purposes of this provision, the following days are "operating days" [insert days]. On these days, the spa will be open [insert a statement of the hours during which the spa will be open].

(2) *Additional Right to Cancel after Three Operating Days.*

You may also cancel this contract for any reason at any time, following the expiration of the three-day period described in [(1)], by notifying [the seller] on the attached form provided to you, or by any other writing, mailed or delivered to [the seller] at the address shown on the contract". If you cancel this contract after three operating days, [the seller] is entitled to keep or to receive a cancellation fee of [insert specified sum not in excess of five percent of the total contract price] plus a pro rata portion of the total contract price determined in the manner specified in [(3)] below All money you have paid in excess of that amount will be refunded, and any financial obligation you may have undertaken or assumed as a part of this transaction will be terminated by [the seller] to the extent that it provides for payment of a sum in excess of the amount [the seller] is entitled to keep or to receive pursuant to this provision. *Provided*, That if at the time of cancellation, the facilities and services offered by [the seller] are not fully operational and available, [the seller] may not retain or receive a cancellation fee.

(3) *Pro Rata Computation.*

The pro rata portion to which the seller is entitled shall be determined by taking the number of complete weeks [if the extent of the buyer's right to use the facilities is calculated on the basis of a measure other than time such as 'sessions', 'visits', 'lessons' or the like, that term should be substituted for the phrase 'complete weeks' in this provision] for which the services or facilities were made available to you following the first three operating days after the date of this contract and prior to cancellation of the contract and *dividing* that number by the total number of weeks specified in this contract ([insert total number of weeks] weeks) and *multiplying* the result of that division by the total contract price ($[insert total contract price]).

(d) Fail, if at the time of the execution of the contract the primary establishment is not completed or its facilities are not fully operational and available for the buyer's use, to include in the contract pertaining to the sale, under the caption "CANCELLATION AND REFUNDS" which caption shall be printed in bold face uppercase type of a minimum size of 10 points, the following cancellation and refund provisions:

(1) *Right to Cancel Prior to Opening and Availability of All Facilities.*

You may cancel this contract at any time prior to the receipt of written notice from [the seller] that the facilities are fully operational and available for your use. If you decide that you want to cancel this contract, you may do so by notifying the seller on the attached form which has been provided to you or by any other writing mailed or delivered to [the seller] at the address shown on the contract before your receipt of such written notice. If you so cancel, any payments made by you under the contract will be refunded and any evidence of indebtedness executed by you will be cancelled by [the seller] and arrangements will be made to relieve you of any further obligation to pay the same.

(2) *Right to Cancel within Ten Operating Days after Receipt of Notice that All Spa Facilities are Fully Operational.*

You are permitted to inspect the facilities of [the seller] within ten operating days after the date of your receipt of written notice from [the seller] that the facilities are fully operational and available for your use, and which states what days are operating days and during what hours on those days the spa will be open. If, within those ten days, and whether or not you make an inspection, you decide that you want to cancel this contract, you may do so by notifying [the seller]on the form provided you, or by any other writing mailed or delivered to [the seller] at the address shown on the contract by midnight of the 10th operating day after the receipt of such written notice. If you so cancel, any payments made by you under the contract will be refunded, and any evidence of indebtedness executed by you will be cancelled by [the seller] and arrangements will be made to relieve you of any further obligation to pay the same. If during the first ten operating days after you receive notice that all spa facilities are fully operational, the seller allows you to use its facilities or performs any services, it must do so without charge.

(3) *Additional Right to Cancel at Any Time.*

If you elect to cancel this contract, for any reason, following the expiration of your right to cancel under the provisions of [(1)] or [(2)], you may do so by notifying [the seller] on the attached form which has been provided to you, or by any other writing, mailed or delivered to [the seller] at the address shown on the contract.

If you cancel this contract in accordance with this paragraph, [the seller] is entitled to keep or to receive a cancellation fee of $ [insert a specified sum not in excess of five percent of the total contract price] plus a pro rata portion of the total contract price determined in the manner specified in [(4)] below. All money you have paid in excess of that amount will be refunded, and any financial obligation you may have undertaken or assumed as a part of this transaction will be terminated by [the seller], to the extent that it provides for payment of a sum in excess of the amount [the seller] is entitled to keep or to receive pursuant to this provision. *Provided*, That if at the time of cancellation, the facilities and services offered by [the seller] are not fully operational and available, [the seller] may not retain or receive a cancellation fee.

(4) *Pro Rata Computation.*

The pro rata portion shall be determined by taking the number of complete weeks [if the extent of the buyer's right to use the facilities is calculated on the basis of a measure other than time such as "sessions", "visits", "lessons" or the like, that term should be substituted for the phrase "complete weeks" in this provision] following the first ten operating days after the date of this contract for which the services or facilities were made available to you prior to cancellation of the contract and *dividing* that number by the total number of weeks specified in this contract ([insert total number of weeks] weeks) and *multiplying* the result of that division by the total contract price ($[insert total contract price]).

(e) Fail to inform each buyer orally, immediately prior to the time he signs the contract, of his cancellation rights as set forth in paragraph (c) or (d) of this section, whichever is applicable, using the following language:

(1) If paragraph (c) of this section is applicable:

You may cancel this contract within three operating days and receive a full refund. You may also cancel this contract at any time and receive a pro rata refund, less a cancellation fee, for the unused portion of the contract. Before signing the contract read the provisions under the heading "CANCELLATION AND REFUNDS".

(2) If paragraph (d) of this section is applicable:

You may cancel this contract before you receive written notice that the spa is open, and at any time within 10 operating days after you receive such notice and receive a full refund. You may also cancel this contract at any time after receiving notice that the spa is open and receive a pro rata refund, less a cancellation fee, for the unused portion of the contract. Before signing the contract read the provisions under the heading "CANCELLATION AND REFUNDS".

(f) Fail to furnish each buyer, at the time he signs the contract, a completed form in duplicate, which is attached to the contract but easily detachable therefrom and which is captioned in fifteen point bold face uppercase type "NOTICE OF CANCELLATION". This detachable form shall contain in ten point bold face uppercase type the following information and statements:

(1) For an explanation of your rights to cancel the attached contract and the amount of any refund due, or payment owing, see that section of the contract headed "CANCELLATION AND REFUNDS".

(2) To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice to [name of seller], at [insert seller's address].

I hereby cancel this transaction.

(Date)

(Buyer's signature)

(g) Include in any contract any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this part, including specifically the buyer's right to cancel the transaction in accordance with any provision of this part.

(h) Misrepresent in any manner a buyer's obligations or his right to cancel his obligations arising from his use of the seller's services or facilities, or from his contracting, orally or in writing, for the use of the seller's facilities or services, or arising from any evidence of indebtedness or like document executed in connection with the sale of the seller's services or of the use of the seller's facilities.

(i) Fail or refuse to honor any notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (1) refund any payments due the buyer, and (2) cancel that portion of the buyer's indebtedness that exceeds the amount due the seller under the applicable refund provisions of this section and (3) take any other action necessary or appropriate to terminate the buyer's obligation to pay any sum in excess of that due under the applicable cancellation and refund provision in paragraph (c) or (d) of this section.

(j) Fail to maintain at all times complete records relative to the manner and form of compliance with this part. Such records shall include for at least the preceding three years, copies of all advertising and shall indicate with respect to each sale the type of program or service sold, the price charged therefore, the name and address of the purchaser thereof, and, if the sale was cancelled, the date thereof, the amounts of money retained by the seller and billed or refunded to the buyer, and a description of the action taken, such as cancellation of the buyer's obligation to pay any sum in excess of that due under the applicable cancellation and refund provisions in paragraph (c) or (d) of this section.

(k) Receive payment of, or enter into one or more contracts or written agreements obligating payment of, a sum in excess of five percent of the total contract price from or on behalf of the buyer prior to the time the primary establishment is completed and its facilities are fully operational and available for use by the buyer.

(l) Enter into one or more contracts or written agreements for membership in a health spa, or the right to use the facilities of a health spa, or any other service to be provided by the seller whereby the buyer is obligated for a period in excess of two years or whereby the seller is obligated to provide facilities or services to the buyer for a period in excess of two years from the date of the original contract or agreement, *Provided*, That upon the expiration of the full term stated in an original contract or agreement the buyer and the seller may enter into a new contract or agreement which shall also be subject to the same limitations set forth herein.

(m) Fail, if any substantial portion of any sales presentation or sales transaction is conducted, either orally or in writing, in a language other than English (e.g., Spanish), to:

(1) Furnish the buyer with complete sets of all documents required to be furnished to the buyer by the provisions of this part, one of which is in English and one of which is in the other language used in the sales presentation or transaction; and

(2) Make all oral disclosures required by the provisions of this part in both English and in the other language used in the sales presentation or transaction.

(n) Fail to inform the buyer both orally and in writing that persons over the age of 35 and all persons with known or suspected heart disease are advised to consult their physician before enrolling.

§ 443.3 Exemptions.

The provisions of this part shall not apply to transactions in which the buyer purchases the right to use the facilities or obtain the services of a seller on a per visit basis, on a daily basis, or on a weekly basis; *Provided, however*, This exemption shall not apply if the buyer is obligated to purchase or to pay for the right to use the facilities or to obtain the services of the seller for a period in excess of one week, or if the seller is obligated to provide the use of facilities or services to the buyer for a period in excess of one week.

[FR Doc.77-14894 Filed 5-23-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34—13539; File No. S7-613]

TRANSACTIONS BY MEMBERS OF NATIONAL SECURITIES EXCHANGES

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The time for comment on rule proposals governing transactions effected by members of national securities exchanges has been extended. The comment period currently expires on May 15, 1977.

DATES: Comments must be received on or before July 15, 1977.

ADDRESSES: Interested persons should submit six copies of their written views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should refer to File No. S7-613. All submissions will be made available for public inspection in the Commission's Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard A. Steinwurtzel, Esq., Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-8749.

SUPPLEMENTARY INFORMATION: On March 18, 1977, the Commission published Securities Exchange Act Release No. 13388,[1] in which it undertook an extensive analysis of section 11(a) of the Securities Exchange Act of 1934 in light of recent developments in the securities markets, e.g., the unfixing of commission rates and the liberalization of the access to exchange membership and services, and proposed for comment Securities Exchange Act Rules 11a2-1, 11a1-3, and 11a2-2.[2] Interested persons were invited to submit written views and comments on the proposed rules on or before May 15, 1977.

The Commission has received four written requests that the comment period with respect to those rule proposals and issues relating to section 11(a) in general be extended. The course of action ultimately adopted under section 11(a) is expected to have far-reaching consequences for the securities markets and the participants therein. The issues raised in the Commission's recent release, moreover, are complex and deserve a thorough study by interested persons. The Commission has thus determined to extend the comment period until July 15, 1977. In granting that extension, the Commission nevertheless recognizes that its regulatory program under section 11(a) should be in place well before May 1, 1978.[3] Accordingly, the Commission plans to prepare for final action on its rule proposals under section 11(a) promptly after July 15, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 13, 1977.

[FR Doc.77-14617 Filed 5-23-77;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, 260]

[Docket No. RM77-17]

UNIFORM SYSTEM OF ACCOUNTS; PUBLIC UTILITIES PRESCRIBING

Amendments and Changes in Certain Report Forms; Extension of Time

AGENCY: Federal Power Commission.

ACTION: Extension of time for data, views and comments.

[1] 42 FR 16745 (Mar. 29, 1977).

[2] Proposed 17 CFR 240.11a2-1, 11a1-3, and 11a2-2.

[3] Section 11(a) becomes fully effective on May 1, 1978. See section 11(a)(3) of the Act, 15 U.S.C. 78k(a)(3).

SUMMARY: The Commission is extending the time for filing data, views and comments in the proposed rulemaking proceeding docketed as RM77-17.

DATES: Data, views and comments must be received on or before June 1, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary Federal Power Commission, 825 North Capital Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary (202) 275-4166.

SUPPLEMENTARY INFORMATION: On May 12, 1977, the Oglethorpe Electric Membership Corporation and North Carolina Electric Membership Corporation filed a motion requesting an extension of time to June 13, 1977, for filing data, views and comments in the rulemaking proceeding noticed April 8, 1977, and published April 19, 1977 (42 FR 20303), in the above-designated docket.

On May 12, 1977, the Oglethrope Electric Membership Corporation and North Carolina Electric Membership Corporation filed a motion requesting an extension of time to June 13, 1977, filing data, views and comments in the rulemaking proceeding noticed April 8, 1977, and published April 19, 1977 (42 FR 20303), in the above-designated docket.

Upon consideration, notice is hereby given that the data for filing data, views and comments is extended to and including June 1, 1977.

LOIS D. CASHELL,
Acting Secretary.

MAY 13, 1977.

[FR Doc.77-14770 Filed 5-23-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

OIL AND GAS WELLS

Limitations on Percentage Depletion

Correction

In FR Doc. 77-13707 appearing at page 24279 in the issue for Friday, May 13, 1977 on page 24282 make the following corrections to material appearing in § 1.613A-3(d):

(1) In paragraph (3), in the line which appears at the bottom of column 1, "section 513A" should have read "section 613A", and the third line from the top of column two should be deleted and in its place inserted "year, then purposes of section 613A * * *".

(2) In paragraph (4), in Example 4, in the 8th line "allowable" should have read "allocable", and in the 11th line "allocable" should have read "allowable".

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 204]

SAN PABLO BAY, CALIFORNIA

Danger Zone Regulations

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rules.

SUMMARY: This proposed amendment redesignates the agency using the danger zone in San Pablo Bay, California, and extends the period of use of the danger zone until September 30, 1982. The Navy Coastal River Division 11 has asked to use this danger area. The proposed rule would allow that use.

DATES: Comments must be received on or before June 15, 1977.

ADDRESS: Send comments to: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314. ATTN: DAEN-CWO-N.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph Eppard, Phone 202-693-5070.

SUPPLEMENTARY INFORMATION: The danger zone (gunnery range) in San Pablo Bay, California, was established in 33 CFR 204.216 for the use of the Naval Inshore Operations Training Center, Mare Island, California. That agency was decommissioned in June 1972 and the Coastal River Division Eleven was subsequently commissioned to take over their facilities and training responsibilities. That agency has also requested usage of the danger area. In addition, the Coastal River Division Eleven has limited their usage of the danger zone to the period of April 1 through September 30 annually in order to minimize harassment of waterfowl and other migratory birds that winter in the area.

Accordingly, we propose to amend 33 CFR 204.216 as set forth in tentative form below:

§ 204.216 San Pablo Bay, California; gunnery range, Department of the Navy, Coastal River Division Eleven, Mare Island, Vallejo.

(a) *The Danger Zone.* * * *

NOTE.—The danger zone will be used until September 30, 1982, after which it shall be subject to review to determine the further need thereof.

(b) *The Regulations.* The Commanding Officer, Coastal River Division Eleven, Department of the Navy, Mare Island, Vallejo, California, will conduct gunnery practice in the area during the period April 1 through September 30, between the hours of 10 a.m. and 3 p.m. on the first Wednesday of each month and the third full week end (Saturday and Sunday) of June. No vessels shall enter or remain in the danger zone during the above stated periods except those vessels connected with the gunnery practice operations. All firing will be from the southerly portion of the danger zone in a northerly direction, and only during good visibility. The public will be notified prior to each firing by a Notice to Mariners issued by the U.S. Coast Guard and the area will be patrolled by boat and searched by radar to insure a clear range. A safety officer will always be aboard the firing boat to guarantee that all safety precautions are observed. The regulations in this section will be enforced by the Commandant, 12th Naval District and such agencies as he may designate.

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

(40 Stat. 266; (33 U.S.C. 1).)

Dated: May 9, 1977.

THOMAS R. HICKLIN,
Lieutenant Commander, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.77-14612 Filed 5-23-77;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

FREEDOM OF INFORMATION

Authority To Withhold Information Modified

AGENCY: Veterans Administration.

ACTION: Proposed Rule.

SUMMARY: The Veterans Administration is proposing to amend its regulations regarding the scope of information that must be disclosed to the public by the agency. The amendment is intended to make the VA regulations conform to The Government in the Sunshine Act.

DATES: Comments must be received on or before June 23, 1977. It is proposed to make this amendment effective March 12, 1977, the effective date of section 5(b), Pub. L. 94-409.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the

purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

FOR FURTHER INFORMATION CONTACT:

Otto M. Ireland, Assistant Director (075A), Management Services Staff, Office of Planning and Evaluation, Veterans Administration, Washington, D.C. 20420 (202-389-3616).

SUPPLEMENTARY INFORMATION: Section 5(b) of Pub. L. 94-409 (90 Stat. 1241), September 13, 1976, amended section 552(b)(3) of Title 5, United States Code, effective March 12, 1977. It eliminates certain discretionary determinations to withhold information, by authorizing withholding only: (1) If the statutory authority specifically prohibits disclosure, leaving no discretion in the matter; or (2) establishes particular criteria for withholding; or (3) refers to particular types of matters to be withheld. The amendment will not significantly affect the VA, as the most frequently used section of Title 38, U.S.C., section 3301, is a mandatory confidentiality statute and refers to particular types of matters to be withheld. In addition Veterans Administration policy, set forth in § 1.550, has been to disclose information from agency records to the extent permitted by law, including under certain conditions information that would otherwise be permitted by statute to be withheld.

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

Approved: May 17, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 1.554, paragraph (a)(3) is revised to read as follows:

§ 1.554 Exemptions from public access to agency records.

(a) The exemptions in this paragraph constitute authority to withhold from disclosure certain categories of information in Veterans Administration records except that any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this paragraph.

* * * * *

(3) Specifically exempted from disclosure by statute other than 5 U.S.C. 552b, provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

* * * * *

[FR Doc.77-14686 Filed 5-23-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 732-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Yolo-Solano Air Pollution Control District Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Yolo-Solano Air Pollution Control District Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on July 25, 1973, July 19, 1974, January 10, 1975 and April 21, 1976. Regulations concerning New Source Review, Emergency Episodes and Vapor Recovery are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 23, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch (A-4), EPA Region IX, 100 California Street, San Francisco, Calif. 94111.

Availability of Documents: Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Yolo-Solano Air Pollution Control District, 323 1st Street, Woodland, Calif. 95695.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section (415-556-7288).

SUPPLEMENTARY INFORMATION: The July 25, 1973, July 19, 1974, January 10, 1975, and April 21, 1976 submittals contained revisions to the following rules and regulations:

Rule 1.2, Definitions
Rule 1.3, Confidential Information
Rule 1.4, Enforcement
Rule 2.4, Exceptions
Rule 2.8, Open Burning
Rule 2.9, Open Burning, Certain Materials
Rule 2.11, Particulate Matter
Rule 2.12, Specific Contaminants
Rule 2.13, Organic Solvents
Rule 2.14, Architectural Coatings
Rule 2.15, Disposal and Evaporation of Solvents
Rule 2.16, Fuel Burning Heat or Power Generators
Rule 2.19, Particulate Matter Process Emission Rate
Regulation IV, FEES
Rules 4.1 through 4.5
Regulation V, Procedure Before the Hearing Board
Rules 5.1 through 5.18
Regulation VI, Agricultural Burning
Rules 6.1 through 6.8
Regulation VIII, Designated Sources
Rules 8.1 through 8.9
Addendum: Exhibit A

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 3, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-14614 Filed 5-23-77;8:45 am]

[40 CFR Part 52]

[FRL 732-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Proposed Approval of Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In order to satify the requirements of the Clean Air Act, the State of California has submitted to the Environmental Protection Agency (EPA) 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 March 18, 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 June 23, 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, Envrionmental 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 March 18, 1977, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) three compliance schedules, all of which have been found to satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. This publication proposes that these three schedules be approved as revisions to the state compliance schedule portion of the approved plan pursuant to 40 CFR 51.8 and section 110 of the Clean Air Act.

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: May 11, 1977.

PAUL DE FALCO, Jr.,
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) * * *

(38) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on March 18, 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
*	*	*	*	*	*
Texaco, Inc., No. 76-8	Merced	411, 411.1	Sept. 29, 1976	Immediately	May 31, 1977.
W. & L. Auto Parts No. 76-6	do	411, 411.1	do	do	Do.
Frontier Service No. 76-38-R1	San Joaquin	411.1	Sept. 16, 1976	do	Do.

[FR Doc.77-14613 Filed 5-23-77;8:45 am]

[40 CFR Part 52]

[CFRL 729-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Rulemaking: Oklahoma Regulation 4.2

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: It is proposed to approve revisions to Oklahoma State Implementation Plan (SIP) Regulation 4.2 which provides for public disclosure of emission data and to rescind regulations by which EPA implemented public disclosure. The Oklahoma SIP was disapproved on September 26, 1974, since it could, in some circumstances, prohibit the disclosure of emission data to the public. The availability of data to the public would be unchanged inasmuch as this revision to the Oklahoma SIP corrects a deficiency which has been provided for by EPA regulations.

DATES: Interested persons may participate in this proposed rulemaking by submitting written comments to the Environmental Protection Agency, Region VI, complete address below. All comments received on or before June 23, 1977, will be considered.

ADDRESS: Send comments to: Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

George I. Kennedy, Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214–749–3837).

SUPPLEMENTARY INFORMATION: On September 26, 1974, Regulation 4.2 of the Oklahoma State Implementation Plan (SIP) was disapproved since it could, in some circumstances, prohibit the disclosure of emission data to the public. On November 28, 1975, EPA promulgated Regulations for public availability of emission data. On October 7, 1975, the Governor of Oklahoma submitted a revision to the SIP specifically making emission data subject to public disclosure as a revision to Regulation 4. The public hearing for this revision was held by the State Air Quality Council on January 14, 1975. The revision to the Regulation was recommended by the State Air Quality Council on March 11, 1975, for adoption by the Oklahoma State Board of Health. The revision was adopted by the State Board of Health on June 29, 1975, and after filing with the Secretary of State was effective on July 9, 1975. In this revision to Regulation 4.2 emission data must be made available at all times to the public during normal working hours. It is proposed to accept paragraph 4.2 of Regulation 4 as revised and to rescind 40 CFR 52.1926.

A copy of the State's proposed SIP Revision is available for public inspection at the EPA Region VI Office in Dallas, Texas (complete address above). A copy of this material is also available at the Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, Washington, D.C. 20460.

This action is taken under authority of section 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857c–5(a).

Dated, May 6, 1977.

JOHN C. WHITE,
Regional Administrator.

It it proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is amended by adding paragraph (8) as follows:

§ 52.1920 **Identification of plan.**

* * * * *

(c) * * *

(8) Revision concerning Regulation 4.2 (public availability of emission data)

was submitted by the Governor on October 7, 1975.

§ 52.1926 [Revoked]

2. Section 52.1926 is revoked.

[FR Doc.77-14671 Filed 5-23-77;8:45 am]

[40 CFR Part 180]

[FRL 731-4; OPP—300012]

TOLERANCES AND EXCEPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemptions from Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that 40 CFR 180.1001 be amended by exempting certain inert (or occasionally active) ingredients in pesticide formulations from the requirement of a tolerance and by adding the new § 180.1035, 180.1036, and 180.1037.

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

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 N St. SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Toxicology Branch, Registration Division (WH-567), Office of Pesticide Programs, EPA (202)/426-2680).

SUPPLEMENTARY INFORMATION: At the request of several interested persons, the Administrator is proposing to amend 40 CFR 180 by exempting certain pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and includes, but is not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): Solvents such as water, baits such as sugar, starches, and meat scraps, dust carriers such as talc and clay, fillers, wetting and spreading agents, propellants in aerosol dispensers, emulsifiers. The term inert is not intended to imply toxicological inertness or lack of toxicity; the ingredient may or may not be chemically or toxicologically active.

The preambles to proposed rulemaking documents of this nature include the common or chemical name under consideration, the name and address of the person making the request for exemption, and the toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Firm	Bases for approval
3,6-Dimethyl-4-octyn 3,6-diol.	Air Products & Chemicals Co., 2 Possumtown Rd., Piscataway, N.J. 08854.	No reasonable expectation of residues in human food.
Hydrogenated castor oil.	Conrel, An Albany International Co., 735 Providence Highway, Norwood, Mass. 02062.	Do.
Maleic acid-butadiene copolymer.	Lindau Chemicals, Inc., P.O. Box 641, Columbia, S.C. 29202.	Adequate toxicity studies in rats and dogs for 2 very close, structurally related products previously cleared.
Polybutenes in gossyplure formulations.	Conrel, An Albany International Co., 735 Providence Highway, Norwood, Mass. 02062.	No reasonable expectation of residue in human food.
Polyoxymethylene copolymer.	do	Do.
Propane	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409.	No reasonable expectation of residues in human food. Cleared under the Food and Drug Administration's generally recognized as safe (GRAS) list.
2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	Air Products & Chemicals Co., 1 Possumtown Rd., Piscataway, N.J. 08854.	No reasonable expectation of residues in human food.

The amendment to 40 CFR Part 180 which is adding §§ 180.1035, 180.1036, and 180.1037 pertains to specific inert ingredients for which there are prescribed use patterns. These inerts cannot be used in any other manner except as specified in the regulation and as determined in a specific product registered by the Agency in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.).

Based on the above information, other available information on the chemistry of these substances, and a review of their use, it has been found that, when used in accordance with good agricultural practice, these substances are useful and do not pose a hazard to the environment. It is concluded, therefore, that the proposed amendments to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 23, 1977, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject matter and the OPP document control number "OPP-300012." All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 11, 1977.

MARTIN H. ROGOFF, PH. D.,
Acting Director,
Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (31 U.S.C. 346a(e)).)

It is proposed that Part 180, Subpart D, § 180.1001, be amended by alphabetically inserting new items in paragraph (d) and by adding the new §§ 180.1035, 180.1036, and 180.1037 to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
3,6-Dimethyl-4-octyn-3,6-diol	In herbicide formulations: In soil applications only, prior to planting or at planting. In pesticide formulations other than herbicides: Before the edible parts form.	Surfactants, related adjuvants of surfactants.
* * * * * *		
Maleic acid-butadiene copolymer.	3 pct of pesticide formulation	Do.
* * * * * *		
Propane		Propellant.
* * * * * *		
2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	In herbicide formulations: In soil applications only, prior to planting or at planting. In pesticide formulations other than herbicides: Before the edible parts form.	Surfactants, related adjuvants of surfactants.
* * * * * *		

§ 180.1035 Hydrogenated castor oil; exemption from the requirement of a tolerance.

The adhesive hydrogenated castor oil is exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity cotton seed when used as an inert adhesive for formulations of the attractant gossyplure (1:1 mixture of (*Z,Z*)- and (*Z,E*)-7,11-hexadecadien-1-ol acetate) to disrupt the mating of the pink bollworm.

§ 180.1036 Polybutenes; exemption from the requirement of a tolerance.

Polybutenes are exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity cotton seed when used as a sticker agent for formulations of the attractant gossyplure (1:1 mixture of (*Z,Z*)- and

(Z,E)-7,11-hexadecadien-1-ol acetate) to disrupt the mating of the pink bollworm.

§ 180.1037 Polyoxymethylene copolymer; exemption from the requirement of a tolerance.

Polyoxymethylene copolymer, conforming to 21 CFR 121.2637, is exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity cotton seed when used as an inert controlled-release dispenser for formulations of the attractant gossyplure (1:1 mixture of (Z,Z)- and (Z,E)-7-11-hexadecadien-1-ol acetate) to disrupt the mating of the pink bollworm.

[FR Doc.77-14482 Filed 5-23-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 29]

TRANS-ALASKA PIPELINE LIABILITY FUND

Establishment of Non-Profit Corporation

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Proposed rulemaking.

SUMMARY: The United States Department of the Interior, in order to implement section 204(c) of the Trans-Alaska Pipeline Authorization Act,, 43 U.S.C. 1653(c) (the Trans-Alaska Pipeline Liability Fund), proposes to adopt regulations pursuant to the Act for the purpose of establishing a nonprofit corporate entity to be strictly liable without regard to fault for all damages sustained by any person or entity as a result of discharges of oil from vessels engaged in the coastwise transportation of oil from the terminal facilities of the Trans-Alaska Pipeline to a port under the jurisdiction of the United States. Specifically, the contents of these proposed regulations include directives for establishing, supervising, and administering the Trans-Alaska Pipeline Liability Fund within the requirements of section 204(c) of the Act.

DATES: Comments must be received on or before June 14, 1977.

ADDRESSES: Comments should be submitted to the Office of the Secretary, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

W. Pierce Elliott, Office of the Solicitor, Department of the Interior, Division of Energy and Resources, Branch of International Law, 18th and C Streets NW., Washington, D.C. 20240 (202-343-4506).

SUPPLEMENTARY INFORMATION: Proposed regulations for the Trans-Alaska Pipeline Liability Fund were originally published in the FEDERAL REGISTER on January 19, 1977 (42 FR 3660). Twelve comments were received in response to the original publication. After review of these comments, significant changes have been made in the proposed regulations. Therefore, the Department of the Interior has determined that a reissuance of proposed regulations, to provide an opportunity for comment on the modifications, is warranted. At this time the Department of the Interior would like to express its gratitude to each government agency, organization, and individual that submitted comments on the original publication.

Because of the necessity of publishing final regulations in this matter prior to the date upon which oil is first loaded onto seagoing vessels at the terminal facilities of the pipeline, which the owners of the pipeline right-of-way project to be sometime between June 20th and August 15th of this year, the period for comment on these regulations has been shortened.

CECIL D. ANDRUS,
Secretary.

MAY 20, 1977.

It is proposed to amend Title 43 by adding a new Part 29, to read as set forth below:

PART 29—TRANS-ALASKA PIPELINE LIABILITY FUND

Sec.
29.1 Definitions.
29.2 Creation of the fund.
29.3 Fund administration.
29.4 General powers.
29.5 Officers and employees.
29.6 Financing, accounting and audit.
29.7 Imposition of strict liability.
29.8 Notification and advertisement.
29.9 Claims, settlement and adjudication.
29.10 Subrogation.
29.11 Investment.
29.12 Borrowing.
29.13 Termination.

AUTHORITY: Sec. 204(c), Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653 (c).)

§ 29.1 Definitions.

As used in this part: (a) "United States" includes the various States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) "Secretary" means the Secretary of the Interior or his authorized representatives.

(c) "Act" means the Trans-Alaska Pipeline Authorization Act, Title II of Pub. L. 93-153.

(d) "Trans-Alaska Pipeline System" or "System" means any pipeline or terminal facilities constructed by the Permittees under the authority of the Act.

(e) "Fund" means the Trans-Alaska Pipeline Liability Fund established as a non-profit corporate entity by Section 204(c)(4) of the Trans-Alaska Pipeline Authorization Act.

(f) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or a Government entity.

(g) "Oil" means petroleum in any form including crude oil, refined products, and other liquid hydrocarbons.

(h) "Vessel" means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or propelled by another vessel, constructed or adapted to carry crude oil or petroleum products in bulk in its cargo spaces, and includes combination carriers such as ore-bulk-oil and ore-oil carriers engaged in transportation of oil between the terminal facilities of the Trans-Alaska Pipeline System and ports under the jurisdiction of the United States.

(i) "Pipeline" means any pipeline in the Trans-Alaska Pipeline System.

(j) "Terminal facilities" means those facilities of the Trans-Alaska Pipeline System at which oil is taken from the pipeline and loaded on vessels or placed in storage for future loading onto vessels for transportation to ports under the jurisdiction of the United States.

(k) "Permittees" means the holders of the Pipeline right-of-way for the Trans-Alaska Pipeline System and includes the Amerada Hess Pipeline Company, ARCO Pipe Line Company, BP Pipelines Inc., Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipe Line Company, Union Alaska Pipeline Company, and successors in interest to any one or more of the aforenamed companies.

(l) "Owner" means, in the case of oil, the owner of the oil at the time that such oil is loaded on a vessel at terminal facilities in the State of Alaska for transportation to a port under the jurisdiction of the United States.

(m) "Operator of the Pipeline" means the person or persons to whom payments are made for the costs of transportation of oil through the Trans-Alaska Pipeline System.

(n) "Owner or Operator" means, in the case of a vessel, any person owning, operating, or chartering by demise such vessel.

(o) "Incident" means any occurrence, or series of occurrences, which causes a discharge of oil from a vessel which is being or has been loaded at the pipeline terminal facilities with oil destined for a port under the jurisdiction of the United States.

(p) "Damage" or "damages" means any economic loss, arising out of or directly resulting from an incident, including but not limited to:

(1) Removal costs.

(2) Injury to, or destruction of, real or personal property.

(3) Loss of use of real or personal property.

(4) Injury to, or destruction of, natural resources.

(5) Loss of use of natural resources.

(6) Loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources, including loss of subsistence hunting, fishing and gathering opportunities.

(7) Loss of tax revenue for a period of one year due to injury to real or personal property.

(q) "Preventive measures" means any reasonable measures taken by any person after an incident has occurred, to prevent, minimize or mitigate damage stemming from the incident.

(r) "Claim" means a demand in writing for damages recoverable under this Part.

(s) "Affiliate" means:

(1) Any person owned or effectively controlled by the vessel or operators; or

(2) Any person that effectively controls or has the power to effectively control the vessel owner or operator by—

(i) Stock interest, or (ii) Representation of a board of directors or similar body, or (iii) Contract or other agreement with other stockholders, or (iv) Otherwise, or

(3) Any person which is under common ownership or control with the vessel owner or operator.

(t) "Guarantor" means the person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator.

(u) "Person in Charge" means the individual immediately responsible for the operations of a vessel.

§ 29.2 Creation of the fund.

(a) The Trans-Alaska Pipeline Liability Fund was created as a non-profit corporation to be administered by the holders of the Trans-Alaska Pipeline right-of-way under regulations prescribed by the Secretary.

(b) The Fund shall take all steps necessary to carry out its responsibilities under the Act, including registering or otherwise qualifying to do business in all states and territories of the United States that it may reasonably be expected to do business in.

(c) The Fund shall be subject to the provisions of the Act, these implementing regulations, and, to the extent consistent with this Act and regulations, to the laws and regulations of the states in which it is registered to do business.

(d) The right to repeal, alter, or amend these regulations is expressly reserved.

§ 29.3 Fund administration.

(a) The Fund shall be administered by a Board of Trustees designated by the permittees and the Secretary as provided in paragraph (b) of this section herein.

(b) (1) The Board of Trustees shall be comprised of one member designated by each Permittee and three members designated by the Secretary. At least one member designated by the Secretary shall be chosen from persons nominated by the Governor of the State of Alaska. Each member shall serve for a period of three years. Each member shall have the right to one vote. If additional persons become holders of rights-of-way, each such additional permitee shall have the right to designate a trustee, and if any holder of right-of-way sells his interest in such right-of-way, such holder's designated trustee shall resign from the Board. The Board shall elect by a majority vote a Chairman and a Secretary annually.

(b) (2) Where any activity of the Fund creates a conflict of interest, or the appearance of a conflict of interest, on the part of any member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such activity by the Board of Trustees.

(c) The Board of Trustees by a majority vote shall select an Administrator to direct the day-to-day operations of the Fund.

(d) The Board of Trustees shall hold meetings every six months, or more frequently when necessary to consider pressing matters, including pending claims under § 29.9.

§ 29.4 General powers.

(a) The Fund shall have such powers as may be necessary and appropriate for the exercise of the powers herein specifically and impliedly conferred upon the Fund and all such incidental powers as are customary in non-profit corporations generally, including but not limited to the following:

(1) By resolution of the Board of Trustees, the Fund shall adopt a corporate seal.

(2) The Fund may sue and be sued in its corporate name and may employ counsel to represent it.

(3) The Fund shall be a resident of the State of Alaska with its principal place of business in Alaska, and the Board of Trustees shall establish a business office or offices as deemed necessary for the operation of the Fund.

(4) The Fund shall designate an agent to receive claims in each state where there is a likelihood of damages resulting from the discharge of oil from a vessel transporting oil between the terminal facilities of the Pipeline and a port under the jurisdiction of the United States.

(5) The Board of Trustees of the Fund, by a majority of those present and voting and subject to the approval of the Secretary, shall adopt and may amend and repeal by-laws governing the performance of its statutory duties.

(6) The Fund shall do all things necessary and proper in conducting its activities as Trustee including (i) receipt of collections pursuant to Section 204(c)(6) of the Act; (ii) payment of costs and expenses reasonably necessary to the administration of the Fund as well as costs required to satisfy claims against the Fund; (iii) investment of all sums not needed for administration and the satisfaction of claims in income producing securities as hereinafter provided; and (iv) seeking recovery of any monies to which it is entitled as subrogee under circumstances set forth in Section 204(c)(8) of the Act.

(7) The Fund shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid. The Board of Trustees shall establish an annual budget, subject to the approval of the Secretary.

(8) All costs and expenses reasonably necessary to the administration of the Fund, including costs and expenses incident to the termination, settlement, or payment of claims, are properly chargeable as expenses and payable out of fees or other income of the Fund.

(b) If at any time there is a tie vote in the consideration of any matter by the Board of Trustees, the member designated by the Secretary with longest service on the Board shall break the tie by voting twice.

§ 29.5 Officers and employees.

(a) Administrator. The Administrator is the Chief Executive Officer of the Fund and is responsible for carrying out all executive and administration functions as authorized by the Board of Trustees, in accordance with the Act, including the receipt of funds collected from Owners of oil pursuant to § 29.6(a), the investment of such funds in securities according to guidelines approved by the Board of Trustees and the Secretary, and the disbursement of such funds in payment of expenses and approved claims.

(b) The Fund shall employ such other persons as may be necessary to carry out its functions.

§ 29.6 Financing, accounting, and audit.

(a) (1) The operator of the pipeline shall collect a fee of five cents per barrel from the owner of the oil at the time it is loaded on a vessel transporting such oil to a part under the jurisdiction of the United States. Such collection shall be transferred forthwith to the Fund. Collection of fees shall cease at the end of the month following the month in which $100,000,000 has been accumulated in the Fund from any source. Collection of fees shall be resumed when the accumulation falls below $100,000,000. The Fund Administrator shall notify the pipeline carriers by the fifteenth of the month whether fees are to be collected during the following month.

(2) The value of the Fund shall be the current market value of the Fund on the day at the end of each month, or other agreed upon accounting period, when the value is to be determined.

(b) Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested in accordance with § 29.11. The interest on and the proceeds from the sale of any obligations held in the Fund shall be credited to and form a part of the Fund. Income from such securities shall be added to the principal of the Fund if not used for costs of administration or settlement of claims.

(c) At the end of each month, or other agreed upon accounting period, the operator of the pipeline shall provide the Fund with a statement of the respective volumes of crude oil transported by the operator of the pipeline and delivered to vessels, the amount of fees charged and collected, and the Owners from whom such fees were collected. The Administrator shall provide a copy of the statement to the Owners, and to the State of Alaska.

(d) The Fund shall undertake an annual accounting.

(e) The Fund shall be audited annually by the Comptroller General, in coordination with the Administrator and the Secretary. Authorized representatives of the Comptroller General and the Secretary shall have complete access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Fund and necessary to facilitate the audit, and they shall be afforded full facilities for verifying, among other things, transactions with the balances on securities held by depositories, fiscal agents, and custodians. A report of each audit made by the Comptroller General shall be submitted to the Congress.

§ 29.7 Imposition of Strict Liability.

(a) Notwithstanding the provisions of any other law, if oil that has been transported through the Trans-Alaska Pipeline System is loaded on a vessel at the terminal facilities of the pipeline for transportation to a port under the jurisdiction of the United States, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by Section 204(c) of the Act, shall be strictly liable without regard to fault in accordance with that section for all damages including clean-up costs sustained by any person or entity, public or private, including residents of Canada, as the result of discharge(s) of oil from such vessel. The provisions of this part shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this part shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(b) Strict liability shall not be imposed under this part if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under the Act with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such damaged party.

(c) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or State law.

(d)(1) Each owner or operator of a vessel shall obtain from the Federal Maritime Commission a "Certificate of Financial Responsibility (Alaska Pipeline)" demonstrating compliance with the provisions of Section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 132(p)), and regulations promulgated pursuant to such act (46 CFR Part 542). Notwithstanding inconsistent language in such act, financial responsibility in the amount of $14,000,000 for all such vessels must be established.

(2) The certificate obtained in accordance with this subsection shall be carried on board the vessel, and a copy shall be filed with the Fund. No oil may be loaded on any vessel not carrying a valid certificate.

§ 29.8 Notification and advertisement.

(a) The person in charge of a vessel, as soon as he has knowledge of an incident in which the vessel is involved, shall immediately notify the Fund of the incident using the fastest available method of communication.

(b) (1) When the Fund receives information, pursuant to paragraph (a) of this section or otherwise, of an incident, the Fund shall, where possible, designate the source or sources of the oil pollution and shall immediately notify the owner, operator, and guarantor of such source of the designation. In making the designation, the Fund may ask the assistance and cooperation of the U.S. Coast Guard.

(2) The owner, operator, or guarantor of a vessel designated under paragraph (b) (1) of this section may, within five days after receiving notice of the designation, inform the Fund of his denial of such designation.

(c) (1) In all cases the Fund shall advertise the designation, if such designation has been made, the procedures by which claims may be presented, and the information which must be included in such claims.

(2) The Fund shall establish, subject to the approval of the Secretary, uniform procedures and forms for advertisement under this section.

(d) Advertisement under this section shall commence no later than fifteen days from the date of the designation under paragraph (b) of this section, and in any event no later than twenty days from the date the Fund learns of the incident. The advertisement shall continue for a period of not less than thirty days.

(e) Advertisement under this section is in addition to any notification required of the owner, operator, or guarantor of the vessel under Section 311(b)(5) of the Federal Water Pollution Control Act Amendments of 1972 and the regulations of the U.S. Coast Guard (33 CFR 153.203).

§ 29.9 Claims, settlement and adjudication.

(a) (1) Claims in accordance with this section may be submited by any damaged party, his duly authorized agent, or his successor in interest.

(2) Claims submitted in accordance with this section must contain the following information:

(i) A detailed statement of the circumstances, if known, by which the claimed loss occurred.

(ii) A detailed listing of damages incurred, categorized according to the type of damage involved (§ 29.1(p)), and including a monetary claim for each type of damage listed.

(iii) Where damage to real or personal property is claimed, proof of ownership of such property.

(iv) Written documentation, where available, of all monetary claims asserted.

(b) (1) All claims arising out of an incident as defined in this part shall be initially presented to the Fund.

(2) Where designation under § 29.8 (b)(1) has been accomplished and where the owner, operator or guarantor does not deny the designation, the Fund shall transmit all related claims to the owner, operator, or guarantor. The Fund shall transmit such claims within 5 days after their receipt by the Fund.

(3) Where the Fund is unable to designate the source or sources of a discharge under § 29.8(b)(1), or where the owner, operator, and guarantor all deny a designation in accordance with § 29.8(b)(2), all related claims shall be processed and adjudicated by the Fund.

(c) In the case of a claim transmitted under paragraph (b)(2) of this section, and in which:

(1) The owner, operator or guarantor to whom the claim is presented denies all liability for the claim, for any reason, or (2) The claim is not settled by any person by payment to the claimant within ninety days of the date upon which the claim was presented to the owner, operator or guarantor, or upon which advertising was commenced, whichever is later,

the claimant may elect to commence an action in court against the owner, operator, or guarantor, or to present the claim to the Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with paragraph (b)(2) of this section, any person intending to pay or settle any such claim shall notify the Fund of such intention, and of all terms of the intended settlement, at least twenty days before such payment or settlement is made final. Whenever the Fund objects, for any reason, to the intended payment or settlement, it may request modification of such payment or settlement, or it may seek appropriate relief in Federal District Court in order to halt or modify such payment or settlement.

(e) In the case of a claim presented in accordance with paragraph (b)(2) of this section, where full and adequate compensation is unavailable, either because the claim exceeds the $14,000,000 limit of liability, or because the owner, operator, or guarantor is financially incapable of meeting his obligations in full, a claim for the amount not compensated my be presented to the Fund.

(f) Where any part of the first $14,000,000 of claims arising from an incident is paid by the Fund, for any reason, the owner and operator of the vessel involved shall be liable to the Fund for such amount paid. The Fund shall commence an action in court or pursue any other reasonable means to recover such

amount from the owner, operator, and guarantor.

(g) The Fund may settle or compromise any claim presented to it in accordance with this section, provided that all claims not submitted to arbitration under paragraph (g) of this section shall be settled and paid within 120 days of the date upon which the claim was presented to the Fund, or upon which advertising was commenced, whichever is later.

(h) A claim may be submitted to binding arbitration by, and in accordance with the rules of, the American Arbitration Association, if the owner, operator, or guarantor of the vessel and the claimant so agree. The Fund shall be a party to any such arbitration and shall be bound by its results.

(i) No claim may be presented, nor any action be commenced for damages recoverable under this Part, unless that claim is presented to, or that action is commenced against, the owner, operator, or guarantor, or against the Fund, as to their respective liabilities, within three years from the date of discovery of the damages caused by an incident, or within six years of the date of the incident causing the damages, whichever is earlier.

(j)(1) The Board of Trustees, by a majority vote, shall decide to allow or deny claims or settlements presented to the Fund in accordance with this section. In its discretion the Board may delegate the authority to settle classes of claims to the Administrator.

(2)(i) Where a claim is presented to the Fund by or on behalf of any person having a close business, personal or governmental association with any member of the Board of Trustees, such as to create a conflict of interest or the appearance of such conflict of interest on the part of such member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such claim.

(ii) Where a claim presented to the Fund has previously been presented to an owner, operator or guarantor pursuant to paragraph (b)(2) of this section, and such owner, operator or guarantor has a close business, personal or governmental association with any member of the Board of Trustees, such as to create a conflict of interest or the appearance of a conflict of interest on the part of such member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such claim.

(k) The Fund, subject to the approval of the Secretary, shall establish uniform procedures and standards for the appraisal and settlement of claims against the Fund.

(l) The Fund may use the facilities and services of private insurance and claims adjusting organizations in administering this Part and may contract to pay compensation for those facilities and services.

(m) Any claimant aggrieved by the Fund's decision on a claim under this Section may appeal the decision in the appropriate Federal District Court.

§ 29.10 Subrogation.

If the Fund pays compensation to any claimant, the Fund shall be subrogated to all rights, claims, and causes of action which that claimant has to the extent permitted by law.

§ 29.11 Investment.

(a) The monies accumulated in the Fund shall be prudently invested in the following types of income-producing obligations having a high degree of reliability and security, or in such other obligations as the Secretary may approve:

(1) Fixed income securities issued by the United States or any of its agencies, at the same interest rates and terms available to private investors; and

(2) Fixed income securities or obligations issued by a corporation or issued or guaranteed by a State or local government of any political subdivision, agency or instrumentality thereof; *Provided*, Such obligations have a rating by Standard and Poors, Moody, or Fitch of "AA" or better, or an equivalent rating; *or provided further*, That the security or obligation is of the same priority as another security or obligation of the same issuer which has been rated "AA" or better. *Provided, however*, That no securities or obligations of the Permittees or their affiliates or of any investment advisor and/or custodian to the Fund, or their affiliates, may be purchased or held by the Fund.

(b) No more than two percent of the total principal amount outstanding of fixed income obligations of a single issuer may be held by the Fund at any one time; *Provided, however*, That this restriction shall not apply to obligations of the United States or any of its agencies.

§ 29.12 Borrowing.

In the event the Fund is unable to satisfy a claim determined to be justified, the Fund may borrow money needed to satisfy the claim from any commercial credit source at the lowest available rate of interest. If the amount to be borrowed is $500,000 or less, the Administrator may arrange to pledge the credit of the Fund pursuant to a resolution of the Board of Trustees. If the proposed borrowing exceeds $500,000, the Administrator shall, prior to issuance of a note or other security pledging the credit of the Fund, secure the approval of the Secretary. No money may be borrowed from any of the Permittees or their affiliates.

§ 29.13 Termination.

Upon termination of operations of the pipeline, the full disposition of all claims, and the expiration of time for the filing of claims against the Fund, all monies remaining in the Fund shall be placed in a temporary trust fund account within the State of Alaska. The terms of the trust arrangement shall be determined by the Secretary. During the next succeeding session of Congress, the Secretary shall request that Congress provide for final disposition of the Fund. If Congress at any time establishes a comprehensive oil pollution liability fund which supersedes or repeals the Fund, the Fund monies and any pending claims shall be disposed of as Congress or the Secretary shall direct.

[FR Doc.77-14900 Filed 5-23-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 21244; FCC 77-325]

AFFILIATED COMPANIES

Rate Base Treatment of Claimed Amounts for Investment

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: A recent FCC decision, released March 1, 1977, considered, among other questions, the reasonableness of the claimed rate base and expenses, for interstate operations, of the American Telephone and Telegraph Company (AT&T). Among the areas considered was AT&T's claim that its investment in certain affiliated companies, namely Bell Telephone Laboratories (Bell Labs) and the 195 Broadway Corporation, should be allowed in the rate base and a return earned on such investment. The Commission questioned the allowance of both investments and made a preliminary finding that the Bell Labs investment should be disallowed. Since no party to the case had raised an issue of the investment in these affiliates, the FCC said it would give AT&T and other interested persons an opportunity to comment on the reasonableness of allowance of the investment. If both are disallowed, AT&T's rate base would be decreased by $48.4 million in the 1972 base year.

DATES: Comments must be received on or before June 27, 1977, and reply comments must be received on or before July 7, 1977.

ADDRESSES: Send comments to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John F. Copes, Common Carrier Bureau (632-6917).

SUPPLEMENTARY INFORMATION:

Adopted: May 12, 1977.

Released: May 16, 1977.

In the matter of American Telephone and Telegraph Company and Associated Bell System Companies, rate base treatment of claimed amounts for investment in affiliated companies, 47 CFR 31.101:1, Docket No. 21244.

1. In paragraph 183-185 of our Phase II Final Decision and Order in Docket No. 19129, FCC 77-150, released March 1, 1977 (Decision), we discussed the claimed rate base treatment of Account

101.1, 47 CFR 31.101:1 (1976), Investment in Affiliates, of the American Telephone and Telegraph Company (AT&T). This account consists of the interstate portion of AT&T's equity investment in Bell Telephone Laboratories (Bell Labs) and the 195 Broadway Corporation (195). Bell Labs is AT&T's research and development affiliate. 195 owns the buildings in which AT&T's General Department is housed.

2. While no party to Docket No. 19129 challenged the claimed rate-base treatment of this account, we found on our own motion, "no justification for AT&T's including the investment in Bell Labs in its rate base." Decision, paragraph 184. While we took no position on the reasonableness of including the investment in 195, we said we could examine the question of both Bell Labs and 195 in a separate proceeding in order to afford AT&T an opportunity to justify this account and to elicit the views of other interested persons.

3. Accordingly, we are establishing the present rulemaking to determine the reasonableness of allowing Account 101.1 in AT&T's rate base. Comments by AT&T and other interested parties must be filed no later than June 23, 1977, with replies due July 5, 1977.

4. *Accordingly, it is ordered*, Pursuant to section 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 403 and § 1.411 et seq. of the Commission's rules and regulations, 47 CFR 1.411 et seq., That a rulemaking is commenced into the reasonableness of the inclusion in the rate base for AT&T of amounts reported in Account 101.1, 47 CFR 31.101:1, Investment in Affiliates.

5. *It is further ordered*, That comments in this inquiry are due no later than June 27, 1977, and reply comments no later than July 7, 1977.

10. In accordance with the provisions of § 1.419 of the rules, an original and 5 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room as its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14665 Filed 5-23-77;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.

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-103]

MID LOUISIANA GAS CO.

Supplemental Emergency Order; Correction

Please change the word "Houston" to "Transco", Line 13 in the second complete paragraph of Page 3 of the order issued on May 16, 1977, in Docket No. E77-103, "Mid Louisiana Gas Company." That sentence should read: "Pursuant to section 6(c)(1) of the Act, I hereby authorize and order Transco to transport gas for Mid Louisiana."

On page 2 and Page 3 of the order issued May 16, 1977, in Docket No. E77-103, "Mid Louisiana" was incorrectly referred to as "Midland Louisiana". In those instances in which this occurred, please change the words "Midland Louisiana" to "Mid Louisiana".

Please add the word "Transco" to Line 18 in the third complete paragraph of Page 3 of the order issued May 16, 1977, in Docket No. E77-103. That sentence should read as follows: "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 Mid Louisiana, Houston and Transco."

Dated: May 17, 1977.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-14748 Filed 5-23-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FUTURE DEVELOPMENT OF MT. HOOD MEADOWS SKI AREA

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Future Development for Mount Hood Meadows Ski Area, USDA-FS-R6-DES(Adm)-77-11.

The environmental statement concerns a proposed expansion of an existing ski area. Six master plan alternatives are examined. Alternatives for the master plan range from limited expansion for day use to a year-round resort development. No preferred alternative is indicated in this draft.

This draft environmental statement was transmitted to CEQ on May 16, 1977.

Copies are available for inspection during regular working hours at the following locations:

Mount Hood National Forest, Supervisors Office, 2440 SE. 195th, Portland, Oregon 97233.

Mount Hood National Forest, Hood River Ranger District, Mount Hood-Parkdale, Oregon 97041.

Mount Hood National Forest, Zigzag Ranger District, Zigzag, Oregon 97073.

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. S.W., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to F. Dale Robertson, Forest Supervisor, Mount Hood National Forest, 2440 SE. 195th, Portland, Oregon 97233. Copies have also been placed in local libraries.

Copies of the environmental statement have been sent to various federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to: F. Dale Robertson, Forest Supervisor, Mount Hood National Forest, 2440 S.E. 195th, Portland, Oregon 97233. Comments must be received by July 18, 1977, in order to be considered in the preparation of the final environmental statement.

Dated: May 16, 1977.

F. DALE ROBERTSON,
Forest Supervisor.

[FR Doc.77-14682 Filed 5-23-77;8:45 am]

Soil Conservation Service

CHRISTINA CREEK PARK RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE PLAN, NEWARK, DELAWARE

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Christina Creek Park RC&D Measure to be installed in Newark, Delaware.

The environmental assessment of this Federal action indicates that this measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this measure. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure consists of a plan to provide streambank stabilization along an urban stream in the City of Newark, Delaware.

The negative declaration is available for single copy requests, and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 2-4 Treadway Towers, 9 E. Loocherman Street, Dover, Delaware 19901.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Service.)

Dated: May 17, 1977.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs, Soil Conservation Service.

[FR Doc.77-14626 Filed 5-20-77;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Public Availability of Report of Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A-63 (Rev'd March 27, 1974), a report of closed meetings of the General Advisory Committee has been prepared and is available for public inspection at the following depositories:

Library of Congress, Microfilm Reading Room, Room MB-140B, Main Building, 10 First Street, SE., Washington, D.C.

Library of the U.S. Arms Control and Disarmament Agency, Room 804, Department of State Annex 6, 1700 North Lynn Street, Rosslyn, Va.

SIDNEY D. ANDERSON,
ACDA Advisory Committee Management Officer.

[FR Doc.77-14627 Filed 5-23-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-5-95; Docket No. 30899]

AIR MIDWEST, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of May 1977.

By tariff revisions[1] filed April 20 and marked to become effective May 20, 1977, Air Midwest, Inc. (Air Midwest) proposes to accept live fish shipments for transportation and to refuse declarations of excess value on such shipments.

Air Midwest contends inter alia, that it presently does not accept live fish shipments for carriage and, because of the impact on pet shops which have a need for the service the carrier provides, it has agreed to begin carrying such shipments with the stipulation that there would be no provision for excess valuation.

Upon consideration of all relevant factors, the Board finds that the rule proposed by the carrier refusing declaration of excess value on live fish shipments may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that this proposal should be suspended pending investigation.

By barring declarations of excess valuation on live fish shipments, Air Midwest would limit its liability to 50 cents a pound and a minimum of $50 per shipment, without offering the shipper a choice of higher liability at additional charges. This would be contrary to the common-law concept of common carrier responsibility, as pointed out by the Board in previous orders. For example, in Order 72-8-55, the Board suspended a proposal to limit liability by CF Air Freight, Inc., an air freight forwarder, stating inter alia, "This is contrary to the common law concept that the validity of a limitation on liability (or a released rate) is dependent upon the shipper having an option for greater liability at greater rates." See also Orders 70-1-34, 71-2-36, and 74-4-156.

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 provisions in Rule No. 19(B)(37) on 21st Revised Page 10-D of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96 are or will be unjust, 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 and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule No. 19(B)(37) on 21st Revised Page 10-D of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96 are suspended and their use deferred to and including August 17, 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 30899, be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Air Midwest, Inc., which is hereby made a party to Docket 30899.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14709 Filed 5-23-77;8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

[Docket No. 29632]

FRONTIER AIRLINES, INC.

Hearing Regarding Subpart M Application (Albuquerque-Phoenix Nonstop Service)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 21, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Dated at Washington, D.C., May 17, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-14710 Filed 5-23-77;8:45 am]

[Order 77-5-92; Docket 29123; Agreement C.A.B. 26355]

JOINT TRAFFIC CONFERENCES OF THE IATA

Agreements Adopted Relating to North and Mid-Atlantic Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of May, 1977.

By Order 77-3-54, March 9, 1977, the Board disapproved an agreement adopted by the International Air Transport Association (IATA) which would, among other things, have permitted, by individual tariff filings, carrier members to reduce add-on fares from interior points to the U.S. gateways in response to changes in non-IATA-agreed fare levels in Canadian transatlantic markets.[1] In disapproving this agreement, the Board recognized the competitive inter-relationship between the Canadian and U.S. markets, and the possibility that certain fares in U.S. markets may require some future adjustment. However, the Board was not convinced that such adjustments should be left wholly to the discretion of the carriers. The Board noted that Canada-Europe APEX fares, for example, though different in level from those applicable from the United States, can be conditioned so as to limit diversion of traffic-flow through Canada.

In a petition filed March 29, 1977, Trans World Airlines, Inc. (TWA) requests that the Board reconsider its disapproval of Resolution 001vv, and permit its effectiveness subject to a condition requiring Board approval before any adjustment in fares can be implemented. The particular condition proposed, however, differs from that which the Board customarily imposes. In support of its petiton, TWA alleges that, by routing over Canada, a U.S.-Europe passenger can realize a considerable saving in air fares, especially when a low promotional fare is available on the U.S.-Canada leg. For example, using the present IATA add-on fare (equivalent to the normal round-trip fare),[2] and the Super-APEX fare from Canada, the through Cleveland-London fare is $30 less than a combination of the IATA add-on fare from Cleveland and the APEX transatlantic fare from New York. TWA alleges that, in July, the savings will amount to $66 to London, based upon use of Air Canada's 30-day excursion fare between Cleveland and Toronto. It is alleged that availability of low Canadian transatlantic fares, without a mechanism for appropriate adjustment in U.S. transatlantic fares, will continue to result in substantial potential diversion of transatlantic traffic from U.S. carriers. TWA estimates that up to one-third of APEX-fare travel would be subject to diversion to the lower Canadian fares, which could involve six percent of its total transatlantic traffic. Finally, TWA cites a number of Board orders which approved IATA resolutions subject to the condition that any change made pursuant thereto be filed with the Board under the provisions of section 412 of the Act, and approved by it prior to implementation.[3] No answers have been filed to TWA's petition.

The Board has decided to deny TWA's petition. In our opinion, the carrier's allegations are both unpersuasive and at times confusing, and raise no issues not previously considered by the Board in its disposition of Agreement C.A.B. 26355.

TWA, as a member of IATA, has the ability to initiate a proposal to the IATA membership to alter agreed-upon fares and rates for any number of reasons. We would expect that other international carriers, both U.S. and foreign, would

[1] The Super-APEX fare from Canada was originally negotiated between that country and the United Kingdom for service to/from London. Subsequently, other European countries have expressed interest in negotiating similar fares.

[2] Approved by the Board in Order 77-3-153, March 28, 1977.

[3] TWA cites orders as far back as March 31, 1958, E-12304 and 76-4-135 dated April 26, 1976.

likewise be subject to an adverse economic impact from diversion of traffic over Canada (albeit perhaps not as severely as would TWA). Consequently, to the extent that these carriers would also sustain a loss in traffic, any add-on fare adjustment proposed by TWA should receive substantial support. Further, to the extent that international air fares to/from Canada are established outside the IATA framework, TWA has the ability to respond through existing IATA mechanisms. In the event that the Canadian fares are established within the framework of IATA, TWA is, of course, free to exercise its voting prerogative.

As indicated, TWA's proposed condition differs from the requirement heretofore imposed by the Board which requires that any proposed changes be filed with the Board pursuant to section 412 of the Act, and approved prior to tariff implementation. Here, TWA suggests a condition that any changes be filed with the Board apparently in the form of a tariff, and that the Board specifically approve such changes within the tariff-filing context prior to their being placed in effect. The Board's regulations require the filing of tariffs 30 days in advance of their intended effectiveness, and there are no provisions with respect to tariff filings which require specific affirmative action by the Board to permit a tariff to become effective.

Regardless of whether reduced Canada-Europe fares are established through the IATA mechanism or independently of it, Resolution 001vv apparently envisions that the consequent changes in fares from U.S. points will be automatically incorporated into the agreed U.S.-Europe fare structure. Thus, in the event Canada-Europe fares are reduced within the IATA framework we believe TWA's proposal might be tantamount to an evasion of section 412 of the Act. The carriers, as participants in an agreement on Canada-Europe fares, could use such an agreement, which is outside the Board's jurisdiction, as a predicate for altering fares from U.S. points. If such consequential changes in the U.S.-Europe IATA fares were permitted to become effective through simple tariff filings, the carriers could through this device evade the statutory requirement that changes to the IATA fare structure be filed as an agreement and approved by the Board prior to implementation. We are, therefore, conditioning Resolution 001vv in concurrent Order 77-5-91 to require that such changes in U.S. fares be filed with the Board under section 412 and approved prior to implementation in tariffs. The alternative would be for the Board to assert jurisdiction over any IATA-agreed changes in Canada-Europe fares, a step we would be extremely reluctant to take even assuming we had the legal authority to exercise jurisdiction over noncombinable fares outside of air transportation as defined by the Act.

Accordingly, *It is ordered that:*

The petition of Trans World Airlines, Inc. for reconsideration of Order 77-3-54 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14706 Filed 5-23-77;8:45 am]

[Order 77-5-73; Docket 27573; Agreement C.A.B. 26614]

JOINT TRAFFIC CONFERENCES OF THE IATA

Agreement Adopted Relating to Specific Commodity Rates

Issued under delegated authority May 16, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names one additional specific commodity rate under an existing commodity description as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated April 7, 1977.

Specific commodity item No.	*Description and rate* [1]
0066....	Foodstuffs, spices and beverages: 60¢ per kilogram,[2] minimum weight 500 kg. from Rarotonga to Honolulu.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.

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. 26614 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 a 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.77-14708 Filed 5-23-77;8:45 am]

CIVIL SERVICE COMMISSION

GRANT OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Department of Agriculture

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Marketing Services, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-14636 Filed 5-23-77;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Department of Agriculture

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Marketing and Consumer Services, Office of the Secretary, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-14637 Filed 5-23-77;8:45 am]

GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Community Services Administration

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Commu-

nity Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Special Assistant to the Director for Management, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-14635 Filed 5-23-77;8:45 am]

GRANT OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

United States Information Agency

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Director, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-14638 Filed 5-23-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, June 8, 1977, at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total systems performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discuss new work program.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the Delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearance.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittee thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: May 20, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-14880 Filed 5-23-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

New System of Records

The Department of the Air Force systems of records notices as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75-21075 (40 FR 35403) August 18, 1975.

FR Doc. 75-22752 (40 FR 39677) August 28, 1975.

FR Doc. 75-22754 (40 FR 39711) August 28, 1975.

FR Doc. 76-26296 (41 FR 2954) January 20, 1976.

FR Doc. 76-21185 (41 FR 30979) July 26, 1976.

FR Doc. 77-6500 (42 FR 12459) March 4, 1977.

FR Doc. 77-6614 (42 FR 12899) March 7, 1977.

FR Doc. 77-7831 (42 FR 14766) March 16, 1977.

FR Doc. 77-6614 (42 FR 17159) March 31, 1977.

FR Doc. 77-11072 (42 FR 20170) April 18, 1977.

Notice is hereby given that the Department of the Air Force submitted a proposed new system of records on March 31, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Air Force invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to the Air Force Privacy Act Office, Directorate of Administration, Headquarters, United States Air Force (HQ USAF/DADMP), Bolling Air Force Base, Washington, D.C. 20332 on or before June 22, 1977. The system will become effective, within 30 days (June 22, 1977), as proposed without further notice unless comments

are received which result in a contrary determination.

F21208XOBXQPCE

System name:

Library Authorized Patron File

System location:

USAF Academy Library (DPSLB), USAF Academy, CO 80840.

Categories of individuals covered by the system:

All Academy military and civilian personnel and cadets, specially authorized non-base library patrons.

Categories of records in the system:

Social security number, name, base or home address, type of patron code, expiration date for special borrower privileges.

Authority for maintenance of the system:

10 United States Code Chapter 903, United States Air Force Academy; and Executive Order 9397, 22 November 1943, Numbering System for Federal Accounts Relating to Individual Persons.

Purpose:

Resource Management.

Routine use of records maintained in the system, including categories of users and the purposes of such uses:

Used by Library personnel to fully identify patron to whom library material is charged in operation of the Library's automated circulation control system. Will be used by Library staff to identify person to whom material is charged, to follow up on delinquent borrowers by generation of overdue notices, and to clear departing patrons and delete their names from the authorized borrower file. Issue library cards.

Policies and practices for storing: retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in computer. Microfiche printout twice annually for use at Library circulation desk.

Retrievability:

Filed by Social Security Number.

Safeguards:

Records are accessed by person(s) responsible for library circulation control operation in the performance of their office duties. Micofiche printout is stored in locked room when not in use by circulation desk staff during hours when the Library is open.

Retention and disposal:

Patron data is deleted from master files maintained on computer when outgoing clearance is accomplished. Microfiche lists of patrons are destroyed by tearing into pieces, shredding, pulping, macerating, burning or burial, when update is received.

System manager(s) and Address:

Director of Academy Libraries, USAF Academy, CO 80840.

Notification procedures:

Request from individuals should be addressed to the System Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the System Manager.

Contesting record procedures:

The Air Force's rules for access to records and contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Individual input on library circulation authorization form.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 18, 1977.

[FR Doc.77-14540 Filed 5-23-77;8:45 am]

Department of the Navy

VAIL APPLIED RESEARCH COMPANY, INC.

Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976) the Department of the Navy announces its intention to grant to Vail Applied Research Company, Inc., a corporation of the State of Florida, a revocable, nonassignable, limited exclusive license for a period of ten years under United States Patent Number 3,896,792, entitled "Real-time Cyclic Pulmonary Function Test System" issued July 29, 1975, to inventors, Edwin G. Vail, Maxwell W. Lippitt, Jr., and Phillip D. Seymour.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217 and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 within 60 days from the publication of this notice. Also, copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice, contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217, Telephone No. 202-692-4005.

Dated: May 17, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-14684 Filed 5-23-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

AMERICIUM-241

Price Increase

The U.S. Energy Research and Development Administration hereby announces an increase in the sales price for americium-241 from $210 per gram to $600 per gram.

Notice entitled, "Americium-241 Notice of Price Increase", published in the FEDERAL REGISTER, December 9, 1974, (39 FR 42937) is hereby superceded.

The foregoing action has been determined to be consistent with the requirements of section 81 of the Atomic Energy Act, as amended.

This price increase is effective May 1977.

Dated at Germantown, Md., this 10th day of May 1977.

(Sec. 81, 68 Stat. 935; (42 U.S.C. 2211); sec. 161, 68 Stat. 948; (42 U.S.C. 2201).)

For the U.S. Energy Research and Development Administration.

JAMES S. KANE,
Deputy Assistant Administrator for Physical Research.

[FR Doc.77-14816 Filed 5-23-77;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 May 17, 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 FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 13, 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 ENERGY ADMINISTRATION

FEA requests an extension no change clearance of SG Series forms (SG–1 and SG-1 Birth, SG–2, SG-4 and SG-4 Birth). These forms are used by the FEA to survey gallonage sales of gasoline; with the Department of Commerce, Bureau of Census, being the collection agent for the FEA. FEA estimates reporting burden on each of the SG Series forms to average ¼-hour each response and respondents to number approximately 2,112 in total.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-14661 Filed 5-23-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1046]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

MAY 17, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20561	Pt. 76.....	Amendment of pt. 76 of the Commission's rules and regulations with respect to the definition of a cable television system and the creation of classes of cable systems. Filed by Stuart F. Feldstein, Frederick W. Finn and Arthur H. Harding, attorneys for National Cable Television Association, Inc.	May 6, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before June 8, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14536 Filed 5-23-77;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., 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 June 13, 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:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 10159–5 has been entered into by the member lines of the American West African Freight Conference, for the purpose of formally adding the conference as a party to the underlying agreement, amending Article 10 by the addition of the following sentence at the end thereof:

All payments by and assessments against a Member Line shall be paid to the American West African Freight Conference and return of expense deposit funds to a Member Line shall be made by the American West African Freight Conference.

and by adding a new Article 15 which allows the American West African Freight Conference and its member lines to enter into an agreement with the Union Maritime et Commerciale and Alraine (Nigerian corporations), permitting said corporations to act as pier operators or employ another firm to act as stevedores to exclusively arrange for and supervise all stevedoring and cargo handling required by the conference lines at the pier assigned to the Conference at Apapa, Nigeria.

Dated: May 18, 1977.

By order of the Federal Maritime Commission.

JOSEPH C POLKING,
Acting Secretary.

[FR Doc.77-14777 Filed 5-23-77;8:45 am]

[No. 77–13]

FIRST INTERNATIONAL DEVELOPMENT CORP. V. SHIPS OVERSEAS SERVICES, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by First International Development Corp. against Ships Overseas Services, Inc. was served May 17, 1977. The complaint alleges violations of section 14(4), 16, 17, and 18 of the Shipping Act, 1916 as a result of respondent subjecting complainant to payment of rates for transportation and services which were when exacted and are still unfiled, unduly or unreasonably prejudicial and disadvantageous, unjustly prejudicial, and unreasonable.

Hearing in this matter shall commence on or before November 17, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14775 Filed 5-23-77;8:45 am]

[No. 77–15]

MATSON NAVIGATION CO. V. PORT AUTHORITY OF GUAM

Filing of Complaint and Petition for Declaratory Order

MAY 18, 1977.

Notice is hereby given that a complaint and petition for declaratory order filed by Matson Navigation Company against Port Authority of Guam was served May 18, 1977. The complaint alleges violations by respondent of sections 16 First, 17 and 17(b) of the Shipping Act, 1916 in connection with respondent's assessment of special extra electric power charges and threatening to cut off electric services at Apra Harbor, Guam.

Hearing in this matter, if any is held, shall commence on or before November 18, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or

other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14774 Filed 5-23-77;8:45 am]

ROYAL CRUISE LINE SPECIAL SHIPPING CO., INC. AND ROYAL CRUISE LINE (U.S.A.), INC.

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have bene issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540), which Certificate expires February 20, 1978.

Royal Cruise Line Special Shipping Co., Inc., and Royal Cruise Line (U.S.A.), Inc., c/o Royal Cruise Line, One Maritime Plaza, San Francisco, California 94111

Dated: May 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14776 Filed 5-23-77;8:45 am]

[Docket No. 77-17]

SEA-LAND SERVICE, INC.

Amendment to Freight, all Kinds in the U.S. Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

Effective May 22, 1977, Sea-Land Service, Inc., (Sea-Land) proposes to amend its tariff application on the commodity Freight, All Kinds (FAK) applicable from U.S. Atlantic Coast Ports to Puerto Rico from one which requires shipper loading to one which is applicable only when carrier loads. Similar provisions were effected on April 18, 1977, for northbound FAK shipments from Puerto Rico.

The currently effective southbound FAK tariff provisions permit the tender to Sea-Land of shipper-loaded consolidated trailer-loads. The proposed FAK rate applications will be the only ones in Sea-Land's tariff which require carrier loading.

Numerous protests and inquiries have been received concerning the lawfulness of the Sea-Land proposal.

Upon consideration of the protests and of the tariff matter, and in view of the action taken by the Commission in Docket No. 73-17, "Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers", and Docket No. 74-40, "Puerto Rico Maritime Shipping Authority Proposed ILA Rules on Containers", the Commission is of the opinion that the tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under sections 14 Fourth, 16 First and/or 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing:

Therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into 2nd Revised Pages Nos. 242 and 243 and 1st Revised Page No. 285 of Sea-Land's Tariff FMC-F No. 34, to determine whether the matters set forth therein are unjust, unreasonable or otherwise unlawful within the meaning of those sections. If the matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 2nd Revised Pages Nos. 242 and 243 of Sea-Land's Tariff FMC-F No. 34 are hereby suspended and the use thereof deferred to and including September 21, 1977, unless otherwise ordered by the Commission, and that during this period of suspension Sea-Land shall take no action, either directly or indirectly to effectuate these tariff matters;

It is further ordered, That Sea-Land shall immediately file with this Commission a consecutively numbered supplement to its aforementioned tariff, which supplement shall bear no effective date, shall fully reproduce this Order, and shall state the subject tariff matter is suspended and may not be used until September 22, 1977, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired;

It is further ordered, That a copy of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That pursuant to section 14 Fourth of the Shipping Act, 1916, a determination shall be made as to whether Sea-Land's FAK rate applications would permit the carrier to unfairly treat or unjustly discriminate against a class of shippers in the matter of cargo space accommodations or other facilities within the meaning of that section;

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether Sea-Land either alone, or in conjunction with any other person, directly or indirectly, is proposing to subject any particular person, locality, or description of traffic to undue or unreasonable prejudice or disadvantage within the meaning of that section;

It is further ordered, That Sea-Land Service, Inc., be made respondent in this proceeding and that the matter be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, and commenced no later than September 22, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That (1) a copy of this Order be forthwith served upon the respondents and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the respondents and Hearing Counsel be duly served with notice of time and place of the hearing;

The provisions of Rule 41 (46 CFR 502.41) naming protestants as "complainants" and automatically making them parties to the proceeding without requiring formal intervention is hereby waived to insure that protestants meet the same standards for intervention as other parties. All persons (including protestants, individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties of this proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14772 Filed 5-23-77;8:45 am]

[No. 77-16]

UNITED STATES LINES, INC. v. PORT AUTHORITY OF GUAM

Filing of Complaint and Petition for Declaratory Order

MAY 18, 1977.

Notice is hereby given that a complaint and petition for declaratory order filed by United States Lines, Inc. against Port Authority of Guam was served May 18, 1977. The complaint alleges violations by respondent of sections 16 First, 17 and 17(b) of the Shipping Act, 1916 in connection with respondent's assessment of special extra electric power charges and threatening to cut off electric services at Apra Harbor, Guam.

Hearing in this matter, if any is held, shall commence on or before November 18, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions,

or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14773 Filed 5-23-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-353]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

MAY 16, 1977.

Take notice that Alabama Power Company (Alabama) on May 2, 1977 tendered for filing an Initial Rate Schedule between Alabama and Coosa Valley Electric Cooperative, Inc. (Coosa). Alabama indicates that this Schedule is part of a Service Agreement which pertains to the proposed Stewarts Crossroad delivery point and that Alabama will serve the electrical requirements of this delivery point pursuant to the Schedule submitted and the applicable revision of Rate Schedule REA-1 contained therein as allowed to become effective, subject to refund, by the Commission in Docket Nos. E-8851 and ER76-659.

Alabama requests a waiver of the Commission's notice requirements so that the Initial Rate Schedule contained within the aforementioned Service Agreement may become effective as of January 31, 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14694 Filed 5-20-77;8:45 am]

[Docket No. ER77-360]

BOSTON EDISON CO.

Tariff Change

MAY 17, 1977.

Take notice that Boston Edison Company ("Edison") on May 5, 1977, tendered for filing proposed changes in its Rate Schedule FPC No. 28. According to Edison the proposed change would increase revenues from transmission service furnished by Edison to Cambridge Electric Light Company ("Cambridge") by $14,868.00 for the twelve month period ended June 30, 1977. Edison states that this rate change, which was negotiated between Edison and Cambridge, is intended to become effective as of July 1, 1976.

Edison indicates that copies of this filing were served upon Cambridge and upon the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14717 Filed 5-20-77;8:45 am]

[Docket No. ER77-370]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Filing of Initial Rate Schedule

MAY 16, 1977.

Take notice that on May 9, 1977, Columbus and Southern Ohio Electric Company (Columbus) tendered for filing an initial rate schedule setting forth all rates and charges that Columbus and The Cincinnati Gas & Electric Company (Cincinnati) have agreed to under an Interconnection Agreement between Columbus and Cincinnati providing for interconnection of electric facilities, emergency service, interchange power, coordination of scheduled maintenance of generating facilities, short term power and energy transfer.

Columbus indicates that copies of the filing and Columbus' letter of transmittal were served upon Cincinnati.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14692 Filed 5-20-77;8:45 am]

[Docket No. ER77-342]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

MAY 16, 1977.

Take notice that on May 2, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated March 15, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Boston Edison Company (EDISON).

CL&P states that the Transmission Agreement provides for a transmission service to EDISON during the period from March 31, 1977 to October 31, 1977.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which EDISON is entitled to receive.

CL&P requests waiver of the Commission's notice requirements to allow an effective date of March 31, 1977 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and EDISON, Boston, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14725 Filed 5-20-77;8:45 am]

[Docket No. RP77-39]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MAY 17, 1977.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on

May 4, 1977, tendered for filing First Revised Sheet No. 9–A superseding Original Sheet No. 9–A to its FPC Gas Tariff, Second Revised Volume No. 1. Consolidated requests a waiver of Section 4(d) of the Natural Gas Act and the Commission's Rules and Regulations to permit the proposed tariff sheet to become effective on May 1, 1977, subject to refund, in accordance with the provisions of Section 4 of the Natural Gas Act.

The proposed tariff sheet sets forth increased rates under Rate Schedule T, which rate schedule by letter order dated April 22, 1977 in Docket No. RP77–39 was permitted to become effective February 12, 1977, subject to refund based on final determination of the proceedings in Docket No. RP75–91. Rate Schedule T provides for the transportation of gas by Consolidated for industrial and commercial customers who are purchasers of natural gas from Consolidated's jurisdictional customers.

The proposed rates are based on the unit zone transmission costs and average storage costs reflected in Consolidated's general rate increase filing in Docket No. RP77–7. Consolidated states that it inadvertently failed to request waiver to permit an increase in the rates under Rate Schedule T on March 31, 1977 when it filed to make effective on May 1, 1977 its general rate increase in Docket No. RP77–7.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the proposed rates to become effective.

Copies of the filing were served upon Consolidated's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14698 Filed 5–20–77;8:45 am]

[Docket No. ER77–356]

FLORIDA POWER AND LIGHT CO.

Filing of Contract

MAY 16, 1977.

Take notice that Florida Power and Light Company (FP&L) on May 3, 1977 tendered for filing a Contract for Interchange Service between FP&L and the City of Homestead, Florida (Homestead), dated May 1, 1974 and the Supplemental Agreement Number One to such contract, dated April 19, 1977.

FP&L indicates that the May 1, 1974 Contract was originally filed with the Commission on July 8, 1974 in Docket No. E–8008. FP&L further indicates that due to the fact that service was not then scheduled to commence under the Contract for over one year, the Commission, by Order issued July 3, 1975, in Docket No. E–8769, et al., rejected the Contract without prejudice to FP&L to resubmit it in accordance with the time requirements of Section 35.3(b) of the Commission's Regulations. According to FP&L the Contract, as supplemented, represents the results of negotiations between FP&L and Homestead, including such items as the points of delivery, delivery voltage, quantity of power to be delivered and the duration of the Contract.

FP&L states that the Contract is scheduled to become effective upon the completion by Homestead of the Homestead-owned substation at the point of interchange. FP&L further states that it anticipates that the substation will be completed in approximately mid-June of 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, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 25 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14695 Filed 5–20–77;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Granting Intervention

MAY 17, 1977.

On April 21, 1977, Wally Beamer, Floyd Held, Norman Riddle and Ernie Duckworth filed a petition to intervene in the above-entitled proceeding respecting the temporary waiver granted to Idaho Power Company to reduce minimum flows on the Snake River below the Hells Canyon Dam. The petitioners, a group of commercial boaters, state that they are dependent upon the maintenance of safe navigation conditions on the Snake River from Lewiston, Idaho to the Hells Canyon Dam, a distance of approximately 107.7 miles. No response to the petition was received.

By Commission order issued April 8, 1977, in Project No. 1971, the Commission stated in Ordering Paragraph (D) that all individuals and groups that had filed comments as of April 8, 1977, were permitted to participate as parties in the hearing set by the order. That hearing dealt with the temporary waiver to reduce the minimum flows on the Snake River. Messrs. Held, Riddle, and Duckworth had previously filed comments and were, thus, deemed parties by the Commission order. Mr. Beamer is permitted to intervene by this notice.

Pursuant to Section 3.5(a)(30) of the Commission's General Rules, as promulgated by Order No. 557 (issued December 10, 1976), the above petitioner is hereby permitted to intervene in the above-referenced proceeding subject to the Rules and Regulations of the Commission: Provided, however, That participation of the intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: And provided further, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14719 Filed 5–20–77;8:45 am]

[Docket No. ER77–346]

INDIANA AND MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

MAY 16, 1977.

Take notice that American Electric Power Service Corporation (AEP) on May 2, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 10, dated May 1, 1977 to the Interconnection Agreement dated July 20, 1956 with Commonwealth Edison Company (Edison), designated Indiana Company Rate Schedule FPC No. 21.

AEP indicates that Section 3 of Modification No. 10 brings Service Schedule G—Supplemental Power to Edison into conformance with the fuel adjustment provisions implemented by FPC Order No. 517 and set forth in Sec. 35.14 of the Commission's Regulations. AEP also indicates that the proposed fuel clause changes the present Fossil Fuel Adjustment clause to include nuclear fuel costs. AEP states that the nuclear energy costs are lower than the fossil costs. AEP also states that since this creates a burden on Indiana Company, the parties have negotiated an adjustment in the Demand Charge set forth in Section 1 of Modification No. 10, in recognition of the lesser revenue to be received by Indiana Company as a result of the imposition of the new fuel clause.

AEP indicates that copies of the filing were served upon Edison, the Public Service Commission of Indiana, the Michigan Public Service Commission and Illinois Commerce 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10

of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14722 Filed 5-20-77;8:45 am]

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES, LTD.

Settlement Agreement

MAY 17, 1977.

Take notice that on May 5, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement and the record in the above-captioned proceeding. The agreement would resolve all issues in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 8, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14699 Filed 5-20-77;8:45 am]

[Docket No. RI77-70]

INTERSTATE DRILLING, INC.

Petition for Special Relief

MAY 17, 1977.

Take notice that on May 5, 1977, Interstate Drilling, Inc., 500 Commerce Square, Charleston, West Virginia 25301 filed a petition for special relief in the captioned docket, pursuant to Section 2.76 of the Regulations (18 CFR § 2.76).

Petitioner seeks authorization to charge the buyer $1.70/Mcf for the sale of gas from 8 wells located in Troy District of Gilmer County, West Virginia, which Columbia Gas Transmission Corporation (buyer) now pays base rate of $1.22 per Mcf. The petition is based on the estimated costs of the work necessary to remove the siphoning lines from the 8 wells installed originally to keep the wells free of fluids. Petitioner estimates the work will cost $12,000.00, and states that there are 100,000 Mcf of economically recoverable reserves left in the wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14718 Filed 5-20-77;8:45 am]

[Docket No. ER77-362]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

MAY 16, 1977.

Take notice that Louisville Gas and Electric Company (Louisville) on May 5, 1977, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Cincinnati Gas and Electric Company (Cincinnati) designated Louisville Gas and Electric Company FPC Rate Schedule No. 24. Louisville indicates that the proposed changes would increase revenues from jurisdictional sales and service by $117,500 based on the 12-month period ending February 28, 1977.

Louisville states that the purpose of this filing is to increase the demand charge for Short Term Power as set forth on Service Schedule D from 45¢ per kilowatt-week to 60¢ per kilowatt-week. Louisville also states that this proposed revision reflects a desire on the part of both parties to obtain the optimum benefit from the interconnection of their systems.

According to Louisville copies of the filing were served upon Cincinnati Gas and Electric Company and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 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.77-14690 Filed 5-23-77;8:45 am]

[Docket No. E-9573]

MARY C. HEATHER

Declaration of Intention

MAY 16, 1977.

Public notice is hereby given that a declaration of intention was filed on November 22, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Mary C. Heather (Applicant) and signed by Joseph A. Guerrieri, (representing the Applicant (Correspondence to: Mrs. Mary C. Heather, Stockbridge, Massachusetts 01262) for the proposed restoration of the Monument Mills (later Hovarth Mills) Complex located on the Housatonic River in Great Barrington and Stockbridge, Berkshire County, Massachusetts.

Applicant proposes to restore three of the four power sites in the complex by rebuilding available equipment typical of the period when first installed which was around 1900. Applicant plans to restore the power sites with sufficient authenticity to provide historical interest as well as economic and energy savings capability. The initial restoration would involve units with a total capacity of approximately 400 kW.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, 825 N. Capitol Street, N.W., 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 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14723 Filed 5-20-77;8:45 am]

[Docket No. RP77-60]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Changes in F.P.C. Gas Tariff

MAY 16, 1977.

Take notice that on April 29, 1977 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing proposed changes in its F.P.C. Gas Tariff, Second Revised Volume No. 1 and First Revised Volume No. 2 to become effective June 1, 1977. Michigan Wisconsin states that the proposed changes result in an increase in revenues of $66 million annually, excluding changes in cost of gas.

Michigan Wisconsin further states that the principal reasons for the proposed rate increase are: (1) increases in costs related to the connection and

transportation of new gas supplies, (2) increased costs of capital, and (3) increased cost of labor, supplies and other operating expenses.

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 the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14689 Filed 5-20-77;8:45 am]

[Docket No. ER77-348]

MISSOURI UTILITIES CO.

Tariff and Rate Schedule Changes

MAY 12, 1977.

Take notice that Missouri Utilities Company of Cape Girardeau, Missouri (MUCo), on May 2, 1977, tendered for filing a proposed new Agreement for Wholesale Electric Service applicable to the City of California, Missouri. MUCo states that the proposed new agreement specifies all terms and conditions applicable to the service to be rendered thereunder; it replaces in its entirety the previously effective agreement dated September 7, 1954, which was cancelled by MUCo effective December 20, 1976. MUCo also states that the proposed agreement would increase revenues from jurisdictional sales and service by $89,994 based on the 12 month period ending October 31, 1976. This change in rates is proposed to become effective as of June 1, 1977.

MUCo indicates that the proposed change in rates is to compensate MUCo for increases in its cost of supplying wholesale electric service to the City of California, Missouri.

MUCo further indicates that copies of the filing were served upon the City of California, Missouri, and the Missouri 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 NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-14700 Filed 5-20-77;8:45 am]

[Docket No. RI77-68]

MULLINS AND PRICHARD

Petition for Special Relief

MAY 13, 1977.

Take notice that on May 2, 1977, Mullins & Prichard, 416 Oil & Gas Building, New Orleans, Louisiana 70113 (M & P) filed a petition for special relief in order to increase its rate from 30.0908 cents per Mcf plus 7 cents per Mcf tax reimbursement to $1.20 per Mcf plus 7 cents per Mcf tax reimbursement at 15.025 psia for sales of natural gas to Trunkline Gas Company (Trunkline) from the Citrus Land Company, Inc. Well No. 1-A located in Section 2—T18S—R11E, Shell Island Pass Field, St. Mary Parish, Louisiana. M & P state that most of estimated 1.310 Bcf of recoverable raw gas in the reservoir involved will not be recovered without the benefit of additional investment in a workover and new equipment (a large compressor) totalling $509,364. M & P request that the proposed rate become effective upon completion of the workover.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-14726 Filed 5-20-77;8:45 am]

[Docket Nos. RP71-107 (Phase II) and RP72-127]

NORTHERN NATURAL GAS CO.

Petition for Continued Rate Base Treatment of Advance Payment

MAY 12, 1977.

Take notice that on April 28, 1977, Northern Natural Gas Company (Northern) 2223 Dodge Street, Omaha, Nebraska, 68102, filed a Petition for Continued Rate Base Treatment of Advance Payment. More specifically, Northern petitions that the Commission issue an order allowing a continuation of rate base treatment for an advance payment of $823,672 to BP Alaska, Inc. (BPA) initially permitted in rate base on December 3, 1972 in the above-entitled proceedings. Northern also requests rate base treatment for all additional advances which Northern is obligated to make under its agreements with BPA dated as of January 1, 1972, beyond the five-year period subsequent to the initial inclusion of each advance in rate base until such time as all advances are recouped fully. The Petition states that under its agreements with BPA, Northern is obligated to make advance payments for dedication of BPA's interest in proven Prudhoe Bay, Alaska, gas reserves, and advances to BPA, as operator, to fund a joint exploration program in an agreed-upon Area of Interest, which is entirely within the territorial limits of the United States, and from which any reserves developed by BPA will be made available to consumers in Northern market areas. The Petition also states that Northern's total obligation to BPA is $50,000,000. Northern projects that for the period through October, 1977, it will have advanced $25,792,208 to BPA.

Any person desiring to be heard and to make any protest with reference to said filing should on or before May 27, 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 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, provided however, that those parties who are already intervenors in the above-entitled proceedings are deemed to be existing parties for purposes of Northern's Petition and need not again file petitions to intervene. Northern's Petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14688 Filed 5-20-77;8:45 am]

[Docket No. ER77-338]

PENNSYLVANIA ELECTRIC CO. ET AL.

Filing of Revised Schedule to Power Pooling Agreement

MAY 16, 1977.

Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company.

Take notice that on May 2, 1977, the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, proposed Schedule 4.01, Revision No. 4 dated April 25, 1977 to the existing agreement between them, as

heretofore amended and supplemented, dated July 21, 1969.

The GPU Service Corporation states that the proposed schedule sets forth "Installed Capacity Obligations Within GPU and Related Charges" under the GPU Power Pooling Agreement for two successive 12-month Planning Periods beginning June 1, 1977.

The GPU Service Corporation further states that no new facilities will be installed nor will existing facilities be modified in connection with the proposed schedule. It is requested that the Commission's notice requirements be waived so that the proposed schedule become effective on 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 procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14724 Filed 5-20-77;8:45 am]

[Docket No. ER77-301]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Supplement to Interconnection Agreement

MAY 16, 1977.

Take notice that on May 3, 1977 the parties to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement tendered for filing proposed Schedule 4.01, Revision No. 1 dated April 11, 1977 to the original agreement among them as heretofore amended and supplemented, which is filed with the Comsion under the following Rate Schedule designations:

	Rate schedule, FPC No.
Public Service Electric and Gas Co.	23
Philadelphia Electric Co.	21
Pennsylvania Power & Light Co.	21
Baltimore Gas and Electric Co.	9
Jersey Central Power & Light Co.	7
Metropolitan Edison Co.	7
Pennsylvania Electric Co.	24
Potomac Electric Power Co.	19

The PJM parties state that the proposed schedule sets forth rates for capacity deficiency transactions under the PJM Agreement for two successive 12-month Planning Periods beginning June 1, 1977.

The PJM parties further state that no new facilities will be installed nor will existing facilities be modified in connection with the proposed schedule. A waiver of the Commission's notice requirement is requested to allow the proposed schedule to become effective on June 1, 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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14693 Filed 5-20-77;8:45 am]

[Docket No. ER77-361]

PUBLIC SERVICE CO., NEW HAMPSHIRE

Filing of Agreement

MAY 17, 1977.

Take notice that Public Service Company of New Hampshire (PSNH) on May 5, 1977, tendered for filing as an initial rate schedule a Transmission Contract with Central Maine Power Company (the Buyer).

PSNH indicates that under the Contract, PSNH transmitted through its system an entitlement of power which the Buyer purchased from The Connecticut Light and Power Company and Hartford Electric Light Company.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of February 1, 1977.

According to PSNH, a copy of the filing was served upon the Buyer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14716 Filed 5-20-77;8:45 am]

[Docket No. ER77-368]

PUBLIC SERVICE CO., OKLAHOMA

Cancellation

MAY 16, 1977.

Take notice that Public Service Company of Oklahoma (Oklahoma) on May 9, 1977 tendered for filing the cancellation of the Letter Agreement dated January 19, 1977 between Oklahoma and the United States of America. Oklahoma indicates that effective at midnight on June 30, 1977 this Letter Agreement, which includes Rate Schedule FPC No. 191, will expire on its own terms and should be considered as cancelled. Oklahoma further indicates that notice of the proposed Cancellation has been served upon the Southwestern Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14691 Filed 5-20-77;8:45 am]

[Docket No. RI77-42]

RELIABLE ENERGY, INC.

Amended Petition for Special Relief

MAY 13, 1977.

Take notice that on April 27, 1977, Reliable Energy, Inc., Securities Building, Billings, Montana 59102, filed an amended petition for special relief pursuant to Section 2.76 of the Commission's Regulations (18 CFR § 2.76).

Petitioner, instead of the $2.339 per Mcf it requested in its March 16, 1977 petition (noticed March 29, 1977), now seeks to collect $1.8605 per Mcf for the sale of gas from the Martin No. 1 Well, Pleasant Ridge Field, Morgan County, Colorado. Petitioner now intends to sell this gas to Kansas-Nebraska Natural Gas Company instead of Colorado Interstate Gas Company, the potential purchaser mentioned in its March 16, 1977 Petition for Special Relief. Petitioner estimates a cost of $176,000 to connect this well to the Kansas-Nebraska system, some 7 miles in distance. No gas presently flows from the subject well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 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). 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-14727 Filed 5-20-77;8:45 am]

[Docket No. CP63-177]

TEXAS EASTERN TRANSMISSION CORP. TENNESSEE GAS PIPELINE CO.

Petition To Amend

MAY 17, 1977.

Take notice that on May 11, 1977, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001 (Petitioners), filed in Docket No. CP63-177 a petition to amend the Commission's order of March 18, 1963 (29 FPC 534), as amended, issued in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioners to exchange natural gas at an additional exchange point in Colorado County, Texas, and to construct and operate certain facilities required for the exchange at the additional point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the Commission's order issued March 18, 1963, as amended, Petitions were authorized to exchange natural gas on an Mcf for Mcf basis at various onshore points pursuant to an exchange agreement dated July 30, 1974 as amended, between the parties.

Petitioners propose to exchange natural gas at an additional point of exchange pursuant to an amendment dated April 12, 1977, to the subject agreement at a mutually agreeable point on Tennessee's 12-inch pipeline crossing the James Alexander Survey, A778, Colorado County, Texas.

It is stated that Tennessee would furnish, install, and own the tap required; the cost of which would be borne by Texas Eastern, and Texas Eastern would construct and operate the meter facilities and connecting piping under the budget-type gas supply authorization previously granted Texas Eastern.

Gas supplies from a well dedicated to Texas Eastern under Shell Oil Company, Rate Schedule No. 10 would be delivered to Tennessee for Texas Eastern's account through producer facilities, and redelivered to Texas Eastern at a mutually agreeable point under the existing exchange agreement, it is said.

Petitioners assert that implementation of the proposed exchange would enable Texas Eastern to receive additional gas supplies into its system from dedicated supply sources in proximity to Tennessee's system which could not otherwise be feasibly connected directly to its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 7, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14701 Filed 5-20-77;8:45 am]

[Docket No. CP77-369]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 17, 1977.

Take notice that on May 5, 1977, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-369 an application pursuant to Section 7 of the Natural Gas Act and Section 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 1,350 Mcf of natural gas per day on an interruptible basis for Laurens Glass Company (LGC), an existing industrial customer of the Commission of Public Works of the City of Laurens, South Carolina (Laurens) and of Public Service Company of North Carolina, Inc. (PSNC), two of Applicant's Rate Schedule CD-2 customers, 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 1,350 Mcf of natural gas per day (at 14.65 psia) for 2 years pursuant to a transportation agreement dated February 15, 1977, among Applicant, LGC, Laurens and PSNC. Applicant states that LGC has purchased the subject gas from Mitchell Energy Corporation (Mitchell), and that the gas is to be produced from the La Sal Vieja Field, Willacy County, Texas. It is stated that LGC would arrange to have such quantities delivered to a mutually agreeable point on Applicant's system in Willacy County, Texas, and Applicant would redeliver the transportation quantities to existing points of delivery to Laurens and PSNC for the account of LGC. It is further stated that Laurens and PSNC would transport such quantities of natural gas delivered to them to LGC's Laurens South Carolina and Henderson, North Carolina plants.

Applicant indicates that all gas to be transported under the proposed agreement would be consumed for priority 2 end-uses: that the specific end-use of the natural gas is for process use in the manufacture of glass containers, 99 percent of which is for food and beverage use, and 1 percent is for chemical use. There is no other available source of natural gas for Laurens' South Carolina plant, it is said.

Applicant states that it would charge LGC, initially 45.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is to be applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss. This percentage is based on Applicant's "company use" factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries proposed will be made, it is said.

It is indicated that LGC would purchase the daily minimum quantity of gas on a take-or-pay basis. It is stated that LGC would pay Mitchell for gas received and purchased, or if available and not taken by LGC, a price as follows:

(i) From the date of first delivery through the first contract year, $1.85 per Mcf at the point of delivery.

(ii) Effective on the first day of the second contract year and continuing thereafter, the price shall be $1.95 per Mcf at the point of delivery.

It is indicated that only minimal connecting facilities are required by Applicant at the location where the gas would be delivered to Applicant for the account of LGC for transportation, and LGC woud reimburse Applicant for its pro rata part of the actual cost of such facilities, estimated at $5,000.

It is stated that Mitchell resolved that if the contract with LGC was not consummated, the gas would be sold to an intrastate market primarily because of the uncertainty of price and the cumbersome administration required.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 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.77-14697 Filed 5-20-77;8:45 am]

[Docket No. CP77-370]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 17, 1977.

Take notice that on May 5, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-370 an application pursuant to Section 7 of the Natural Gas Act and Section 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 400 Mcf of natural gas per day at 14.65 psia on an interruptible basis for Minnesota Mining and Manufacturing Company (3M), an existing industrial customer of the Commission of Public Works of the City of Laurens, South Carolina (Laurens), a Rate Schedule CD-2 customer of applicant, 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 the proposed volumes of gas for 2 years for 3M pursuant to a transportation agreement dated February 15, 1977 among Applicant, 3M, and Laurens. It is stated that 3M has purchased from Mitchell Energy Corporation (Mitchell) up to 400 Mcf of Natural gas per day (at 14.65 psia) to be produced from the La Sal Vieja Field, Willacy County, Texas, and that 3M would arrange to have such quantities delivered to Applicant at a mutually agreeable point on Applicant's system in Willacy County, Texas. It is further stated that Applicant would redeliver the transportation volumes to existing points of delivery to Laurens for the account of 3M, and Laurens would transport such quantities of natural gas to 3M's Laurens, South Carolina Plant.

Applicant indicates that all natural gas to be transported under the proposed agreement would be consumed for priority 2 end-uses; the specific end-use of the natural gas is in the manufacture of technical ceramic products which are used in the electronic products field as electrical insulating materials. The 3M company equipment is not designed for use with alternate fuels, it is said.

Applicant states that it would charge 3M, initially, 45.8 cents per Dekatherm (dt) for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "company use" factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries are proposed.

Applicant states that minimal connecting facilities would be required by Applicant at the location where the gas would be delivered to it for the account of 3M for transportation, and that 3M would reimburse Applicant for its pro rata part of the actual cost of such facilities, estimated at $5,000.

It is indicated that 3M would purchase the daily minimum quantity of gas on a take-or pay basis. It is stated that 3M would pay Mitchell for gas received and purchased, or if available and not taken by 3M, a price as follows:

(i) From the date of first delivery through the first contract year, $1.85 per Mcf at the point of delivery.

(ii) Effective on the first day of the second contract year and continuing thereafter, the price shall be $1.95 per Mcf at the point of delivery.

It is stated that Mitchell resolved that if the contract with 3M was not consummated, the gas would be sold to an intrastate market primarily because of the uncertainty of price and the cumbersome administration required.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 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.77-14720 Filed 5-20-77;8:45 am]

[Docket No. ER77-350]

TUSCON GAS AND ELECTRIC CO.

Cancellation

MAY 16, 1977.

Take notice that Tuscon Gas & Electric Company (TG&E) on May 2, 1977 tendered for filing a Cancellation of the Los Angeles-TGE 1977 Energy Agreement. TG&E indicates that this Agreement was originally tendered to the Federal Power Commission on January 24, 1977 for filing as an initial rate schedule between the Department of Water & Power of the City of Los Angeles and TG&E. TG&E further indicates that the Agreement is dated January 13, 1977 and the date of Cancellation as set forth in the Agreement is May 31, 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 NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-14696 Filed 5-20-77;8:45 am]

[Docket No. ES77-38]

UNION ELECTRIC CO.

Application for Order Authorizing the Issuance of Short Term, Unsecured Promissory Notes

MAY 17, 1977.

Take notice that on May 11, 1977, Union Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an

order authorizing the issuance of short term, unsecured promissory notes in the amount of $200,000,000, of which up to $100,000,000 may be in the form of commercial paper that will reach final maturity not later than December 31, 1980.

According to the Applicant, the prime rate in effect during the period of the issuance will be the applicable interest rate for demand notes issued to commercial banks with appropriate compensating balances. In the case of notes issued to commercial paper dealers, the Applicant states that the applicable interest rate will be the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers. The Applicant further states that the applicable interest rate for commercial paper placed directly with purchasers of such commercial paper for their own accounts will be the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity. The Applicant contemplates that the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, can be obtained without further application to the Commission at any time and from time to time on or before December 31, 1980.

The Applicant states that the proceeds will be used to finance in part the Applicant's construction program (which will approximately total $978,785,000) ending December 31, 1980.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 31, 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 the 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14715 Filed 5-20-77;8:45 am]

[Project No. 1864]

UPPER PENINSULA POWER CO.

Application for Approval of Easement Over Project Lands

MAY 13, 1977.

Public notice is hereby given that an application was filed on July 23, 1976, and supplemented on March 28, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Upper Peninsula Power Company (Correspondence to: Mr. Elio Argentati, Vice President—Operations, Upper Peninsula Power Company, 616 Shelden Avenue, Houghton, Michigan 49931) for Commission approval of the grant of an easement over certain lands of the Bond Falls Project, FPC No. 1864, to Wisconsin Michigan Power Company (Grantee); for the construction, operation, and maintenance thereon of a power transmission line. Project No. 1864 is located on the Middle Branch of the Ontonagon River in Ontonagon County, Michigan, and affects lands of the United States within Ottawa National Forest.

Applicant proposes to transfer ownership of approximately 3.5 miles of single-phase, 2.4 kV distribution line to Grantee. The line, which is located along the county road between the Town of Paulding and the Bond Falls Reservoir, is not part of Project No. 1864, but passes over portions of the project lands. The line was constructed in 1938 and is currently in need of replacement. On the basis of estimates of comparative initial construction and maintenance costs, Applicant and Grantee have agreed that the new line should be installed underground, except for a short segment which would be suspended over the fuse plug spillway of the project. Applicant requests authorization to grant a right-of-way and easement 20 feet wide across the affected project lands for the construction, operation, and maintenance of the replacement line. United States lands in Ottawa National Forest would not be affected by the easement.

Applicant has requested the shortened procedure provided for under Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR § 1.32 (b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 27, 1977, file with the Federal Power Commission, 825 N. Capitol St. NE., 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 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-14728 Filed 5-20-77;8:45 am]

[Docket No. ER77-357]

VERMONT ELECTRIC POWER CO., INC.

Rate Schedule Filing

MAY 16, 1977.

Take notice that on April 30, 1977, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Rate Schedule for the sale of 3,000, 70,000, 28,000, and 54,000 kilowatts of capacity and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont, dated as of April 30, 1976, by Velco to the Long Island Lighting Company (Long Island) for the following periods of time: May 1, 1976, to October 31, 1976, November 1, 1976, to November 30, 1976, December 1, 1976, to March 31, 1977, and April 1, 1977, to October 31, 1977, respectively.

Velco states that the service to be rendered under this Rate Schedule consists of the sale of a total 155,000 kilowatt capacity and related energy from the Vermont Yankee Unit to Long Island for a 17 month period commencing May 1, 1976, and ending on October 31, 1977, at the following estimated monthly charges for each of the above four periods: $28,000, $651,000, $293,000, and $530,000. Velco states that the Vermont Yankee power being sold to Long Island will be at its cost to Velco, except for the period December 1, 1976, to March 31, 1977, during which an extra charge of $32,300/month will be paid by Long Island and credited to the accounts of those Vermont utilities which released capacity and energy for resale by Velco to Long Island. Velco alleges that there will be no change in the overall rate of return of Velco.

Velco requests a waiver of the requirements of Section 35.3 of the Commission's Rules and Regulations to allow an effective date of May 1, 1976, citing difficulties by Long Island in resolving certain problems for transmission arrangements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on

file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14721 Filed 5-20-77;8:45 am]

[Docket No. ER77-358]

VERMONT ELECTRIC POWER CO., INC.

Rate Schedule Filing

MAY 17, 1977.

Take notice that on May 4, 1977, Vermont Electric Power Company, Inc. (Velco), tendered for filing a Rate Schedule for the sale of two thousand kilowatts (2,000 kW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont, dated as of March 21, 1977, to the City of Holyoke, Massachusetts, Gas & Electric Department.

Velco states that the service to be rendered under this Rate Schedule consists of 2,000 kW capacity and related energy from the Vermont Yankee Unit to the City of Holyoke, Massachusetts, Gas & Electric Department for a 19 month period commencing March 31, 1977, and ending on October 31, 1978, at an estimated $15,000/month charge to Holyoke. Velco states that the Vermont Yankee power sold to Holyoke will be at its cost to Velco, and there will be no change in the overall rate of return of Velco.

Velco requests a waiver of Section 35.3 of the Commission's Rules and Regulations to allow an effective date of April 1, 1977, citing delays in the execution of the Contract, and no effect upon purchasers of Velco power under other Rate Schedules, if the waiver is granted.

Velco indicates that copies of the filing were served upon the Vermont Public Service Board, the Department of Public Utilities of the Commonwealth of Massachusetts, and the parties to the Rate Schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14702 Filed 5-20-77;8:45 am]

[Docket No. ER77-325]

APPALACHIAN POWER CO.

Joint Motion

MAY 16, 1977.

Take notice that Appalachian Power Company (APCO) on the one hand, and the City of Danville, Virginia; the City of Martinsville, Virginia; the Town of Richlands, Virginia; the City of Salem, Virginia; Virginia Polytechnic Institute and State University (VPI), the City of Radford, Virginia; and the City of Bedford, Virginia (hereinafter collectively referred to as the "Cities and VPI") on the other hand, on April 28, 1977 tendered for filing a Joint Motion urging the Commission to cause the settlement rates, charges, terms and conditions, as set forth in concurrently filed Supplements to twenty Rate Schedules already on file with the Commission, to become effective for service rendered on and after July 1, 1977.

APCO indicates that the charges reflected in these Supplements primarily involve increased demand and energy charges and a revised fuel adjustment clause. APCO further indicates that the proposed rate increase is occasioned by increases in the cost of providing electric service, however, no facilities will be installed or modified in order to supply the service to be furnished under the proposed rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14739 Filed 5-23-77;8:45 am]

[Project No. 2534]

BANGOR HYDRO-ELECTRIC CO.

Application for Approval of Exhibit R

MAY 17, 1977.

Public notice is hereby given that an application for Commission approval of an Exhibit R (Recreational Use Plan) was filed on September 30, 1974, and supplemented on June 24, 1976, and February 24, 1977, under the Federal Power Act (16 U.S.C. 791a–825r) by the Bangor Hydro-Electric Company (Applicant) (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401) for the Milford Project, FPC No. 2534, located on the Penobscot River, a navigable waterway of the United States, and in the City of Old Town and the Town of Milford, Penobscot County, Maine.

According to the supplemented Exhibit R filed by Applicant, the Parks and Recreation Department of the City of Old Town (City) proposes to use a previously reserved 2.2-acre parcel of land near Gillman Falls Dam as a small picnic area, portage path, and canoe and small boat launching area. The City has agreed to provide such picnic furniture, trash containers, and supervision as may be required, while Applicant has agreed to furnish a safety boom and a warning and directional sign.

In addition, the Exhibit R describes a non-project public park with boat launching facility currently being constructed by the City, and notes that the launch will extend 50 feet within the project boundary.

Applicant requests the use of the shortened procedures pursuant to § 1.32 (b) of the Commission's rules and regulations.

Any person desiring to be heard or to make any protest with reference to said application 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 such petitions or protests should be filed on or before July 5, 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 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.

The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's rules of practice and procedure, specifically § 132(b) (18 CFR 1.32(b)), (1976), a hearing may be held without further notice before the Commission on its application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant to

appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14735 Filed 5-23-77;8:45 am]

[Docket Nos. G-2712, etc.]

CITIES SERVICE CO.

Application

MAY 16, 1977.

Take notice that on April 27, 1977, Cities Service Company, P.O. Box 300, Tulsa, Oklahoma, 74102 filed an application in Docket Nos. G-2712, et al. for a certificate of public convenience and necessity to render service previously authorized by the Commission in certificates of public convenience and necessity issued to Cities Service Oil Company and for substitution of Cities Service Company for Cities Service Oil Company in certain pending proceedings. Cities Service also filed for a Certificate of Adoption and Request for Redesignation of Cities Oil Rate Schedules. The application is the result of the transfer of oil and gas properties by Cities Service Oil Company to Cities Service Company, effective April 1, 1977.[1]

Any person desiring to be heard or to make any protest with reference to said application, on or before June 1, 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.

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 of 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.

[1] See Exhibit A for a list of the rate schedules and certificates involved.

EXHIBIT "A"

CITIES SERVICE OIL CO.

Rate Schedule	Purchaser and certificate docket No.
106	United Gas Pipe Line Co., G-14232.
176	Columbia Gas Transmission Corp., G-2721.
178	Tennessee Gas Pipeline Co., G-10139.
180	Tennessee Gas Pipeline Co., G-11046.
181[1]	Transcontinental Gas Pipe Line Corp., G-16854.
185[1]	Southern Natural Gas Co., CI60-20.
186	Tennessee Gas Pipeline Co., G-19707.
187	Tennessee Gas Pipeline Co., CI62-135.
188	Transcontinental Gas Pipe Line Corp., G-14355.
193	Tennessee Gas Pipeline Co., CI64-1110.
206[1]	Gas Gathering Corp., CI66-350.
215[1]	United Gas Pipe Line Co., CI67-522.
220	Texas Eastern Transmission Corp., CI68-311.
224	Tennessee Gas Pipeline Co., CI67-864.
227	United Gas Pipe Line Co., CI68-1443.
228	Tennessee Gas Pipeline Co., CI69-57.
276[1]	Columbia Gas Transmission Corp., G-12618.
283	Texas Gas Transmission Corp., CI62-1068.
286	Texas Gas Transmission Corp., CI63-1317.
295	Michigan Wisconsin Pipe Line Co., CI67-1159.
302	Michigan Wisconsin Pipe Line Co., CI68-1322.
310	Michigan Wisconsin Pipe Line Co., CI69-443.
311	Michigan Wisconsin Pipe Line Co., CI69-1096.
312	Trunkline Gas Co., CI69-806.
314	Texas Eastern Transmission Corp., CI69-1235.
315	Tennessee Gas Pipeline Co., CI69-1117.
322	Tennessee Gas Pipeline Co., CI70-598.
323	Tennessee Gas Pipeline Co., CI70-660.
329	Michigan Wisconsin Pipe Line Co., CI70-1080.
330	Texas Eastern Transmission Corp., CI71-237.
331	Tennessee Gas Pipeline Co., CI70-1008.
332	Transcontinental Gas Pipe Line Corp., CI71-207.
348	Texas Eastern Transmission Corp., CI72-20.
348	Texas Eastern Transmission Corp., CI72-19.
351[1]	Southern Natural Gas. Co., G-2712.
354	United Gas Pipe Line Co., G-2712.
363[1]	United Gas Pipe Line Co., G-8712.
366[1]	Texas Eastern Transmission Corp., G-9272.
369	United Gas Pipe Line Co. G-12852.
380	Trunkline Gas Co., CI72-231.
383	Arkansas Louisiana Gas Co., CI72-600.
385	United Gas Pipe Line Co., CI72-588.
392	Michigan Wisconsin Pipe Line Co., CI73-38.
395	Tennessee Gas Pipeline Co., CI73-136.
396	Tennessee Gas Pipeline Co., CI73-328.
397	Tennessee Gas Pipeline Co., CI73-457.
398	Tennessee Gas Pipeline Co., CI73-468.
400	Tennessee Gas Pipeline Co., CI73-728.
403	Southern Natural Gas Co., CI73-845.
410	Trunkline Gas Co., CI75-181.
412	Michigan Wisconsin Pipe Line Co., CI75-226.
414	United Gas Pipe Line Co., CI75-327.
415	Tennessee Gas Pipeline Co., CI75-489.
418	Texas Gas Transmission Corp., CI75-558.
425	Trunkline Gas Co., CI76-18.
426	Tennessee Gas Pipeline Co., CI76-58.
429	Tennessee Gas Pipeline Co., CI76-220.
430	Tennessee Gas Pipeline Co., CI76-805.
436	Tennessee Gas Pipeline Co., CI76-620.
439	Tennessee Gas Pipeline Co., CI77-19.

[1] (Operator) et al.

[FR Doc.77-14733 Filed 5-23-77;8:45 am]

[Project No. 733]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Application for New License (Minor)

MAY 17, 1977.

Public notice is hereby given that an application was filed under the Federal Power Act, 16 U.S.C. §§ 791a-825r, for a new minor license for Project No. 733 by Colorado-Ute Electric Association, Inc. (Applicant) (Correspondence to: Mr. John J. Bugas, President, Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401). Project No. 733, known as the Ouray Project, is located on the Uncompahgre River in Ouray County, Colorado and affects lands of the United States within the Uncompahgre National Forest.

The original license for the project expired on April 21, 1970. By order issued April 25, 1975, the Commission approved the transfer of the project from the Western Colorado Power Company to the Applicant.

The Ouray Project consists of: (1) A 71-foot high, 70-foot long rubble masonry, diversion dam with an overflow spillway and a flow line intake; (2) a three-acre reservoir; (3) a 6,131-foot long flow line, part of which is inoperative; (4) a pole line signal circuit; (5) a powerhouse containing an inoperative 432-kW generating unit; and (6) appurtenant facilities. Applicant proposes to repair the flow line and repair or replace the generating equipment during 1977.

The project would produce power and energy for public utility purposes.

Any person desiring to be heard or to make any protest with reference to said

application should on or before July 25, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., 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 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14736 Filed 5-23-77;8:45 am]

[Docket No. ER77-175]

FLORIDA POWER AND LIGHT CO.

Extension of Time

MAY 16, 1977.

On May 10, 1977, Florida Power and Light Company filed a motion to extend the time for filing its case-in-chief as required by corrected order issued April 12, 1977, in Docket No. ER77-175.

Upon consideration, notice is hereby given that the time for filing the case-in-chief in the above indicated proceeding is extended to and including June 20, 1977. Accordingly, the pre-hearing conference previously scheduled for June 9, 1977, is changed to June 30, 1977, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14737 Filed 5-23-77;8:45 am]

[Docket No. E-9594]

GEORGIA POWER CO.

Filing of Application To Sell Facilities

MAY 16, 1977.

Take notice that on May 10, 1977, Georgia Power Company tendered for filing an application for an Order authorizing the sale of approximately 408 miles of transmission lines, 18 distribution substation tap lines, 49 delivery point substations, and 12 transmission substations to the Municipal Electric Authority of Georgia ("MEAG").

The Company states that the parties have entered into an Integrated Transmission System Agreement (the "Transmission Agreement") providing for the establishment of an integrated transmission system to be operated by the Company and MEAG to carry the loads of both the Company and MEAG free of charge (subject to the conditions of the Transmission Agreement) and requiring an aggregate investment by each party in transmission facilities comprising the integrated transmission system in the proportion the load of each (as defined in the Transmission Agreement) bears to the aggregate load on such system. The Company further states that MEAG desires to purchase certain transmission facilities presently owned by the Company which after such sale shall become MEAG Transmission Facilities under the provisions of the Transmission Agreement.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14744 Filed 5-23-77;8:45 am]

[Docket No. ER77-305]

IOWA ELECTRIC LIGHT AND POWER CO.

Tariff Change

MAY 16, 1977.

Take notice that Iowa Electric Light and Power Company (Iowa Electric) on May 10, 1977, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. Iowa Electric indicates that the revised Tariff Sheets update the current Table of Contents, System Map, Resale Electric Service Agreement and the Index of Purchaserrs. In addition, Iowa Electric tendered for filing a Standard Resale Agreement with the City of Ellsworth, Iowa, governing electric service for the City of Ellsworth and in conjunction with the submission of the Resale Service Agreement, Iowa Electric also tendered for filing Original Sheets Nos. 8.6-8.8. Iowa Electric also indicates that said filing is being made pursuant to the Commission's Order issued on December 15, 1976, in Docket No. ER76-206.

Iowa Electric further states that copies of the above filings have been served upon Iowa Electric's jurisdictional customers and the Iowa State Commerce 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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14738 Filed 5-23-77;8:45 am]

[Docket No. ER77-363]

IOWA POWER AND LIGHT CO.

Establishment of Additional Point of Delivery and Interconnection

MAY 16,1977.

Take notice that Iowa Power and Light Company (Iowa Power) on May 6, 1977, tendered for filing a revised Schedule A to the Electric Interchange Agreement between Iowa Power and Light Company and Northeast Iowa Power Cooperative dated September 28, 1976. Iowa Power indicates that the revised Schedule A is intended to replace the previous Schedule A dated March 30, 1976 and designated as Supplement No. 3 to Iowa Power and Light Company Rate Schedule FPC No. 41.

According to Iowa Power the revised Schedule A provides for the establishment of an additional point of delivery and interconnection between the two companies, and specifies the nature of the facilities to be furnished by the companies at that point.

According to Iowa Power Schedule A was revised in order to further increase the interchange and displacement capabilities between the systems of the two companies and to facilitate coordinated development of adequate transmission capacity for service to customers of the companies at minimum cost.

Iowa Power requests that the Commission waive the prior notice requirements and accept the filing with a retroactive effective date of September 28, 1976. Iowa Power states that copies of the filing have been served upon Northwest Iowa Power Cooperative and the Iowa State Commerce 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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10

of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 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.77-14743 Filed 5-23-77;8:45 am]

[Docket No. ES77-31]

IOWA SOUTHERN UTILITIES CO.

Application

MAY 17, 1977.

Take notice that on April 28, 1977, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to Section 204 of the Federal Power Act for authorization to issue and sell 50,000 additional shares of its Common Stock, par value $10 per share.

Applicant is incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the State of Iowa, with its principal place of business being located in Centerville, Iowa.

Applicant proposes to issue and sell to its employees up to but not exceeding 50,000 additional shares of its Common Stock, par value $10 per share, in accordance with the terms and conditions of its Employee Stock Purchase Plan, a copy of which is filed as an exhibit to its application. The sales will be made through payroll deductions, and request is made for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the Regulations under the Federal Power Act. Applicant states that the net proceeds realized from the sale of the 50,000 additional shares of its Common Stock dedicated to the Employee Stock Purchase Plan is estimated at approximately $1,109,000.

Any person desiring to be heard or to make any protests with reference to said application should on or before June 3, 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). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14734 Filed 5-23-77;8:45 am]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

MAY 17, 1977.

Take notice that on May 11, 1977, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162 a petition to amend the Commission's order of April 2, 1975 (53 FPC—), issued in the instant docket pursuant to section 7 of the Natural Gas Act so as to authorize an additional point for the exchange of natural gas with El Paso Natural Gas Company (El Paso) in Lea County, New Mexico (Lea No. 3 Exchange Point), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to the Commission's order issued April 2, 1975, as amended, Petitioner was granted authorization to exchange natural gas with El Paso, and to construct and operate certain facilities to implement such exchange. It is stated that by a long-term gas exchange agreement dated September 24, 1973, as amended, Petitioner and El Paso agreed to exchange quantities of gas available and tendered from time to time by one to the other subject to quantity limits set forth.

It is indicated that on April 23, 1977, Petitioner and El Paso further amended the subject gas exchange agreement to provide for an additional exchange point in Lea County, New Mexico (Lea No. 3 Exchange Point), whereby Petitioner proposes to deliver gas it has available for purchase under a gas purchase agreement dated March 25, 1977, with Napeco Inc., an affiliate of Petitioner, from the Mark Production Federal "E" Well No. 1 located in Lea County, New Mexico. Petitioner states that El Paso also has contracted to purchase a portion of the gas from this well and has or would construct facilities to connect the well to its gathering system. Petitioner further states that it would reimburse El Paso for one half of the cost of such facilities, and that it would use its currently effective gas purchase facilities budget-type authorization to meet its share of the construction costs. El Paso would redeliver equivalent volumes to Petitioner at existing exchange points, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 6, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14740 Filed 5-23-77;8:45 am]

[Docket No. ER77-306]

OKLAHOMA GAS AND ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Request for Waiver, and Consolidating Proceedings

MAY 12, 1977

On April 12, 1977, Oklahoma Gas and Electric Company (OG&E) submitted for filing proposed electric service agreements[1] for each of the 19 points of delivery to Arkansas Valley Electric Cooperative (AVEC). These service agreements are intended to supersede AVEC's existing rate schedule and become effective on May 13, 1977,[2] consistent with the expiration date of the present rate schedule.

The proposed rates were previously filed in tariff format[3] in Docket No. ER77-127 on December 27, 1976. By order issued January 26, 1977, in that docket, the Commission accepted the tariff for filing and suspended its effectivness for two months until April 1, 1977. In its December 27, 1976 submittal, OG&E indicated that it would file service agreements as each of the existing cooperative contracts expired. OG&E's present contract with AVEC is the first of such cooperative contracts to expire.

Notice of the filing was issued April 22, 1977 with protests or petitions to intervene due on or before May 4, 1977. No such petitions were filed.

Review of OG&E's proposed rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission will therefore accept for filing and suspend OG&E's service agreements with AVEC for one day to become effective May 14, 1977, subject to refund. The Commission will also consolidate this docket with Docket No. ER77-127. The issues in both dockets are substantially the same and such consolidation will avoid needless duplication of effort and permit a more prompt resolution of these issues.

OG&E requests waiver of the cost support requirements of Section 35.13 because its cost-of-service study filed in Docket No. ER77-127 includes data for service to AVEC. In order to avoid unnecessary duplication, the Commission will grant OG&E's request for waiver.

The Commission finds: (1) Good cause exists to accept for filing OG&E's proposed rates tendered for filing on April 12, 1977, and suspend those rates for one day, to become effective on May 14, 1977, subject to refund.

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[1] Designated as: Oklahoma Gas & Electric Company Service Agreements under FPC Electric Tariff Original Volume No. 1 (Cooperatives).

[2] The service agreement for the Milton delivery point is an exception and becomes effective on July 1, 1977, as a new delivery point.

[3] Two separate Tariff Volumes were filed covering service to municipal and cooperative customers.

(2) Good cause exists to consolidate Docket Nos. ER77–127 and ER77–306 for the purposes of a hearing and decision thereon.

(3) Good cause exists to grant OG&E's request for waiver of the cost support requirements of § 35.13 of the Commission's regulations.

The Commission orders: (A) Pending a hearing and decision thereon, OG&E's proposed rates are hereby accepted for filing and suspended for one day, to become effective on May 14, 1977, subject to refund.

(B) Pursuant to the Federal Power Act, especially sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the Commission's Regulations, a hearing shall be held concerning the justness and reasonableness of OG&E's proposed rates.

(C) Docket No. ER77–306 is hereby consolidated with Docket No. ER77–127 for purposes of a hearing and decision.

(D) OG&E's request for waiver of the cost support requirements of § 35.13 is hereby granted.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77–14741 Filed 5–23–77;8:45 am]

[Docket No. RI77–58]

OUTLINE OIL CORP.

Petition for Special Relief

MAY 16, 1977.

Take notice that on April 11, 1977, Outline Oil Corporation (Outline), One Energy Square, Suite 1354, 4925 Greenville Avenue, Dallas, Texas 75206, filed a petition for special relief in Docket No. RI77–58 pursuant to § 2.56B(h) of the Commission's General Policy and Interpretations (18 CFR 2.566B(h)) and Opinion No. 742–A issued July 27, 1976.

Outline seeks authorization to charge $1.36 per Mcf for the sale of gas to Transcontinental Gas Pipeline Corporation (Transco) from Mission Valley Field, Victoria County, Texas, under a gas purchase contract dated November 12, 1971. Outline, a small producer, is filing on behalf of itself and other small producer working interest owners in the properties involved. It states that Transwestern has agreed to pay the increased rate if approved by the Commission.

Outline states that it is impossible for it to continue to produce this gas for the 35 cents per Mcf, plus adjustments, allowed by the Commission's Order No. 553, issued July 27, 1976. It attached to its petition studies which purported to show that its costs far exceed this amount.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14742 Filed 5–23–77;8:45 am]

[Docket No. RP75–102]

PANHANDLE EASTERN PIPE LINE CO.

Compliance Tariff Filing

MAY 16, 1977.

Take notice that on May 9, 1977 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised tariff sheets:

	Proposed effective date
FPC gas tariff, original vol. No. 1:	
Substitute 19th revised sheet No. 3–A	Apr. 1, 1977.
Substitute 3rd revised sheet No. 42–2	Dec. 1, 1975.
4th revised sheet No. 43–3	Do.
2nd substitute 4th revised sheet No. 43–A	Do.
FPC gas tariff, original vol. No. 2:	
Substitute 1st revised sheet No. 93	Do.
Substitute 1st revised sheet No. 135	Do.
Substitute 1st revised sheet No. 211	Do.

Panhandle states such sheets are being filed in accordance with Paragraph (B) of the Commission's order issued April 25, 1977 in Docket No. RP76–102 adopting Panhandle's proposed Settlement Agreement in this proceeding as amended to exclude certain expenses applicable to the Gas Arctic Northwest Project and the Northern Border Pipeline Project from the cost of service.

Panhandle submits that Substitute Nineteenth Revised Sheet No. 3–A reflects rate levels to be effective April 1, 1977. The rate adjustments reflected are as follows:

1. Revision in the current PGA rates to reflect changes in Panhandle's PGA as approved by the April 25, 1977 order.
2. Adjustment to exclude amounts applicable to Gas Arctic Northwest Project and Northern Border Pipeline Project.
3. Changes in Advance Payments.
4. Reduction of the DCA Surcharge Adjustment to reflect lower demand rates.

Panhandle states that copies of its filing have been served on all affected customers and applicable State regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14747 Filed 5–23–77;8:45 am]

[Docket No. FR77–343]

ROCHESTER GAS AND ELECTRIC CORP.

Filing of Firm Power Contract

MAY 16, 1977.

Take notice that Rochester Gas and Electric Corporation (Rochester), on May 2, 1977 tendered for filing a rate schedule providing for the sale by Rochester to Consolidated Edison Company of New York, Inc. (Con Edison) of 100 MW of firm capability and associated energy. Rochester requests that the Commission waive its notice requirements to permit the rate schedule to be effective as of May 31, 1977. The proposed term of the rate schedule will be from May 31, 1977 through October 29, 1977.

According to Rochester, a copy of the filing was served upon Con Edison and the New York 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 portests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14745 Filed 5–23–77;8:45 am]

[Docket No. RI77–50]

VENUS OIL CO.

Petition for Special Relief

MAY 13, 1977.

Take notice that on March 25, 1977, Venus Oil Company (Venus), 2100 National Bank of Commerce Building, San Antonio, Texas 78205, filed a petition for special relief in Docket No. RI77–50 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Venus, a small producer, seeks authorization to charge 99.76 cents per Mcf at 14.65 psia for gas presently being sold to Transwestern Pipeline Company (Transwestern) from the Archer No. 1 Well in the Hansford (Lower Morrow) Field, Hutchinson County, Texas, at a rate of 40.4547 cents per Mcf. Venus, operator of the property, is filing on behalf of all interested owners. The petition gives as its basis remedial work performed in September of 1975 and May of 1976 involving repair of a casing failure and added compression.

Venus also requests that the Commission recognize entitlement by it to funds escrowed pursuant to an agreement between it and Transwestern whereby Transwestern was to be protected in connection with contract rates charged by Venture prior to Order No. 553, issued July 27, 1976, which provided for direct rate regulation of small producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-14746 Filed 5-23-77;8:45 am]

[Docket Nos. CP77-387]

TENNESSEE GAS PIPELINE CO. TENNECO CO.

Application

MAY 19, 1977.

Take notice that on May 16, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant) P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-387 an application pursuant to section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Power Commission thereunder, for a certificate of public convenience and necessity authorizing the rendition of a natural gas transportation service for Northern Natural Gas Company (Northern). Tennessee also requests temporary authorization to render this service.

Applicant requests authorization to receive from Columbia Gulf Transmission Company (Columbia Gulf), for the account of Northern, daily volumes of natural gas, up to a maximum of 50,000 Mcf, near Egan, Louisiana, and to transport and deliver such volumes to Trunkline Gas Company (Trunkline) at an existing point of interconnection between the facilities of Tennessee and Trunkline near Kinder, Louisiana, for the account of Northern. Trunkline will transport the gas to Panhandle Eastern Pipe Line Company (Panhandle) for redelivery to Northern.

Applicant states that applications for effect this transportation have been filed by Columbia Gulf at Docket No. CP77-8 and by Panhandle and Trunkline at Docket No. CP77-17. Temporary certificates were issued in said dockets on February 10, 1977, and January 12, 1977, respectively.

Applicant's ability to render presently authorized service to its customers will not be affected by its proposal.

Tennessee requests that this application be considered under the shortened procedure provided for in § 1.32(b) of the Commission's rules of practice and procedure.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14883 Filed 5-20-77;3:44 pm]

FEDERAL RESERVE SYSTEM

DETROITBANK CORP.

Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge its non-operating subsidiary, DBT Co., with Lake Shore Financial Corporation, Muskegon, Michigan, and thereby acquire Hackley Union National Bank and Trust Company of Muskegon, Muskegon, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1977.

Board of Governors of the Federal Reserve System, May 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14651 Filed 5-23-77;8:45 am]

NORRIS BANCOR LTD.

Formation of Bank Holding Company

Norris Bancor Ltd., Cantril, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of State Savings Bank, Cantril, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 15, 1977.

Board of Governors of the Federal Reserve System, May 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14652 Filed 5-23-77;8:45 am]

UNITED KENTUCKY, INC.

Order Approving Acquisition of Kesselring-Netherton & Associates, Inc.

United Kentucky, Inc., Louisville, Kentucky, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)) and § 225.4 (b)(2) of the Board's Regulation Y (12 CFR 225.4 (b)(2)), to acquire shares of Kesselring-Netherton & Associates, Inc., Louisville, Kentucky ("Company"), through a non-operating subsidiary corporation, United Kentucky Mortgage, Inc. which was chartered expressly to absorb Company but to do business as "Kesselring-Netherton & Associates, Inc." Company engages in the activities of originating, for its own account and the accounts of others, conventional

and guaranteed residential mortgage loans and commercial mortgage loans, and the servicing of such loans for permanent investors. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (42 FR 14921) (1977). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the sixth largest banking organization in Kentucky, controls one bank, Lousville Trust Bank, Inc., Louisville, Kentucky ("Bank"), with total deposits of $180.3 million, representing approximately 1.9 per cent of deposits in commercial banks in the State.[1] Company, which commenced operations in 1972, has total assets of approximately $335,900. Its sole office is located in Louisville. Company is one of the smaller mortgage firms in the relevant market and, in 1976, was ranked eleventh largest of twelve mortgage companies in Jefferson County, Kentucky.[2]

During 1976, Bank originated approximately 1.4 percent of the 1–4 family residential mortgage loans secured by real estate located in the Louisville mortgage market,[3] amounting to $2.4 million. During 1976, Bank also originated mortgage loans for multi-family and nonresidential mortgage loans amounting to $4.3 million.[4]

Company does not originate single family mortgages. It does, however, originate mortgages on two-to-four family dwellings. During 1976, these loans amounting to $0.7 million, accounted for less than 1 per cent of the 1–4 family residential loans in the Louisville mortgage market. Company also originated $14 million in multi-family and nonresidential mortgage loans and serviced $22.3 million in all mortgage loans.

Bank and Company are direct competitors to some extent in the local market for the origination of 1–4 family residential mortgage loans and in the regional or national markets for originating and servicing multi-family residential and commercial mortgage loans. The effect of the elimination of competition is mitigated, however, by the presence in the Louisville mortgage market of at least 35 other mortgage banking firms and in the regional or national markets, of numerous other such firms. Thus, the elimination of competition that would result from consummation of the proposed transaction would be slight.

Upon consummation of the proposed transaction, Applicant will expand Company's originations and servicing into single family mortgage financing, thus making it a stronger competitor in the Louisville market. In addition, considering Company's small size, Company would also benefit from access to the additional financial and managerial resources and expertise of Applicant that may not otherwise have been available. Furthermore, there is no evidence in the record to indicate that Applicant's acquisition of Company would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. Based upon these considerations, the Board concludes that the public benefits that would result from consummation of the proposal outweigh the slightly adverse competitive effects that would occur in the Louisville mortgage market.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis, pursuant to authority hereby delegated.

By order of the Board of Governors,[5] effective May 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14653 Filed 5-23-77;8:45 am]

[1] As of June 30, 1976.

[2] Based upon a ranking by Chicago Title Insurance Company of dollar amounts of mortgage loans recorded in Jefferson County during the first quarter of 1976.

[3] The Louisville mortgage market for 1–4 family residential loans is approximated by the Louisville Standard Metropolitan Statistical Area, which includes Jefferson, Bullitt, and Oldham Counties, Kentucky, and Clark and Floyd Counties, Indiana.

[4] Characteristically, the relevant geographic market for the origination of multi-family and nonresidential mortgage loans is regional or national in scope, and thus data regarding market shares for such loans are not readily available.

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0412]

MIRACLE FRUIT BERRIES, CONCENTRATES, AND EXTRACTS

Denial of GRAS Affirmation and Determination of Food Additive Status

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (1) denies a petition for affirmation that miracle fruit (*Synsepalum dulcificum*) berries, concentrates, and extracts are generally recognized as safe (GRAS), and (2) determines that the substances are unapproved food additives.

DATES: The order is effective May 24, 1977. Persons adversely affected by this order may file objections and request a public hearing on or before June 23, 1977.

ADDRESSES: Written objections to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In accordance with procedures established in § 170.35 (21 CFR 170.35, formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Miralin Co., 8 Kane Industrial Drive, Hudson, MA 01749, submitted a petition (GRASP No. 4G0034) proposing affirmation that miracle fruit (*Synsepalum dulcificum*) and extracts and concentrates made therefrom are generally recognized as safe (GRAS) as sweetening agents or flavor enhancers. A notice of filing of this petition was published in the FEDERAL REGISTER of September 25, 1974 (39 FR 34468). The notice stated that the preliminary evaluation by FDA indicated that these substances are not eligible for affirmation as GRAS because the information submitted does not reveal the existence of acceptable scientific studies that would support a determination that conditions of safe use have been established. The notice also stated that the data did not reveal a substantial history of consumption of the substances by a significant number of consumers in the United States nor information to demonstrate that no known hazards exist. This evaluation also determined that the data submitted are of insufficient quantity and

quality to support issuance of a food additive regulation under Subchapter B (21 CFR Subchapter B).

Having determined that insufficient safety data exist upon which to make a judgment of safe use of miracle fruit products, FDA issued a regulatory letter on September 19, 1974. The letter requested the Miralin Co. to take prompt action to cease interstate shipments of these products. It also advised that failure to do so would result in regulatory action by the agency.

On September 26, 1974, the Miralin Co. asked FDA to withdraw the regulatory letter. The company stated its belief that the FDA regulatory letter represented an unreasonable exercise of agency authority, and in addition, that the petition should have been considered for interim food additive status. The Food and Drug Administration declined to withdraw the letter.

The petitioner noted, in a letter dated December 17, 1974, that no comments were received in response to the notice of filing and strongly urged withdrawal of the FDA regulatory letter and asked permission to market miracle fruit products under an interim food additive order. The Commissioner, in his response of February 3, 1975, made it clear that the Federal Food, Drug, and Cosmetic Act requires an affirmative showing of the safe conditions of use for a food additive before any food additive regulation or interim order may be issued, and that no such showing had been made.

Based upon the careful evaluation of all available data, the Commissioner concludes that:

1. The petitioner has provided no evidence of pertinent published toxicological data that is available to scientists generally.

2. No adequate explanation of the physiological effects of these substances has been offered.

3. The substances have not been widely consumed for nutritive purposes in the United States before January 1, 1958.

4. The substances are not extracts or concentrates of a substance presently considered as GRAS.

Accordingly, the Commissioner concludes, in accordance with §§ 170.30 and 170.35(c)(5) (21 CFR 170.30 and 170.35(c)(5), formerly §§ 121.3 and 121.40(c)(5), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), that there is a lack of convincing evidence that these substances are GRAS, and that they therefore should be considered as food additives, subject to section 409 of the act (21 U.S.C. 348).

The Commissioner further advises that the petition submitted for GRAS affirmation has been evaluated also as a food additive petition, in accordance with §§ 170.38 and 171.1 (21 CFR 170.38 and 171.1, formerly §§ 121.41 and 121.51, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), and he concludes that the data provided are incomplete and inadequate to establish the conditions of safe use of the additive. The substances cannot, therefore, be approved as food additives.

The Commissioner has carefully considered the environmental effects of this denial and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as mended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1): *It is ordered*, That the petition for GRAS affirmation be denied, and that no food additive regulation be issued.

Any person who will be adversely affected by the foregoing order may at any time on or before June 23, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objection shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above-mentioned office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This order shall be effective May 24, 1977.

Dated: May 18, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-14623 Filed 5-23-77;8:45 am]

[Docket No. 76N-0503]

HALOCARBONS IN HUMAN FOOD, DRUGS, BIOLOGICAL PRODUCTS, COSMETICS, ANIMAL FEED, ANIMAL DRUGS, MEDICAL DEVICES, AND PACKAGING FOR THESE PRODUCTS

Requests for Information

Correction

In FR Doc. 77-12230, appearing at page 21843 in the issue for Friday, April 29, 1977, in the 4th line of the second paragraph under "Supplementary Information", in third word should be "of" in lieu of "to".

[Docket No. 76N-0154]

ORAL RESERPINE DOSAGE FORMS OF GREATER THAN 1 MILLIGRAM STRENGTH

Withdrawal of Approval of Pertinent Parts of New Drug Applications

Correction

In FR Doc. 77-12301 appearing at page 21844 in the issue of Friday, April 29, 1977, on page 21845 in the second column, the third full paragraph, the date in the last line should read "May 9, 1977".

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION; FEDERAL PROGRAMS REVIEW COMMITTEE

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Federal Programs Review Committee of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE: Meeting: June 13, 1977, from 4:15–6:15 p.m.

ADDRESS: Davison Conference Center, University of Southern California, University Park, Los Angeles, California 90007.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, N.W., Suite 529, Washington, D.C. 20004, Telephone: 202–376–8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA), including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Federal Programs Review Committee will be open to the public beginning at 4:15 on June 13, 1977,

and ending at 6:15 p.m. This meeting will held at the Davison Conference Center, University of Southern California, University Park, Los Angeles, California.

The purpose of the meeting is to draft committee recommendations to the full Council (NACECE) for its FY 1978 review of all Federal programs in support of extension, continuing education, and community service.

All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, N.W., Washington, D.C.

Dated: May 18, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-14629 Filed 5-23-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION; TITLE I COMMITTEE

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Title I Committee of the National Advisory Council on Extension and Countinuing Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2). This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting: June 13, 1977, from 2-4 p.m.

ADDRESS: Davison Conference Center, University of Southern California, University Park, Los Angeles, California 90007.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street, N.W., Suite 529, Washington, D.C. 20004, Telephone 202-376-8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA), including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Title I Committee will be open to the public beginning at 2 p.m. on June 13, 1977, and ending at 4 p.m. This meeting will be held at the Davison Conference Center, University of Southern California, University Park, Los Angeles, California.

The purpose of the meeting is to draft Committee recommendations to the full Council (NACECE) for its FY 1978 review of the effectiveness of the Community Service and Continuing Education Program (Title I, HEA as amended).

All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, N.W., Washington, D.C.

Dated: May 18, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-14630 Filed 5-23-77;8:45 am]

STATE PLANNING COMMISSIONS PROGRAM—INTRASTATE PLANNING

Closing Date for Fiscal Year 1977 for Receipt of Applications From State Postsecondary Education Commissions for Statewide Comprehensive Planning Grants

Notice is hereby given that pursuant to the authority contained in section 1203(a) of Title XII of the Higher Education Act of 1965, as amended (20 U.S.C. 1142b), applications from State Postsecondary Education Commissions for grants under the State Planning Commissions Program—Intrastate Planning are being accepted. Such Commissions must be established pursuant to section 1202(a) of the Act and information of the establishment must have been submitted as required by the Notice of Closing Date for Receipt of Information Concerning Establishment published in the FEDERAL REGISTER on March 26, 1974, or as required by the similar notices published in the FEDERAL REGISTER on January 29, 1975, December 17, 1975, and March 18, 1977. A Notice of Allocation Formula and Program Guidelines for this program was published in the FEDERAL REGISTER on May 18, 1977.

Applications for such grants are available from the State Planning Commissions Program Office, Bureau of Higher and Continuing Education, U.S. Office of Education, Room 4052, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. 20202. Such applications must be completed and received at the above office on or before June 24, 1977.

The applications may be returned by mail or hand delivered.

(a) *Applications returned by mail.* Applications returned by mail should be addressed to the State Planning Commissions Program Office, Bureau of Higher and Continuing Education, U.S. Office of Education, Room 4052, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. 20202. Such applications will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than June 20, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Applications delivered by hand.* Applications to be delivered by hand must be taken to Room 4052, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily, between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays.

Applications will not be accepted after 4 p.m. on the closing date.

(20 U.S.C. 1142b.)

Dated: May 19, 1977.

(Catalog of Federal Domestic Assistance Number 13.550; State Planning Commissions Program—Intrastate Planning.)

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-14817 Filed 5-23-77;8:45 am]

Office of the Secretary

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on June 10 and 11, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting will convene at 9:00 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including research involving children, research involving the institutionalized mentally infirm, compensation of injured research subjects, the performance of Institutional Review Boards, and the application of research guidelines to the delivery of health services by DHEW, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer (301-496-7778), Room 125,

Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: May 16, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.77-14645 Filed 5-23-77;8:45 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 3685-92, February 25, 1970, as amended by 39 FR 5813, February 15, 1974) is amended to reflect the complete reorganization of the Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, as initiated by the Medical Device Amendments of 1976 (Pub. L. 94-295, May 28, 1976). All statements and titles of the existing Bureau have been modified. Two divisions have been abolished. Seven new divisions have been established in the medical device evaluation area and three in the medical device compliance area. Additionally, an Office of Small Manufacturers Assistance has been established.

Section HF-B, *Organization*, is amended as follows:

Under *Food and Drug Administration (HF)*, delete all functional statements for the (p) *Bureau of Medical Devices and Diagnostic Products (HFM)* and substitute the following:

(p) *Bureau of Medical Devices (HFM)*. Develops policy and priorities regarding FDA programs relating to the safety, efficacy, and labeling of medical devices for human use.

Develops and recommends regulations and changes to FDA legislative authority necessary to protect the public health.

Reviews and evaluates medical device premarket approval applications (PMAA), product development protocols (PDP), and exemption requests for investigational devices (IDE).

Evaluates the safety, efficacy, and labeling of medical devices and recommends their classification into regulatory categories.

Develops and/or coordinates the development, promulgation, and enforcement of safety and efficacy standards for appropriate categories of medical devices and Good Manufacturing Practice (GMP) regulations for manufacturers.

Develops, plans, and evaluates FDA surveillance and compliance programs for medical devices.

Provides assistance to the field in handling legal actions on medical device matters, as requested.

Provides technical and other nonfinancial assistance to small manufacturers of medical devices.

Provides assistance to and coordinates activities of all FDA advisory panels and committees mandated by the Medical Device Amendments of 1976.

Plans, conducts, and coordinates research and testing activities relating to medical devices.

Collects and evaluates data on significant hazards to the public health which may be caused by the use of medical devices.

Develops and disseminates medical device educational materials in conjunction with the Office of Public Affairs and the Office of Professional and Consumer Programs.

(p-1) *Office of the Director (HFM1)*. Provides leadership, direction, evaluation, and coordination of the total activities of the Bureau.

Provides advice to the Commissioner and other FDA officials on policy matters concerning medical device activities.

Recommends changes in legislative authority to the Office of the Commissioner.

(p-1-i) *Office of Small Manufacturers Assistance (HFM14)*. Plans, develops, coordinates, and directs a program to provide technical and other nonfinancial assistance to small manufacturers of medical devices and to promote understanding of and compliance with medical device laws and regulations.

Serves as a central coordinating point to assist small manufacturers of medical devices in contacting appropriate Agency and Bureau components, as well as other Federal and State agencies.

Identifies program information needs of small manufacturers of medical devices; develops and conducts communication and education programs for small manufacturers of medical devices, in conjunction with other Agency components.

(p-2) [Reserved]

(p-2-i) *Division of Compliance Programs (HFME)*. Identifies compliance program needs, develops and issues surveillance and compliance programs relating to the device industry, and coordinates the establishment of priorities for compliance activities pertinent to these programs.

Plans and develops appraisal systems for each compliance program and evaluates the effectiveness of overall compliance programs. Revises existing programs as necessary to maintain their effectiveness.

Develops, reviews, coordinates, and/or conducts studies to measure compliance by the medical device industry with medical device laws and regulations.

Develops, implements, and monitors the medical device field work plan in coordination with the Executive Director of Regional Operations (EDRO).

Identifies and recommends research projects relative to monitoring and compliance techniques.

Develops, implements, and evaluates information programs directed at the medical device industry, trade associations, and other groups for the purpose of promoting voluntary compliance (in coordination with the Office of Small Manufacturers Assistance).

Prepares responses to general inquiries from the medical device industry and consumers.

Develops, coordinates, reviews, and revises medical device industry GMP regulations. Develops and implements programs to assure uniform interpretation and application of GMP's.

Provides executive secretarial services to the medical device GMP advisory committee.

Develops, coordinates, and/or conducts medical device training programs for field personnel in coordination with EDRO.

Provides assistance and guidance to State and local agencies in coordination with the Division of Federal-State Relations, EDRO, for the development and implementation of training, educational, and regulatory programs for State and local personnel.

In conjunction with the Bio-research Monitoring Staff, coordinates Bureau bio-research monitoring activities with respect to field programs and assignments.

(p-2-ii) *Division of Compliance Operations (HFMG)*. Provides support and guidance to the field in the handling of legal actions relating to medical devices, as requested.

Provides headquarters support for case development and coordination and contested case assistance.

Reviews and recommends legal actions in cases requiring headquarters coordination.

Provides headquarters support for activities associated with recalls and notifications.

Manages and coordinates activities associated with regulatory actions (i.e., information and regulatory letters; seizures; repair, replace, and refund requirements; banning actions; and domestic or import detentions).

Establishes and maintains a precedent correspondence and regulatory policy file and assures agencywide dissemination of policy decisions through existing mechanisms; i.e., administrative guidelines, compliance policy guides, etc., as appropriate.

Coordinates Bureau responsibilities for the Federal Government Medical Device Quality Assurance Program, with the Office of Compliance (OC), EDRO, and the field.

Develops advisory opinions and guidance resulting from specific requests from the medical device industry, trade associations, and other Federal agencies.

Monitors and evaluates restricted medical device promotional material and advertisements.

(p-2-iii) *Division of Product Surveillance (HFMH)*. Develops and operates a medical device registration and product listing system.

Maintains liaison with FDA components, other agencies, and industry regarding use of medical device listing and establishment data and for coordination on actions and issues of mutual concern.

Establishes and maintains procedures for the processing of mandatory defect reports by the medical device industry.

Develops and monitors contracts/interagency agreements to acquire medical device experience data.

Receives, controls, tracks, and provides for automated storage of all medical device experience and related product problem information.

Plans, develops, and operates a medical device experience monitoring network utilizing FDA field offices and other information sources within and outside FDA. Provides data to Agency and nonagency components.

(p–3) [Reserved]

(p–3–i) *Division of General Medical Device Standards (HFMB)*. Initiates, directs, coordinates, and/or performs the standards development process for general medical devices.

Receives, reviews, and recommends selection or rejection of general medical device standards proposed for adoption and offers to develop general medical device standards.

Develops and implements programs to encourage the participation of outside organizations and other Federal agencies in the development and adoption of general medical device standards and other related activities.

Develops general medical device standards, as necessary.

Develops, reviews and/or evaluates general medical device standards test methods in collaboration with the Associate Director for Device Research and Testing, as necessary.

Plans, designs, evaluates, and monitors extramural contract activities dealing with the development of general medical device standards.

Initiates the approval and publication of general medical device standards.

Provides executive secretarial services and other tcehnical support to the Medical Device Standards Advisory Panels.

Identifies the need to or reviews proposals to amend or revoke promulgated general medical device standards.

Plans, designs, monitors, and evaluates general medical device research contracts, interagency agreements, and grants in collaboration with the Associate Director for Device Research and Testing.

Plans, develops, and implements, in conjunction with the Associate Director for Compliance, audit policy and field inspection programs to ensure compliance with promulgated standards.

Evaluates Class II medical device reclassification requests in conjunction with the Associate Director for Device Evaluation and the appropriate device classification panel.

Recommends priorities for general medical device standards development activities based on the findings of the classification panels and other pertinent factors.

Plans, designs, and develops general medical device labeling criteria, in conjunction with other Bureau components.

(p–3–ii) *Division of In Vitro Diagnostic Device Standards (HFMA)*. Initiates, directs, coordinates, and/or performs the standards development process for in vitro diagnostic products.

Receives, reviews and recommends selection or rejection of in vitro diagnostic device standards proposed for adoption and offers to develop in vitro diagnostic device standards.

Develops and implements programs to encourage the participation of outside organizations and other Federal agencies in the development and adoption of in vitro diagnostic device standards and other related activities.

Develops in vitro diagnostic device standards, as necessary.

Develops, reviews, and/or evaluates in vitro diagnostic device standards test methods in collaboration with the Associate Director for Device Research and Testing, as necessary.

Plans, designs, evaluates, and monitors extramural contract activities dealing with the development of in vitro diagnostic device standards.

Initiates the approval and publication of in vitro diagnostic device standards.

Provides executive secretarial services and other technical support to the Medical Device Standards Advisory Panels.

Identifies the need to or reviews proposals to amend or revoke promulgated in vitro diagnostic device standards.

Plans, designs, monitors, and evaluates in vitro diagnostic device research contracts, interagency agreements, and grants in collaboration with the Associate Director for Device Research and Testing.

Plans, develops, and implements, in conjunction with the Associate Director for Compliance, audit policy and field inspection programs to ensure compliance with promulgated standards.

Evaluates Class II in vitro diagnostic device reclassification requests in conjunction with the Associate Director for Device Evaluation and the appropriate device classification panel.

Recommends priorities for in vitro diagnostic device standards development activities based on the findings of the classification panels and other pertinent factors.

Plans, designs, and develops in vitro diagnostic device labeling criteria, in conjunction with other Bureau components.

(p–4) [Reserved]

(p–4–i) *Division of Cardiovascular Devices (HFMJ)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to cardiovascular medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on cardiovascular devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(p–4–ii) *Division of Gastroenterology/Urology and General Use Devices (HFMK)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to gastroenterology/urology and general use devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on gastroenterology/urology and general use devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(p–4–iii) *Division of Anesthesiology and Neurology Devices (HFML).* Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to anesthesiology and neurology devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classifications status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on anesthesiology and neurology devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(p–4–iv) *DIVISION OF OBSTETRICS/GYNECOLOGY AND RADIOLOGY DEVICES (HFMM).* Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to obstetrics/gynecology and radiology devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on obstretrics/gynecology and radiology devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(p–4–v) *DIVISION OF SURGICAL AND REHABILITATION DEVICES (HFMN).* Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to surgical and rehabilitation devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation con-

cerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on surgical and rehabilitation devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(p-4-vi) *DIVISION OF CLINICAL LABORATORY DEVICES (HFMP).* Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to clinical laboratory devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on clinical laboratory devices with regard to the status of device applications, existing policy decision, proposed regulatory actions, and the state of product development.

(p-4-vii) *DIVISION OF OPHTHALMIC, EAR, NOSE, THROAT, AND DENTAL DEVICES (HFMQ).* Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to ophthalmic, ear, nose, throat, and dental devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device classification panels and recommends concurrence or noncurrence.

Provides executive secretarial and other technical services to medical device classification panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes classification panels, prepares FEDERAL REGISTER calls for nomination of panel members, selects panel members, and organizes panel meetings.

Advises the classification panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates, with the Associate Director for Device Research and Testing, laboratory review, testing, and demonstration of safety and/or efficacy aspects of PMAA's, PDPs, and IDE's.

Makes recommendations to the Associate Director for Device Evaluation concerning withdrawal of approval of approved PMAA's, notices of completion, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and/or efficacy studies with medical devices.

In conjunction with the Division of Compliance Programs, evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on ophthalmic, ear, nose throat and dental devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

Dated: May 17, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14646 Filed 5-23-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-06620]

IDAHO

Termination of Proposed Withdrawal and Reservation of Lands

MAY 17, 1977.

Notice of an application of the Fish and Wildlife Service, Serial No. I-06620, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 55-10240 in the issue for December 22, 1955. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR subpart 2091, such lands will be at 10:00 a.m. on June 23, 1977, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 12 N., R. 12 E.,
Sec. 22, W½E½, E½W½
Sec. 27, NE¼NW¼

The area described aggregates 360 acres in Custer County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.77-14625 Filed 5-23-77;8:45 am]

[AA-8485-A]

ALASKA

Alaska Native Claims Selection

On December 17, 1974, Knikatnu, Inc. (the Native village of Knik) filed selection application AA-8485-A pursuant to section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601).

The application described lands withdrawn for selection by the village of Knik by sections 11(a)(1) and 11(a)(2) of the Alaska Native Claims Settlement Act (hereinafter ANCSA).

Section 11(a)(2) of the ANCSA specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by section 11(a)(1) of the ANCSA that have been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339–343). Section 26 of the ANCSA further provides that, to the extent that there is a conflict between any provision of the Act and any other Federal laws applicable to Alaska, the provisions of the ANCSA shall govern.

Village selection application AA–8485–A has been found to be properly filed for the lands described herein, including those lands withdrawn by section 11(a)(2) of the ANCSA which have previously been selected by, or tentatively approved to the State under the Alaska Statehood Act.

Therefore, in view of the above, tentative approvals granted to the State for the selections listed under paragraph A, below, must be and are hereby vacated as to the lands described therein, and State selection applications listed under paragraph B, below, must be and are hereby rejected as to the lands described therein:

"A"

Serial No.	Date of filing	Tentative approval granted	Legal description, Seward Meridian, Alaska
AA–3089	Aug. 5, 1968, as amended	Apr. 29, 1969	T. 16 N., R. 3 W., Sec. 2, S½NE¼, N½NE¼SE¼NW¼, NW¼SE¼NW¼, and S½SE¼NW¼; Sec. 31, lots 1, 3, 7, and 8, NW¼NE¼.
A–051865	Apr. 29, 1960, as amended	May 6, 1974, as modified May 14, 1974.	T. 16 N., R. 4 W., Sec. 36, SW¼NE¼.

"B"

Serial No.	Date of filing	Legal description, Seward Meridian, Alaska
A–051117	Feb. 8, 1960, as amended	T. 15 N., R. 4 W., Sec. 1, lot 5, SW¼NE¼, NE¼SW¼, and NW¼SE¼; Sec. 12, W½NW¼NW¼SW¼; Sec. 23, E½NE¼; Sec. 24, lot 1.
A–051864	Apr. 29, 1960, as amended	Do.
AA–2732	Mar. 29, 1968, as amended	T. 16 N., R. 2 W., Sec. 6, lots 3 and 4, and E½SW¼.
AA–3089	Aug. 5, 1968, as amended	T. 16 N., R. 3 W., Sec. 2, S½NE¼, N½NE¼SE¼NW¼, NW¼SE¼NW¼, and S½SE¼NW¼; Sec. 31, lots 1, 3, 7, and 8, and NW¼NE¼.
A–051864	Apr. 29, 1960, as amended	Do.
A–051865	Apr. 29, 1960, as amended	T. 16 N., R. 4 W., Sec. 36, SW¼NE¼.
A–060527	Nov. 29, 1963, as amended	Do.
A–051117	Feb. 8, 1960, as amended	Do.
AA–2732	Mar. 29, 1968, as amended	T. 17 N., R. 1 W., Sec. 20, W½SW¼; Sec. 29, N½NW¼.
AA–2036	Aug. 17, 1967, as amended	T. 17 N., R. 2 W., Sec. 3, SE¼SW¼; Sec. 30, lot 6.
A–060527	Nov. 29, 1963, as amended	T. 17 N., R. 3 W., Sec. 10, NE¼NW¼, N½NW¼NW¼, N½SW¼NW¼NW¼, SE¼NW¼NW¼, and S½NW¼; Sec. 13, SE¼NE¼, NE¼SE¼, and S½SE¼.
A–061469	June 3, 1964, as amended	Do.
AA–2036	Aug. 17, 1967, as amended	Do.
AA–2036	Aug. 17, 1967, as amended	T. 18 N., R. 1 W., Sec. 18, NW¼NE¼, and SW¼SE¼.

In view of the foregoing, the surface estate of the following described lands are considered proper for acquisition by Knikatnu, Inc., subject to valid existing rights, and are hereby approved for patent pursuant to section 14(a) of the ANCSA. The lands are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

SEWARD MERIDIAN, ALASKA

T. 15 N., R. 3 W.
Sec. 2, lot 1;
Sec 18, E½NE¼, NW¼NE¼, S½NE¼NE¼NW¼, W½NE¼NW¼, and SE¼NE¼NW¼;
Sec. 19, lots 2 and 3.

T. 15 N., R. 4 W.
Sec. 1, lot 5, SW¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 12, W½NW¼NW¼SW¼;
Sec. 23, E½NE¼;
Sec. 24, lot 1.

T. 16 N., R. 2 W.
Sec. 6, lots 3 and 4, and E½SW¼.

T. 16 N., R. 3 W.,
Sec. 2, S½NE¼, N½NE¼SE¼NW¼, NW¼SE¼NW¼, and S½SE¼NW¼;
Sec. 6, lot 3, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 12 NE¼SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, and W½SE¼SE¼SW¼;
Sec. 14, E½SW¼ and W½SE¼;
Sec. 31, lots 1, 3, 7, and 8, and NW¼NE¼.

T. 16 N., R. 4 W.,
Sec. 36, SW¼NE¼.

T. 17 N., R. 1 W.,
Sec. 20, W½SW¼;
Sec. 29, N½NW¼.

T. 17 N., R. 2 W.,
Sec. 3, SE¼SW¼;
Sec. 30, lot 6.

T. 17 N., R. 3 W.,
Sec. 10 NE¼NW¼, N½NW¼NW¼, N½SW¼NW¼NW¼, SE¼NW¼NW¼, and S½NW¼;
Sec. 13, SE¼NE¼, NE¼SE¼, and S½SE¼.

T. 18 N., R. 1 W.,
Sec. 18, NW¼NE¼, and SW¼SE¼.
Aggregating 1,958.45 acres.

The patent issued to Knikatnu, Inc. for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat. 395; 43 U.S.C. 975(d)).

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601).

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 708; 43 U.S.C. 1616) the following public easements referenced by easement identification number (EIN) on the easement map in case file AA–8485–EE are reserved to the United States and subject to further regulation thereby:

a. (EIN) 1 D1, C4) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

b. (EIN 3 D9, L) A river easement twenty-five (25) feet in width along both banks of the Little Susitna River, for recreational use, as it traverses selected lands in the SW¼SE¼ of section 18, T. 18 N., R. 1 W., Seward Meridian. This easement includes the streambed.

c. (EIN 6 C5) A sixty-six (66) foot road easement on an existing road, to provide access across selected lands in lot 6 of section 30, T. 17 N., R. 2 W., Seward Meridian. Its use is to be controlled by applicable State or Federal law or regulation.

d. (EIN 7 C5) A sixty (60) foot road easement on an existing road, to provide access across selected lands in section 10 of T. 17 N., R. 3 W., Seward Meridian. Its use is to be controlled by applicable State or Federal law or regulation.

e. (EIN 8 D9, D1, L) A trail easement twenty-five (25) feet in width to provide access along the existing historic Iditarod Trail as it traverses selected lands in the SW¼ of section 12, T. 16 N., R. 3 W., Seward Meridian. Its use is to be controlled by applicable State or Federal law or regulation.

f. (EIN 9 C5) A one hundred (100) foot road easement to provide access on an existing road as it traverses selected lands in section 18 of T. 18 N., R. 1 W., Seward Meridian. Its use is to be controlled by applicable State or Federal law or regulation.

g. (EIN 10 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, is reserved together with the right to do all things necessary in connection therewith.

h. (EIN 11 C) An easement for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. This easement also includes the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of this easement shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of this easement that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands by the patent shall be subject to: 1. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339–341)), contract, permit, right-of-way, or easement and the right of the lessee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.

2. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 703; 43 U.S.C. 1613(c)) that the grantee hereunder convey those portions of land hereinafter granted, as are prescribed in said section.

3. A reservation for a right-of-way, AA–8781, fifty (50) feet each side of the centerline for a 138KV transmission and electric distribution line for the Chugach Electric Association, Inc., under the act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

4. The terms and conditions of the agreement dated January 18, 1977 between the Secretary of the Interior, Cook Inlet Region, Inc., Knikatnu, Inc., and other Cook Inlet Region villages. A copy of the agreement will be attached to and become a part of the conveyance document and will be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement casefile for Knikatnu, Inc., serialized AA–8485–EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Patent to the subsurface estate of the lands described above will be issued to Cook Inlet, Inc., pursuant to section 14(f) of the act, at the time that patent is issued to Knikatnu, Inc. for the surface estate. Conveyance of the remaining entitlement of Knikatnu, Inc., will be made at a later date.

All of the lands contained in the following oil and gas lease are herein approved for patent; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, the United States will waive administration of the lease and transfer it to Cook Inlet, Inc. when patent to the subsurface estate of lands is issued.

Serial number:	*Legal description, Seward Meridian, Alaska*
A–064282	T. 15 N., R. 4 W. sec. 23, E½NE¼.

All of the lands contained in the following oil and gas lease are not herein approved for patent; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, administration of this lease will continue to be by the United States.

Serial number:	*Land description, Seward Meridian, Alaska*
AA–1069	T. 17 N., R. 3 W. sec. 10, N½; sec. 11, SE¼NW¼; sec. 13, SE¼NE¼, NE¼SE¼, S½SE¼.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week for four (4) consecutive weeks, in the Anchorage Daily Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510. A copy must also be served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of the decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until June 23, 1977, to file an appeal.

3. Any party known or unknown, who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which are adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Knikatnu, Inc. or Cook Inlet Region, Inc. objects to any easement identified herein for reservation in the conveyance, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or waive the right to contest it. A copy of the petition shall be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–14649 Filed 5–20–77;8:45 am]

[F–14880–A]

ALASKA

Alaska Native Claims Selection

On January 3, 1974, Kikiktugruk Inupiat Corporation, village of Kotzebue, filed selection application F–14880–A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601), for the surface estate of certain lands in the Kotzebue area.

The application, as amended, is properly filed and meets the requirements of the act and of the regulations isued pursuant to the act. The selected lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 4.10 acres, is considered proper for acquisition by the Kikiktugruk Inupiat Corporation and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

KATEEL RIVER MERIDIAN, ALASKA
(UNSURVEYED)

Beginning at corner No. 2 of Tract 4 of U.S. Survey 2645 which is the true point of beginning; thence N. 44°5′ E. along the 12–13 line of Tract 4 a distance of 3.95 chains to corner No. 2 which is common to corner No. 13 of Tract 4; thence N. 45°55′ W. along the 13–1 line of Tract 4 a distance of 9.535 chains to corner No. 3 which is common to corner No. 1 of Tract 4 of U.S. Survey 2645, corner No. 1 of U.S. Survey 2083 and corner No. 1 of U.S. Survey 2082; thence S. 44°5′ W. along the 1–2 line of U.S. Survey 2082 for a distance of 4 chains to corner No. 4 which is common to corner No. 2 of U.S. Survey 2082; thence S. 45°55′ E. along the 2–3 line of U.S. Survey 2082 for a distance of approximately 9.46 chains to corner No. 1 and the true point of beginning.

The interim conveyance issued for the surface estate of the lands described

above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the U.S. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975(d).

3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601–1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following easements referenced by easement identification number (EIN) on the easement map in case file F–14880–EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 1–C4) the general right to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

b. (EIN 2–C4) an easement for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. This easement also includes the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of this easement shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of this easement that are actually in use or that are expressly authorized on March 3, 1966, shall continue to be in force.

There are no water bodies known to be navigable by reason of travel, trade and commerce.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions of land hereinafter granted, as are prescribed in said section.

4. The terms and conditions of the agreement of January 18, 1977 between the Secretary of the Interior and Kikiktugruk Inupiat Corporation. A copy of the agreement will be attached to and become a part of the conveyance document and will be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kikiktugruk Inupiat Corporation serialized F–14880–EE. Any person wishing to examine this easement agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Interim conveyance to the subsurface estate of the land described above will be granted to NANA Regional Corporation, pursuant to section 14(f) of the act, when conveyance is granted Kikiktugruk Inupiat Corporation for the surface estate.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, four (4) consecutive weeks, in the Fairbanks Daily News Miner. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 1016 West Sixth Avenue, Suite 201, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until 6/23/77, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Kikiktugruk Inupiat Corporation objects to any easement identified herein for reservation in the conveyance, it must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501 or waive the right to contest it. A copy of the petition shall be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–14650 Filed 5–20–77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 13, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 3, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

ALASKA

Aleutians Island Division

Navy Town and vicinity, *Attu Battlefield Site*, Attu Island.

Seward Division

Seward vicinity, *Tunnel #1*, N of Seward.

Skagway-Yakutat Division

Hoonah vicinity, *Ground Hog Bay Archeologocial District*, NE of Hoonah.

Wrangell-Petersburg Division

Wrengell vicinity, *Lincoln Rock Lighthouse, Site*, SW of Wrengell off Etolin Island.

ARKANSAS

Cowley County

Arkansas City vicinity, *Arkansas City Country Club Site*, E of Arkansas City.

DELAWARE

New Castle County

Newark vicinity, *Aiken's Tavern Historic District*, jct. U.S. 40 and DE 896.

Sussex County

Rehoboth Beach vicinity, *Marsh, Peter, House*, 10 Dodd's Lane.

IOWA

Des Moines County

Burlington, *German Methodist Episcopal Church*, 7th and Washington Sts.

Howard County

Cresco, *Kellow House*, 324 4th Ave., W.

Jasper County

Newton, *St. Stephen's Episcopal Church*, 220 E. 4th St. N.

Johnson County

Iowa City vicinity, *First Johnson County Asylum*, W of Iowa City.

Lee County

Denmark, *Denmark Congregational Church*, Academy Ave. and 4th St.

Linn County

Cedar Rapids, *Security Building*, 2nd Ave. and 2nd St., SE.

Mahaska County

Oskaloosa, *Smith-Johnson House*, 713 High Ave. E.

Mitchell County

Osage, *Cedar Valley Seminary*, N. 6th St. and Mechanic St.

Polk County

Des Moines, *Burns United Methodist Church*, 811 Crocker St.

Scott County

Davenport, *Gilruth Schoolhouse*, 53rd and Marquette Sts.

Taylor County

Bedford, *Bedford House*, 306 Main St.

Washington County

Washington, *Kurtz House*, 305 S. Ave. C.

Wright County

Eagle Grove, *Eagle Grove Public Library*, 401 W. Broadway.

KANSAS

Geary County

Junction City vicinity, *Elliott Village Site*, E of Junction City.

Leavenworth County

Leavenworth, *North Esplanade Historic District*, 203–515 N. Esplanade.

MAINE

Cumberland County

Brunswick, *St. Paul's Episcopal Church*, 27 Pleasant St.

Portland, *Clapp, Charles Q., Block*, Congress Square.

Portland, *First Baptist Church*, 353 Congress St.

Kennebec County

Augusta, *All Souls Church*, 70 State St.

Augusta, *Hill, Gov. John F., Mansion*, 136 State St.

Knox County

Tenant's Harbor, *Sail Loft*, off ME 131.

Penobscot County

Medway, *Congregational Church of Medway*, off ME 11.

Sagadahoc County

Phippsburg, *McCobb-Hill-Minott House*, Parker Head Rd.

Somerset County

Madison vicinity, *Weston Homestead*, N of Madison on Weston Ave.

Waldo County

Unity, *Chase, Hezekiah, House*, U.S. 202.

Washington County

Machiasport, *Liberty Hall*, ME 92.

MARYLAND

Howard County

Dorsey vicinity, *Troy*, N of Dorsey off MD 176.

Prince Georges County

Oxon Hill, *Oxon Hill Manor*, 6701 Oxon Hill Rd.

Queen Anhes County

Chestertown vicinity, *Chester Hall*, 1 mi. SE of Chestertown on MD 213.

Washington County

Keedysville vicinity, *Hitt's Mill and Houses*, W of Keedysville off MD 34.

NEBRASKA

Lancaster County

Lincoln, *Tyler, William H., House*, 808 D Street.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Old North Cemetery*, Maplewood Ave.

NORTH CAROLINA

Alleghany County

Amelia vicinity, *Hash, Bays, Site*, N of Amelia.

New Haven vicinity, *Gambill, J. C., Site*, N of New Haven.

Piney Creek vicinity, *Oliver Site*, W of Piney Creek.

Ashe County

Crumpler vicinity, *Alexander, Shubal V. Archeological Sites*, E of Crumpler.

Crumpler vicinity, *Brinegar Site*, N of Crumpler.

Jefferson vicinity, *Poe Fish Weir*, E of Jefferson.

OHIO

Mahoning County

Youngstown vicinity, *Austintown Log House*, W of Youngstown on Raccoon Rd. (boundary change).

PUERTO RICO

Arecibo, *Casco Antiguo de Arecibo*.

San German, *Casco Antiguo de San German*, irregular pattern around the two central plazas.

RHODE ISLAND

Kent County

Warwick, *Pawtuxet Village Historic District*, (also in Providence County) (boundary change).

Newport County

Jamestown vicinity, *Beavertail Light*, S of Jamestown on Beavertail Rd.

Providence County

Cranston, *Oak Lawn Village Historic District*, Wilbur Ave.

Providence, *Merchants Bank Building*, 32 Westminster St.

TENNESSEE

Maury County

Columbia vicinity, *Skipworth Hall*, W of Columbia on TN 50.

UTAH

Grand County

Moab, *Warner, Orlando W., House*, Mill Creek Rd.

Utah County

Pleasant Grove, *Olpin, Joseph, House*, 510 Locust Ave.

VERMONT

Washington County

South Northfield, *Old Red Mill*, VT 12.

WISCONSIN

Walworth County

Delavan vicinity, *Mile Long Site*, E of Delavan.

[FR Doc.77-14287 Filed 5-23-77;8:45 am]

MOUNT VERNON BIKE TRAIL, GEORGE WASHINGTON MEMORIAL PARKWAY, VIRGINIA

Negative Declaration

In compliance with the National Environmental Policy Act of 1969, the National Park Service has prepared an environmental assessment of the alternatives for the proposed relocation of the Mount Vernon Bike Trail, George Washington Memorial Parkway, Virginia. After making an environmental review of the assessment, the National Park Service has concluded that an environmental impact statement is not needed.

The environmental assessment and review are on file and available for inspection upon request at the National Capital Regional Office, National Park Service, Room 202, 1100 Ohio Drive SW., Washington, D.C., and at the Superintendent's Office, Turkey Run Park, George Washington Memorial Parkway, McLean, Virginia 22101, for 30 days from the date of this notice. The assessment considers the nature of the resources available alternatives, their impacts, mitigating values, adverse effects, a brief description of the alternative selected as the proposed action, and additional considerations that provide a basis for the conclusion that an environmental statement is not needed. Anyone desiring to comment on the proposed action, the environmental assessment, or the environmental review should put the comments in writing and send them to the Regional Director at the above address during the 30-day review period.

The National Park Service intends to proceed with the project at the end of the 30-day review period.

Dated: May 16, 1977.

MANUS J. FISH, Jr.,
Regional Director,
National Capital Region.

[FR Doc.77-14991 Filed 5-23-77;10:35 am]

Office of the Secretary

[INT DES 77-17]

VEKOL HILLS PROJECT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement for the Vekol Hills Project, a proposed open pit cooper and molybdenum mine on the Papago Indian Reservation, Pinal County, Arizona. Mining and related activities will be conducted under the terms of mineral and surface leases granted by the Papago Tribe if approved by the Secretary of the Interior.

The environmental statement examines the proposed mining project in terms of its effects on the physical, biological, cultural, economic, and other aspects of the human environment. The project will include 1600 acres of desert and foothill terrain, some of which have already been affected by past mining activities.

Copies of the statement are available for inspection at the following locations:

Branch of Environmental Quality Services, Bureau of Indian Affairs, room 4554, Interior Building, Washington, D.C. 20245, telephone 202/343-8248.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, suite 502, Phoenix, Arizona 85011, telephone 602/261-4195.

Papago Agency, Bureau of Indian Affairs, Sells, Arizona 85634, telephone 602/383-5338.

Single copies of the Draft Environmental Statement may be obtained from the Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Suite 502, Phoenix, Arizona 85011.

Written comments will be accepted within forty-five (45) days of this notice, and such comments will be considered during the preparation of the final environmental statement. The comments should be addressed to: John Artichoker, Jr., Area Director, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011.

Dated: May 18 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-14750 Filed 5-23-77;8:45 am]

VEKOL HILLS PROJECT, ARIZONA

Draft Environmental Statement; Public Hearings

Public hearings on the Vekol Hills open pit copper mining project will be held at 9:00 a.m. on June 22, 1977, in the Conference Room of the Papago Agency, Bureau of Indian Affairs, Sells, Arizona, and at 9:00 a.m. on June 23, 1977, in Patio Rooms A and B of the Francisco Grande Hotel, Casa Grande, Arizona. These hearings are being held to enable members of the public to present comments concerning the Department of Interior's Draft Environmental Impact Statement of the Vekol Hills Project, which will be located on the Papago Indian Reservation, in Pinal County, Arizona, approximately 30 miles southwest of Casa Grande.

Oral and written comments by interested parties are invited. The number of persons desiring to present oral statements may make it necessary to limit the time allowed for any single statement. Written comments supplementary to, or in lieu of, oral statements will be accepted at the hearings. Copies of the Draft Environmental Impact Statement may be obtained from the Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Suite 502, Phoenix, Arizona 85011, telephone 602/261-4195.

Those desiring to make an oral presentation at the hearings should make that fact known by advising the Phoenix Area Office in advance of the hearing or by registering on the date and at the place of hearing prior to the scheduled hour. An interpreter will be present at the hearing to translate comments from the Papago language into English.

Dated: May 18, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-14751 Filed 5-23-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDER REMOVAL WICKS

Notice and Order Concerning Procedure for Commission Action

Notice is hereby given that—

1. The Commission will hold a hearing beginning at 10 a.m., e.d.t., June 10, 1977, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C., for the purposes of (1) hearing oral argument on both the recommended determination of the presiding officer, concerning whether there is a violation of section 337 of the Tariff Act of 1930; and (2) receiving information and hearing oral argument, as provided for in § 210.14(a) of the Commission's rules of practice and procedure (41 FR 17710), concerning relief, bonding, and the public interest factors set forth in section 337(d) and (f) of the Tariff Act of 1930, as amended, which the Commission is to consider in the event it determines that there is a violation of section 337 and determines that there should be relief.

Parties and agencies wishing to make oral argument with respect to the recommended determination shall be limited to no more than 30 minutes per party, 10 minutes of which may be reserved by complainants for rebuttal; parties wishing to make oral argument with respect to relief shall be limited to no more than 15 minutes per party.

For the purpose of the part of the hearing on relief, bonding, and the public interest factors, each party, interested person, and agency will be limited to no more than 30 minutes for making its presentation; each participant will be permitted an additional 5 minutes for closing arguments after all the presentations have been concluded.

For the duration of this proceeding, complainants will jointly share the time limits allocable to one party, as will respondents.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than noon, Monday, June 6, 1977. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; or relief, bonding, and the public interest factors) in which the requesting person desires to participate.

2. Briefs concerning the recommended determination may be filed by any party or agency. Complainants' brief shall be filed no later than the close of business, Wednesday, May 25, 1977; respondents' brief, the brief of the Commission investigative staff, and any other briefs (if any intervenors are later admitted) shall be filed not later than the close of business, Wednesday, June 1, 1977; and complainants' reply brief shall be filed not later than Tuesday, June 7, 1977. Briefs shall be served on all parties of record on the date they are filed.

3. Written comments and information are encouraged by any party, interested person, Government agency, or Government concerning relief, bonding, and the public interest factors set forth in section 337(d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that there should be relief. A proposed order granting relief, including a determination of bonding, if appropriate, shall be filed and served by complainants upon all parties at the same time as complainants' brief is filed; respondents and all other interested persons, Government agencies, and Governments shall file and serve upon all parties their comments and information on remedy, bonding, and the aforesaid public interest factors not later than the date set out above on which respondents' brief is due; and complainants shall file and serve upon all parties their comments and information on these matters not later than the date on which their reply briefs are due.

The Commission's investigating staff shall file and serve upon all parties a formal report reflecting its investigation of public interest factors to be considered by the Commission with the staff's recommendations and conclusions not later than Wednesday, June 1, 1977.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER on July 1, 1976.

Issued: May 19, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-14778 Filed 5-23-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 724-77]

PRIVACY ACT OF 1974

Systems of Records; Correction

In F.R. Doc. 77-12097 appearing at page 21668 in the issue of Thursday, April 28, 1977, the following paragraph was omitted from the description of the categories of records for JUSTICE/FBI-002, titled "FBI Central Records System."

The FBI Central Records System—the FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

Pursuant to the authority vested in me by 5 U.S.C. 552a, the description of categories of records printed below replaces the existing one and is hereby adopted.

Dated: May 11, 1977.

GRIFFIN B. BELL,
Attorney General.

JUSTICE/FBI–002

System name:

FBI Central Records System.

Categories of records in the system:

The FBI Central Records System—the FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 191 classifications used in its basic filing system. They pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 191 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates that documents are no longer being filed under this heading):

CLASSIFICATIONS

1. Training Schools: National Academy Matters; FBI National Academy Applicants
2. Neutrality Matters.
3. Overthrow or Destruction of the Government
4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms
5. Income Tax.
6. Interstate Transportation of Strikebreakers
7. Kidnaping
8. Migratory Bird Act
9. Extortion
10. Red Cross Act
11. Tax (Other than Income)
12. Narcotics
13. Miscellaneous National Defense Act; Prostitution; Selling Whiskey Within Army Camps (obsolete)
14. Sedition
15. Theft from Interstate Shipment
16. Violation Federal Injunction (obsolete)
17. Veterans Administration Matters
18. May Act
19. Censorship Matters (obsolete)
20. Federal Grain Standards Act (obsolete)
21. Food and Drugs
22. National Motor Vehicle Traffic Act (obsolete)
23. Prohibition
24. Profiteering (obsolete)
25. Selective Service Act; Selective Training and Service Act
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft
27. Patent Matter
28. Copyright Matter
29. Bank Fraud and Embezzlement
30. Interstate Quarantine Laws (obsolete)
31. White Slave Traffic Act
32. Identification (Fingerprint Matters)
33. Uniform Crime Reporting
34. Violation of Lacy Act (obsolete)
35. Civil Service
36. Mail Fraud
37. False Claims Against the Government (obsolete)
38. Application for Pardon to Restore Civil Rights (obsolete)
39. Falsely Claiming Citizenship
40. Passport and Visa Matter
41. Explosives (obsolete)
42. Deserter; Deserter, Harboring
43. Illegal Wearing of Uniform: False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of "Smokey Bear" Symbol
44. Civil Rights; Civil Rights, Election Laws, Civil Rights, Election Laws, Voting Rights Act, 1965
45. Crime on the High Seas (Includes stowaways on boats and aircraft)
46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act
47. Impersonation
48. Postal Violation (Except Mail Fraud)
49. National Bankruptcy Act
50. Involuntary Servitude and Slavery
51. Jury Panel Investigations
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property
53. Excess Profits on Wool (obsolete)
54. Customs Laws and Smuggling
55. Counterfeiting
56. Election Laws
57. War Labor Disputes Act (obsolete)
58. Bribery; Conflict of Interest
59. World War Adjusted Compensation Act (obsolete)
60. Anti-Trust
61. Treason or Misprison of Treason
62. Miscellaneous—Including Administrative Inquiry (formerly Misconduct in Office)
63. Miscellaneous, Non-Subversive, including: Black Market in Railroad Tickets (obsolete); Civil Aeronautics Act (obsolete); Eight-Hour-Day Law; Federal Judiciary Investigations; Federal Juvenile Delinquency Act; Kickback Racket Act; Lands Division Matter (Condemnation Proceedings); Miscellaneous—Civil Suit; Miscellaneous, O.P.A. Violation (Civil) (obsolete); Miscellaneous—Wage and Hour Law (Fair Labor Standards Act of 1938); Soldiers and Sailors Civil Relief Act of 1940; Tariff Act of 1930; Top Hoodlum Coverage; Unreported Interstate Shipment of Cigarettes; Federal Cigarette Labeling and Advertising Act
64. Foreign Miscellaneous
65. Espionage
66. Administrative Matters
67. Personnel Matters
68. Alaskan Matters (obsolete)
69. Contempt of Court
70. Crime on Indian Reservation; Inducing Conveyance of Indian Trust Land; Crime on Government Reservation; Embezzlement or Theft of Indian Property
71. Bills of Lading Act
72. Obstruction of Criminal Investigations
73. Application for Pardon After Completion of Sentence and Application for Executive Clemency
74. Perjury
75. Bondsmen and Sureties
76. Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator
77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications)
78. Illegal Use of Government Transportation Requests
79. Missing Persons
80. Laboratory Research Matters
81. Gold Hoarding (obsolete)
82. War Risk Insurance (National Service Life Insurance) (obsolete)
83. Court of Claims
84. Reconstruction Finance Corporation Act (obsolete)
85. Home Owner Loan Corporation (obsolete)
86. Federal Lending and Insurance Agencies
87. Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television)
88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony
89. Assaulting or Killing a Federal Officer; Congressional Assassination Statue
90. Irregularities in Federal Penal Institutions
91. Bank Burglary; Bank Larceny; Bank Robbery
92. Anti-Racketeering; A.R., Lea Act; A.R., Interference with Government Communications System; A.R., Hobbs Act
93. Ascertaining Financial Ability
94. Research Matters
95. Laboratory Cases (Examinaiton of Evidence in Other than Bureau Cases)
96. Alien Applicant (obsolete)
97. Registration Act
98. Sabotage
99. Plant Survey (obsolete)
100. Subversive Matter (Individuals); Internal Security (Organization)
101. Hatch Act (obsolete)
102. Voorhis Act
103. Interstate Transportation of Stolen Cattle
104. Servicemen's Dependents Allowance Act of 1942 (obsolete)
105. Internal Security (Nationalistic Tendency, Foreign Intelligence) (Individuals and Organizations, by country)
106. Alien Enemy Control; Escaped Prisoners of War and Internees (obsolete)
107. Denaturalization Proceedings (obsolete)
108. Foreign Travel Control (obsolete)
109. Foreign Political Matters
110. Foreign Economic Matters
111. Foreign Social Conditions
112. Foreign Funds
113. Foreign Military and Naval Matters
114. Alien Property Custodian Matter (obsolete)
115. Bond Default; Bail Jumper
116. Atomic Energy Act, Applicant; Atomic Energy Act, Employee
117. Atomic Energy Act, Criminal
118. Applicant, Central Intelligence Agency (obsolete)
119. Federal Regulations of Lobbying Act
120. Federal Tort Claims Act
121. Loyalty of Government Employees (obsolete)
122. Labor Management Relations Act, 1947
123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Public Law 402, 80th Congress)

124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Program; A.I.D., Agency for International Development (obsolete)
125. Railway Labor Act; Railway Labor Act, Employer's Liability Act
126. National Security Resources Board, Special Inquiry (obsolete)
127. Sensitive Positions in the United States Government, Public Law 266 (obsolete)
128. International Development Program (Foreign Operations Administration)
129. Evacuation Claims (obsolete)
130. Special Inquiry, Armed Forces Security Act (obsolete)
131. Admiralty Matter
132. Special Inquiry, Office of Defense Mobilization (obsolete)
133. National Science Foundation Act, Applicant (obsolete)
134. Security Informants
135. PROSAB (Protection of Strategic Air Command Bases of U.S.A. Air Force)
136. American Legion Contact (obsolete)
137. Criminal Informants
138. Loyalty of Employees of the United Nations and Other Public International Organizations
139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications)
140. Security of Government Employees; S.G.E., Fraud Against the Government
141. False Entries in Records of Interstate Carriers
142. Illegal Use of Railroad Pass
143. Interstate Transportation of Gambling Devices
144. Interstate Transportation of Lottery Tickets
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language
146. Interstate Transportation of Prison-Made Goods
147. Federal Housing Administration Matters
148. Interstate Transportation of Fireworks
149. Destruction of Aircraft or Motor Vehicles
150. Harboring of Federal Fugitives, Statistics
151. (Referral cases received from CSC under P.L. 298) Agency for International Development; Atomic Energy Commission (Civil Service Commission); National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; U.S. Information Agency
152. Switchblade Knife Act
153. Automobile Information Disclosure Act
154. Interstate Transportation of Unsafe Refrigerators
155. National Aeronautics and Space Act of 1958
156. Welfare and Pension Plans Disclosure Act
157. Extremist Matters; Civil Unrest
158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete)
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter)
160. Federal Train Wreck Statute
161. Special Inquiries for White House, Congressional Committee and Other Government Agencies
162. Interstate Gambling Activities
163. Foreign Police Cooperation
164. Crime Aboard Aircraft
165. Interstate Transmission of Wagering Information
166. Interstate Transportation in Aid of Racketeering
167. Destruction of Interstate Property
168. Interstate Transportation of Wagering Paraphernalia
169. Hydraulic Brake Fluid Act (obsolete)
170. Extremist Informants
171. Motor Vehicles Seat Belt Act (obsolete)
172. Sports Bribery
173. Public Accommodations, Civil Rights Act of 1964
Public Facilities, Civil Rights Act of 1964
Public Education, Civil Rights Act of 1964
Employment, Civil Rights Act of 1964
174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats)
175. Assaulting the President (or Vice President) of the United States
176. Anti-riot Laws
177. Discrimination in Housing
178. Interstate Obscene or Harassing Telephone Calls
179. Extortionate Credit Transactions
180. Desecration of the Flag
181. Consumer Credit Protection Act
182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture
183. Racketeer, Influenced and Corrupt Organizations
184. Police Killings
185. Protection of Foreign Officials and Official Guests of the United States
186. Real Estate Settlement Procedures Act of 1974
187. Privacy Act of 1974, Criminal
188. Crime Resistance
189. Equal Credit Opportunity Act
190. Freedom of Information/Privacy Acts
191. False Identity Matter

Files kept in FBI Field Offices. Field offices maintain certain records that are not contained at FBI Headquarters that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations were closed in field offices and correspondence not forwarded to FBIHQ.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. For example, since investigation of major frauds requires the Agent to collect and organize massive volumes of evidence and other investigative information, the FBI is using computers to do this in a more accurate and expeditious manner. Additionally, Agents occasionally seize evidence in computerized form and FBI computers are used to organize and sort the information in preparation for trial.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

[FR Doc.77-14544 Filed 5-23-77;8:45 am]

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, TENTH CIRCUIT PANEL

Meeting

The schedule of meetings of the nominating panel for the Tenth Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) The first meeting will be held on Thursday, June 2, 1977, at 1 p.m., in the Federal Court Building, Circuit Court Rooms, Denver, Colorado.

The purpose of the first part of this meeting is to formally constitute the Panel and to discuss procedures and this part of the meeting will be open to the public. The remaining portion of the meeting will be devoted to a discussion of potential candidates and will not be open to the public pursuant to Pub. L. 92–463, section 10(D) as amended. (Cf. U.S.C. 552b(c)(6).)

(2) The second meeting will be held on Saturday, July 16, 1977, at 10 a.m. in the Circuit Court Room, Wichita, Kansas. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (Cf. 5 U.S.C. 552b(c)(6).)

(3) The third meeting will be held on Wednesday, July 20, 1977, at 10 a.m. in the Circuit Court Rooms, Salt Lake City, Utah. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92–463, Section 10(D) as amended. (Cf. 5 U.S.C. 552b(c)(6).)

Dated: May 19, 1977.

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

[FR Doc.77-14711 Filed 5-23-77;8:45 am]

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, WESTERN FIFTH CIRCUIT PANEL

Meeting

The Western Fifth Circuit Panel of the United States Circuit Judge Nominating Commission will hold its next meeting in New Orleans, Louisiana, at the United States Court of Appeals for the Fifth Circuit, 600 Camp Street, on June 13, 1977, at 10 a.m., in lieu of the previously announced meetings of the panel of June 3, and June 22, 1977, at the same location. This meeting is to interview and consider candidates for nomination to the judicial vacancy in the Western Fifth Circuit, and it will be closed to the public in accord with Pub. L. 92-463, section 10 (D) as amended.

Dated: May 19, 1977.

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

[FR Doc.77-14712 Filed 5-23-77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ALLIED LEATHER CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allied Leather Co. (ILGWU).	Waterboro, Maine	May 10, 1977	May 6, 1977	TA-W-2,060	Patent leather for shoes
Ballets, Inc. (workers)	Lynn, Mass	do	do	TA-W-2,061	Ballet, gym, and tap dancing shoes.
Walter Dyer Leather (workers).	do	May 11, 1977	May 9, 1977	TA-W-2,062	Moccasins, hand-sewn loafers and other leather wearing apparel.
Kensigton Dress Co. (ILGWU).	Philadelphia, Pa	do	May 6, 1977	TA-W-2,063	Ladies' dresses.
Kiddy Kraft Manufacturing Inc. (ILGWU).	do	do	do	TA-W-2,064	Children's coats.
Lori Coat Co. (ILGWU)	do	do	do	TA-W-2,065	Do.
Superba Mills, Inc. (ILGWU).	do	do	do	TA-W-2,066	Ladies' lingerie.
Irving Wenger, Inc. (ILGWU).	do	do	do	TA-W-2,067	Ladies' dresses.

[FR Doc.77-14559 Filed 5-23-77;8:45 am]

ARCO AUTO CARRIERS, INC., ET AL.

Investigations Regarding Certifications of Eligibility to Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Wahington, D.C. this 16th day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arco Auto Carriers, Inc. (company).	Kenosha, Wis.	May 12, 1977	May 10, 1977	TA-W-2,071	Transportation of AMC cars from the assembly plants to the dealerships.
Emhart Industries, Inc., Hartford division (UAW).	Windsor, Conn.	May 16, 1977	May 6, 1977	TA-W-2,072	Complete assemblies of 18 machines, component parts for 28 machines and conveyers.
Federal Steel & Wire Corp. (Industrial & Miscellaneous Workers of America).	Cleveland, Ohio	do	May 11, 1977	TA-W-2,073	Heavy square nuts and bolts for the railroad and other industries.
Uxbridge Knitting Mills (workers).	Uxbridge, Mass.	do	do	TA-W-2,074	Double knit fabrics.
Wakefield Industries, Inc. (workers).	Norwich, Conn.	do	May 9, 1977	TA-W-2,075	Wood cabinets for hi-fi, radios, and stereos.

[FR Doc.77-14560 Filed 5-23-77;8:45 am]

HALCO INDUSTRIES, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 3, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Haleo Industries, Inc. (company).	Burbank, Calif.	May 12, 1977	May 3, 1977	TA-W-2,068	Eyeglass frames and parts.
Quaker Tronser Co., Inc. (company).	Philadelphia, Pa.	do.	May 9, 1977	TA-W-2,069	Men's trousers.
Wheeling Machine Products (USWA).	Cambridge, Ohio.	do.	Apr. 15, 1977	TA-W-2,070	Warehousing.

[FR Doc. 77-14561 Filed 5-23-77;8:45 am]

[TA-W-1482]

CALUMET STEEL CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1482: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of the workers and former workers producing steel products at the Calumet Steel Company, Chicago Heights, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1532). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Calumet Steel Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Calumet Steel Company declined 4.9 percent in 1975 compared to 1974 and 9.5 percent in 1976 compared to 1975. Employment reductions have been achieved through normal attrition.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Calumet Steel Company declined 27.9 percent in value in 1975 compared to 1974 and increased 23.0 percent in value in 1976 compared to 1975. After declining in four consecutive quarters compared to the same quarters of the previous year, sales increased 61 percent, 51 percent and 2 percent in the second, third and fourth quarters of 1976 compared to the respective quarters of 1975.

Tons of steel produced at Calumet Steel declined 25.8 percent in 1975 from 1974 and increased 12.2 percent in 1976 from 1975.

Production by Calumet Steel declined 26 percent in value in 1975 from 1974 and increased 12 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel bar—hot rolled—declined absolutely and relative to domestic shipments and consumption in 1974, 1975, and 1976. Imports declined from 804.1 thousand tons in 1972 to 723.0 thousand tons in 1973, to 691.3 thousand tons in 1974, to 423.1 thousand tons in 1975 and to 384.2 thousand tons in 1976. The ratio of imports to domestic shipments declined from 12.8 percent in 1972 to 10.2 percent in 1973, to 9.6 percent in 1974, to 8.2 percent in 1975 and to 7.0 percent in 1976.

Imports of carbon steel bars—size light shapes—declined absolutely and relative to domestic shipments in 1975 and 1976. Imports declined from 521.5 thousand tons in 1974 to 167.2 thousand tons in 1975 and to 164.3 thousand tons in 1976. Imports relative to domestic production declined from 53.1 percent in 1974 to 22.7 percent in 1975 and to 19.5 percent in 1976.

Imports of fence gates, posts and fittings were 4.7 thousand tons in 1974, 0.8 thousand tons in 1975 and 2.1 thousand tons during January through September in 1976. Imports relative to domestic shipments increased from 0.3 percent in 1975 and 1.1 percent during January through September in 1976. Imports did not exceed two percent of domestic production during the 1973-1976 period.

CONTRIBUTED IMPORTANTLY

Carbon steel bars—hot rolled and size light shapes constitute 80 percent of the production at Calumet Steel Company. Fence gates, posts and fittings constitute 10 percent of production.

Imports of carbon steel bars—hot rolled and size light shapes declined absolutely and relatively to domestic shipments from 1975 to 1976. Imported fence gates, posts and fittings constituted only 1.1 percent of domestic production in the first nine months of 1976 and did not exceed two percent of domestic production since prior to 1973.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel produced at the Calumet Steel Company, Chicago Heights, Illinois, did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 13th day of May, 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14754 Filed 5-23-77;8:45 am]

[TA-W-1591]

INDIAN HEAD MILLWORK CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1591: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1977 in response to a worker petition received on December 6, 1976 which was filed by the Upholsterers' International Union of North America on behalf of former workers producing millwork products at the Indian Head Millwork Corporation, Nashua, New Hampshire.

The Notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8021). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Indian Head Millwork Corporation, the National Woodwork Manufacturers' Association, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The Indian Head Millwork Corporation was established at Nashua, New Hampshire in 1946 to service the residential housing market in the New England area. The corporation consisted of a millwork plant and a distribution center in Nashua, New Hampshire and distribution centers in South Yarmouth, Massachusetts and Berlin, Connecticut. On September 30, 1976 the Indian Head Millwork Corporation was suddenly closed because its creditors decided to foreclose on their loans and to take possession of the corporation's assets.

The Nashua millwork plant of the Indian Head Millwork Corporation produced millwork products for residential housing, including pre-hung doors, window units, and custom-built woodwork. Indian Head also marketed and installed kitchen cabinets and counter tops. All of the kitchen cabinets were purchased as finished unit by Indian Head from other domestic and foreign manufacturers. Some of the counter tops for the kitchen cabinets were produced at the Nashua mill; however, finished kitchen cabinets were not made at the Nashua plant.

Imports of millwork products are negligible in the domestic market. Imports declined annually from $48.7 million in 1973 to $37.7 million in 1976. The ratio of millwork imports to domestic millwork production decreased steadily from 1.0 percent in 1973 to 0.3 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the millwork products produced by the Indian Head Millwork Corporation, Nashua, New Hampshire have not increased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14755 Filed 5-23-77;8:45 am]

[TA-W-1552]

INTERNATIONAL HARVESTER CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1552: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 5, 1977 in response to a worker petition received on January 5, 1977 which was filed on behalf of workers and former workers producting sisal and synthetic agricultural twine at the New Orleans, Louisiana plant of International Harvester Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5451). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the New Orleans plant declined 2 percent from 1974 to 1975 and declined 42 percent from 1975 to 1976.

SALES, PRODUCTION, OR BOTH DECREASED ABSOLUTELY

The quantity of sisal twine sales declined 53 percent from 1974 to 1975 and then increased 4 percent from 1975 to 1976.

The quantity of sisal twine produced at the New Orleans plant declined 30 percent from 1974 to 1975 and declined 42 percent from 1975 to 1976.

The quantity of plastic twine sales declined 11 percent from 1974 to 1975 and declined 42 percent from 1975 to 1976.

The quantity of plastic twine produced at the New Orleans plant increased 71 percent from 1974 to 1975 and then declined 58 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of hard fiber (sisal) agricultural twine declined absolutely and relative to domestic production from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974 and increased relatively from 1974 to 1975. Imports increased absolutely and relatively from 1975 to 1976. The ratio of imports to domestic production increased from 972.4 percent in 1975 to 1610.4 percent in 1976.

Imports of synthetic twine increased absolutely and relative to domestic production in each year from 1972 through 1975. Imports then declined absolutely and relatively from 1975 to 1976. The ratio of imports to domestic production increased from 5.1 percent in 1974 to 20.4 percent in 1975 and then declined to 3.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of International Harvester, who were contacted, did not purchase imported synthetic twine in 1976.

International Harvester is the only domestic manufacturer of sisal twine. Customers of International Harvester were contacted regarding their purchases of sisal twine. All of the customers purchase imported sisal twine. All of the customers reduced purchases from International Harvester from 1974 to 1975. Thirty percent of these customers purchased only imported sisal twine in 1975.

Although some of the customers then increased purchases of sisal twine from International Harvester in 1976 compared to 1975, in each case the quantity of purchases in 1976 showed a decline when compared to 1974. For every customer contacted, the proportion of total sisal twine purchases represented by imports was greater in 1976 than in 1974.

International Harvester's sales of sisal twine declined 53 percent from 1974 to 1975. The impact of this decline on employment at the New Orleans plant was not immediate. Production at the plant declined in 1975, but to a lesser degree than sales. The result was an increase

in sisal twine inventory of 4366 percent from 1974 to 1975. Therefore, a significant proportion of 1976 sales were made from accumulated inventory. The 4 percent increase in sisal twine sales from 1975 to 1976 was insufficient to absorb both inventory and current production. The company was forced to make further production cutbacks which in turn led to employment declines.

Workers at the New Orleans plant are not identifiable by product line. Plant wide bumping is permitted. Therefore all workers who produce sisal agricultural twine and/or synthetic agricultural twine are considered to be one appropriate subdivision.

Sisal twine represented 83 percent of total production at the plant in 1974, 65 percent in 1975, and 73 percent in 1976. According to company officials, production of sisal twine is more labor intensive than production of synthetic twine.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with sisal agricultural twine produced at the New Orleans, Louisiana plant of International Harvester Company, Chicago, Illinois contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers at the New Orleans, Louisiana plant of International Harvester Company, Chicago, Illinois who became totally or partially separated from employment on or after December 14, 1975 are eligible to apply for adjustment assistance under title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14756 Filed 5-23-77;8:45 am]

[TA-W-1266]

KAISER STEEL CORP.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1266: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at the Fontana, California Steel Mill of Kaiser Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53091). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kaiser Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that for the pipe, structural shapes, plate, galvanized sheet, cold rolled sheet, steel making, and services subdivisions, all of the above criteria have been met.

PIPE

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of pipe at the mill declined 32 percent in 1975 from 1974 and 11 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of pipe at the Fontana, California Mill of Kaiser Steel Corporation declined 48 percent in 1975 from 1974 and 35 percent in 1976 from 1975.

Shipments of pipe from the mill declined 53 percent in 1975 from 1974 and 30 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing into the U.S. decreased absolutely in 1972 and 1973 from the previous year, increased from 1973 to 1974 and decreased from 1974 to 1975. Imports in the first 9 months of 1976 were 1348.6 thousand tons, an increase of 12 percent from the 1209.2 thousand tons in the first 9 months of 1975. Relative to domestic shipments, imports increased in 1972 from 1971 and decreased in 1973 from 1972. Relative imports increased from 1973 to 1974 from 1974 to 1975 and from 20.5 percent in the first 9 months of 1975 to 34.0 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of pipe from Kaiser Steel and increased purchases of imported pipe.

STRUCTURAL SHAPE

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of structural shapes (which includes employment related to the production of bars) at the mill decreased 61 percent from 1974 to 1975 and 9 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production of structural shapes at the mill decreased 52 percent in 1975 from 1974 and 10 percent in 1976 from 1975.

Shipments of structural shapes from the mill declined 52 percent in 1975 from 1974 and 22 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel structural shapes, both absolutely and relative to domestic production, increased in 1972 from 1971 and decreased in 1973, 1974 and 1975 from the previous year. Imports in the first 9 months of 1976 were 909.8 thousand tons, an increase of 45 percent over the 629.1 thousand tons in the first 9 months of 1975. Relatively, imports were 34.3 percent of domestic shipments in the first 9 months of 1976 compared to 18.7 percent in the same period of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of structural shapes from Kaiser Steel and have increased purchases of imports.

PLATE

Thirty-five to forty percent of the plate produced at the Fontana Mill is not sold directly to customers, but is shipped to Kaiser's fabricating plant in Napa, California where it is made into large diameter pipe (over 16").

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of plate at the mill remained virtually the same in 1975 as 1974. Employment declined 10 percent in the fourth quarter of 1975 from the fourth quarter of 1974 and 24 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production of plate at the mill, including that for shipment to Napa, decreased 15 percent in 1975 from 1974 and 36 percent in 1976 from 1975.

Production of plate at the mill to be shipped to Napa to be made into pipe decreased 20 percent in 1975 from 1974 and 43 percent in 1976 from 1975.

Production of plate at the mill for sale to customers declined 11 percent in 1975 from 1974 and 30 percent in 1976 from 1975.

Shipments of plate from the mill to customers decreased 16 percent in 1975 from 1974 and 26 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel plate into the U.S. increased absolutely in 1972 from 1971, decreased from 1972 to 1973, increased from 1973 to 1974 and decreased from 1974 to 1975. Imports increased from 1064.7 thousand tons in the first 9 months of 1975 to 1083.2 thousand tons in the first 9 months of 1976. Relative to domestic shipments, imports increased in 1972 from 1971, decreased in 1973 from 1972, and increased in 1974 from 1973 and in 1975 from 1974. Imports increased from 18.7 percent of domestic shipments in the first 9 months of 1975 to 24.8 percent in the first 9 months of 1976.

Imports of carbon steel pipe and tubing (the end product of 35 to 40 percent of plate production) also increased. Specific information on imports of pipe and tubing is included in the earlier section on pipe.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of plate from Kaiser and have increased purchases of imported plate.

GALVANIZED SHEET

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of galvanized sheet at the mill decreased 5 percent in 1975 from 1974 and increased 1 percent in 1976 from 1975. Employment declined 27 percent in the fourth quarter of 1976 from the third quarter of 1976 and 20 percent in the fourth quarter of 1976 from the fourth quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of galvanized sheet at the mill decreased 23 percent in 1975 from 1974 and increased 50 percent in 1976 from 1975. Production decreased 46 percent in the fourth quarter of 1976 from the third quarter of 1976 and 19 percent in the fourth quarter of 1976 from the fourth quarter of 1975.

INCREASED IMPORTS

Imports of galvanized steel sheet and strip decreased absolutely and relative to domestic shipments in 1972 from 1971 and in 1973 from 1972, increased in 1974 from 1973 and decreased in 1975 from 1974. In the first 9 months of 1976 imports were 1076.5 thousand tons, an increase of 97 percent from the 547.4 thousand tons imported in the first 9 months of 1975. Relatively, imports in the first 9 months of 1976 were 26.6 percent of domestic shipments compared to 19.7 percent in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of galvanized sheet from Kaiser and have increased purchases of imports.

COLD ROLLED SHEET

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of rolled sheet at the mill declined 12 percent in 1975 from 1976 and increased 13 percent in 1976 from 1975. Employment decreased 13 percent in the fourth quarter of 1976 from the third quarter of 1976 and nine percent in the fourth quarter of 1976 from the fourth quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of cold rolled sheet at the mill decreased 42 percent in 1975 from 1974 and increased 68 percent in 1976 from 1975. Production decreased 25 percent in the fourth quarter of 1976 from the third quarter of 1976 and 6 percent in the fourth quarter of 1976 from the fourth quarter of 1975.

INCREASED IMPORTS

Imports of carbon steel sheets—cold rolled—decreased absolutely in 1972 from 1971, in 1973 and 1972, in 1974 from 1973 and in 1975 from 1974. Imports in the first 9 months of 1976 were 1627.1 thousand tons, 16 percent higher than the 1398.8 thousand tons imported in the first 9 months of 1975. Relative to domestic shipments, imports decreased in 1972, 1973 and 1974 from the previous year and increased in 1975 from 1974. Relatively imports were 11.8 percent of domestic shipments in the first 9 months of 1976 compared to 15.1 percent in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of cold rolled sheet from Kaiser and increased purchases of imports.

STEEL MAKING AND SERVICES

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of basic steel at the mill declined 12 percent in 1975 from 1974 and 5 percent in 1976 from 1975.

Average employment related to the maintenance of, and services to the entire plant, or two or more subdivisions of the plant, declined 3 percent in 1975 from 1974 and 3 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production at the mill decreased 18 percent in 1975 from 1974 and 1 percent in 1976 from 1975.

Total shipments from the mill decreased 23 percent in 1975 from 1974 and increased 2 percent in 1976 from 1975.

INCREASED IMPORTS

Imports, either absolutely or relative to domestic shipments, of products like or directly competitively with products produced at some of the subdivisions of the mill, which are a further stage of production of basic steel or are served by the maintenance and service personnel increased in 1975 from 1976 and in the first 9 months of 1976 from the same period of 1975.

CONTRIBUTED IMPORTANTLY

Customers who purchase those same products indicated that they have decreased purchases from Kaiser and have increased purchases of imported products.

The investigation has further revealed that for the hot rolled sheet subdivision, although criteria (1) and (3) have been met, criterion (2) has not been met.

HOT ROLLED SHEET

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of hot rolled sheet at the mill decreased 13 percent in 1975 from 1974 and increased 6 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of hot rolled sheet at the mill decreased 26 percent in 1975 from 1974. Production increased 16 percent in the fourth quarter of 1975 from the third quarter of 1975, 5 percent in the fourth quarter of 1975 from the fourth quarter of 1974 and 40 percent in 1976 from 1975. Production in each quarter of 1976 was higher than in the corresponding quarter of 1975.

Shipments of sheets and strip from the mill, of which hot rolled sheet makes up 65–70 percent, decreased 29 percent in 1975 from 1974. Shipments increased 17 percent in the fourth quarter of 1975 from the third quarter of 1975, 3 percent in the fourth quarter of 1975 from the fourth quarter of 1974 and 43 percent in 1976 from 1975. Shipments in each quarter of 1976 were higher than the corresponding quarter of 1975.

INCREASED IMPORTS

Imports of hot rolled sheet decreased absolutely in 1972, 1973, 1974 and 1975 from the previous year. Imports in the first 9 months of 1976 were 1071.6 thousand tons, an increase of 6 percent from the 1010.2 thousand tons imported in the first 9 months of 1975. Relative to domestic shipments, imports decreased in 1972 and 1973 from the previous year and increased in 1974 and 1975. Relatively, imports were 9.5 percent of domestic shipments in the first 9 months of 1976 compared to 12.3 percent in the first 9 months of 1975.

The investigation has further revealed that for the bars subdivision, although criteria (1) and (2) have been met, criterion (3) has not been met.

BARS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of bars (which includes employment related to the production of structural shapes) at the mill decreased 61 percent in 1975 from 1974 and 9 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of bars at the mill declined 72 percent in 1975 from 1974 and increased 54 percent in 1976 from 1975.

Shipments of bars from the mill decreased 67 percent in 1975 from 1974 and

increased 21 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel bar-size light shapes increased absolutely from 1971 to 1972, decreased from 1972 to 1973, increased from 1973 to 1974 and decreased from 1974 to 1975. Imports were 99.1 thousand tons in the first 9 months of 1976, a decrease of 37 percent from the 157.0 thousand tons imported in the first 9 months of 1975. Relative to domestic shipments, imports decreased from 1971 to 1972 and from 1972 to 1973, increased from 1973 to 1974 and decreased from 1974 to 1975. Imports were 15.2 percent of domestic shipments in the first 9 months of 1976 compared to 27.3 percent in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated they have decreased purchases of bars from Kaiser Steel and have increased purchases of imports.

The investigation has further revealed that for the tin mill products subdivision, criteria (2) and (4) have not been met.

TIN MILL PRODUCTS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment related to the production of tin mill products at the mill increased 8 percent in 1975 from 1974 and 9 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of tin mill products at the mill increased 13 percent in 1975 from 1974 and 10 percent in 1976 from 1975.

Shipments of tin mill products from the mill decreased 4 percent in 1975 from 1974 and increased 18 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of tin plate into the U.S. increased absolutely and relative to domestic production in 1972 from 1971, decreased in 1973 from 1972 and in 1974 from 1973, and increased in 1975 from 1974. Absolutely, imports were 230.1 thousand tons in the first 9 months of 1976, a decrease of 53 percent from the 352.6 thousand tons imported in the first 9 months of 1975. Relatively, imports were 6.2 percent of domestic shipments in the first 9 months of 1976 compared to 11.1 percent in the first 9 months of 1976 compared to 11.1 percent in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have decreased purchases of imported tin plate.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with pipe, structural shapes, plate galvanized sheet, and cold rolled sheet produced at the Fontana, California Mill of Kaiser Steel Corporation, contributed importantly to the total or partial separations of those subdivisions of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of pipe in the C. W. Pipe Mill Department and the E. W. Pipe Mill Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after October 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of structural shapes in the Structural Mill Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after October 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of plate in the Plate Mill Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after October 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of basic steel in the Coke Oven Department, the Blast Furnace Department, the Open Hearth Department, the BOSP Department, the Foundry Department, the Maintenance, Iron and Steel Department, the Soaking Pits, Blooming Mill and Slabbing Mill Department, and the Conditioning Yards Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after October 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to maintenance and services in the Mill Warehouse Department, the Maintenance Rolling Mills Department, the Roll Shops Department, the Maintenance, Cold Rolled and Coated Products Department, the Shops and Services Department, the Industrial Relations Department, the Quality Control Department, the Controllers Department and other employees engaged in employment related to maintenance and services at the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after October 10, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of galvanized sheet in the Sheet Galvanizing Mill Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of Cold Rolled Sheet in the Cold Sheet Mill Department of the Fontana, California Mill of Kaiser Steel Corporation who became totally or partially separated from employment on or after August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that sales and production of hot rolled sheet and tin mill products have not declined and imports of carbon steel bar size light shapes and tin mill products have not increased as required for certification under Section 222 of the Trade Act of 1974. Therefore, workers engaged in employment related to the production of hot rolled sheet in the Hot Strip Mill Department, tin mill products in the Tin Mill Department, and bars in the Merchant Mill Department and those workers exclusively engaged in employment related to the maintenance of and service to those departments of the Fontana, California Mill of Kaiser Steel Corporation are denied eligibility to apply for trade adjustment assistance.

Signed at Washington, D.C., this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14757 Filed 5-23-77;8:45 am]

[TA-W-1339]

KEROTEST MANUFACTURING CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-1339: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Pittsburgh, Pennsylvania plant of Kerotest Manufacturing Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55607). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kerotest Manufacturing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly production workers at the Pittsburgh plant declined 14 percent in the first eleven months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales of valves produced by Kerotest Manufacturing Corporation decreased 31 percent in quantity in the first eleven months of 1976 compared to the same period in 1975.

INCREASED IMPORTS

The Pittsburgh plant of Kerotest produces primarily nuclear valves.

There are no separately identifiable import data for nuclear valves in the Tariff Schedules of the United States. The nuclear valve industry consists of those firms that produce valves that meet the standards of the American Society of Mechanical Engineers and the Nuclear Regulatory Commission for use in nuclear power plants. Representatives of the American Valve Manufacturers Association, and the American Society of Mechanical Engineers indicated that any imports of nuclear valves are minimal.

CONTRIBUTED IMPORTANTLY

Customers of Kerotest indicated that they do not purchase imported valves.

Customers also indicated that they do not purchase imported natural gas valves. Kerotest's imports of natural gas valves decreased 93 percent in quantity and 92 percent in value from 1975 to 1976. Kerotest decreased imports of natural gas valves as it increased its production of these valves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the valves produced at the Pittsburgh, Pennsylvania plant of Kerotest Corporation did not contribute importantly to the total or partial separation of workers at the plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14758 Filed 5-23-77;8:45 am]

[TA-W-1573]

L. B. EVANS AND SON CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1573: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 17, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producting slippers and casual shoes for men at L. B. Evans and Son Company, Wakefield, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5452). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of L. B. Evans and Son Company, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 27 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Employment in January 1977 was 54 percent below employment in January 1976. All production workers were laid off for one month in December 1976 due to a lack of work.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of shoes and slippers by L. B. Evans declined 40 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production operations were shut down for one month in December 1976 due to a lack of orders.

INCREASED IMPORTS

Imports of slippers for men, women and children increased absolutely and relative to domestic production in each year from 1971 through 1975. Imports rose from 25.2 million pairs in 1974 to 29.0 million pairs in 1975 and increased from 22.2 million pairs in January–September 1975 to 34.5 million pairs in the like period of 1976. The ratio of imported slippers to domestic slippers production rose from 29.5 percent in 1974 to 41.1 percent in 1975 and increased to 61.4 percent in January–September 1976.

Imports of men's dress and casual footwear with leather and non-leather uppers increased from 1971 through 1973, declined in 1974, and rose in 1975. Imports rose from 44.3 million pairs in 1974 to 47.5 million pairs in 1975 and increased from 35.3 million pairs in January–September 1975 to 44.1 million pairs in the corresponding period of 1976. The ratio of imports to domestic production decreased from 53.5 percent in 1974 to 44.9 percent in 1975 and then increased to 52.1 percent in January–September 1976.

CONTRIBUTED IMPORTANTLY

Customers of L. B. Evans and Son Company indicated that they increased purchases of imports relative to purchases from L. B. Evans. Reduced orders due to increased import competition resulted in production cutbacks and separations of workers in the second half of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's casual shoes and slippers produced at L.B. Evans and Son Company contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at L. B. Evans and Son Company, Wakefield, Massachusetts who became totally or partially separated from employment on or after August 14, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14759 Filed 5-23-77;8:45 am]

[TA-W-1504]

MESTA MACHINE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-1504: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 22, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers engaged in employment related to the production of rolling mill machinery and related equipment at the Mesta Machine Company, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mesta Machine Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workekrs' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Mesta Machine Company decreased by 2 percent in 1975 as compared to 1974 and decreased in 1976 by 18 percent from the 1975 levels. The average number of salary workers increased from 1974 to 1975 by 7 percent but decreased by 11 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales increased in value 3 percent from 1974 to 1975 and 42 percent from 1975 to 1976.

Production in terms of value at the Mesta Machine Company increased by 30 percent from 1974 to 1975 and decreased by 23 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of rolling mill machinery increased in value from 6.5 million dollars in 1971 to 10.2 million dollars in 1972 and decreased to 9.3 million dollars in 1973. Imports increased from 9.3 million dollars in 1973 to 13.6 million dollars in 1974, an increase of 46.2 percent. In 1975, imports reached 21 million dollars, an increase of 54.4 percent as compared to 1974. For the first three quarters of 1976, imports reached 24.2 million dollars, an increase of 53.2 percent above the 15.8 million dollars imported in the first three quarters of 1975. The ratios of imports to domestic production increased from 4.4 percent in the first nine months of 1975 to 5.9 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

The investigation revealed that customers of the Mesta Machine Company did not buy imported rolling mill machinery or related equipment. Customers reduced purchases of this equipment because of general adverse economic conditions which has not been conducive to capital goods expenditures.

CONCLUSION

After careful review of the fact obtained in the investigation, I conclude that increased imports of products like or directly competitive with the rolling mill machinery and related equipment produced by the Mesta Machine Company, Pittsburgh, Pennsylvania, did not contribute importantly to the total or partial separations of the workers of that company.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14760 Filed 5-23-77;8:45 am]

[TA-W-1502]

NATIONAL STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1502: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976, in response to a worker petition received on December 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing hot rolled, cold rolled, and galvanized carbon steel products at National Steel Corporation's Granite City Steel Division, Granite City, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3376). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Granite City Steel Division, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation reveals that the first and second criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at the Granite City Steel Division increased 2.7 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales and production in net tons at the Granite City Steel Division in 1976 increased 75.5 percent and 50.5 percent, respectively, compared to 1975.

Net ton sales of hot rolled carbon steel products, the major product group manufactured at Granite City Steel, increased 103.2 percent in 1976 compared to 1975. Sales of these products increased significantly in each quarter of 1976 compared to the same quarters of 1975.

Net ton sales of cold rolled and galvanized steel products increased 13.3 percent and 26.8 percent, respectively, in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at National Steel Corporation's Granite City Steel Division in Granite City, Illinois, have not become totally or partially separated and that sales or production at the firm have not decreased absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14761 Filed 5-23-77;8:45 am]

[TA-W-1542]

PRESTIGE SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1542: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 4, 1977 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing women's shoes at the Prestige Shoe Company, Wilkes-Barre, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3378). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Prestige Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Prestige Shoe Company declined for three consecutive quarters from the second quarter to the fourth quarter of 1976. Employment declined 16 percent in the fourth quarter of 1976 compared to the third quarter of the same year and declined one percent compared to the fourth quarter of 1975. Employment in January 1977 was 20 percent less than employment in January 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Prestige Shoe Company declined for four consecutive quarters from the second quarter of 1976 to the first quarter of 1977. In the first quarter of 1977, sales declined 9 percent in quantity compared to the fourth quarter of 1976 and declined 66 percent compared to the first quarter of 1976.

Production approximates sales data since production is based on orders received.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased relative to domestic production and consumption from 107.6 percent and 51.8 percent, respectively, in 1974 to 119.1 percent and 54.4 percent, respectively, in 1975. In 1976, imports as a percentage of production and consumption declined respectively to 108.8 percent and 42.1 percent.

Imports of women's nonrubber footwear increased from 192.9 million pairs in 1972 to 206.2 million pairs in 1973. Imports declined to 183.5 million pairs in 1975 but increased to 183.8 million pairs in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Prestige Shoe Company indicated they increased purchases of imported women's shoes relative to purchases from the Prestige Shoe Company in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced by Prestige Shoe Company contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Prestige Shoe Company, Wilkes-Barre, Pennsylvania, who became totally or partially separated from employment on or after August 21, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14762 Filed 5-23-77;8:45 am]

[TA-W-1540]

REYNOLDSVILLE INDUSTRIES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trader Act of 1974 the Department of Labor herein presents the results of TA-W-1540: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 3, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing boys' knit shirts at the Reynoldsville, Pennsylvania plant of Reynoldsville Industries, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3379). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Reynoldsville Industries, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Reynoldsville plant decreased 72.7 percent in 1975 compared to 1974 and increased 8.3 percent in 1976 compared to 1975. Comparing the fourth quarter of 1976 with the same quarter of 1975, employment decreased 85.7 percent and average weekly hours worked decreased 21.6 percent. The plant closed down and most employees were laid off from October 1976 to January 1977.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales decreased 60.9 percent in quantity and 58.4 percent in value in 1975 compared to 1974. Comparing 1976 to 1975, sales increased 7.4 percent in quantity and 26.7 percent in value. Sales decreased 46.0 percent in the fourth quarter of 1976 compared to the same quarter of 1975. Sales equal production.

INCREASED IMPORTS

Imports of men's and boys' knit sport and dress shirt were 41,700,000 units in 1971, 67,200,000 units in 1972, 78,800,000 units in 1973, 54,900,000 units in 1974, and 66,200,000 units in 1975. Imports for the first nine months of 1976 compared to the same period of 1975 increased 13.2 percent, from 48,500,000 units in the first nine months of 1975 to 54,900,000 units in the same period of 1976. The percentage of imports to domestic production has been increasing from 17.8 percent in 1974 to 20.9 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers of Reynoldsville Industries, Incorporated decreased their purchases of boys' knit shirts from the subject firm and increased their imports of boys' knit shirts.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with boys' knit shirts produced at the Reynoldsville, Pennsylvania plant of Reynoldsville Industries, Incorporated contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Reynoldsville Industries, Incorporated of Reynoldsville, Pennsylvania who became totally or partially separated from employment on or after September 11, 1967 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14763 Filed 5-23-77;8:45 am]

[TA-W-1571]

ROCKWELL INTERNATIONAL

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1571: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 4, 1977 in response to a worker petition received on December 6, 1976 which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America on behalf of workers and former workers producing monochrome and color televisions at the Harvard, Illinois plant of Rockwell International. The investigation was expanded to include workers and former workers of the Chicago, Illinois Engineering Department of Rockwell International.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5454). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International, the Electronic Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Harvard, Illinois plant declined 32 percent in 1974 compared to 1973, declined 30 percent in 1975 compared to 1974, declined 19 percent in 1976 compared to 1975, and declined 6 percent in the January–February period of 1977 compared to the like period in 1976.

Employment in the engineering department of Chicago, Illinois decreased 12 percent in 1975 compared to 1974, and decreased 16 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of color televisions declined 29 percent in quantity in 1974 compared to 1973, increased 4 percent in 1975 compared to 1974, decreased 21 percent in 1976 compared to 1975, and decreased 41 percent in the January–February period of 1977 compared to the like period in 1976.

Company sales of monochrome televisions decreased 34 percent in quantity in 1974 compared to 1973, increased 55 percent in 1975 compared to 1974, decreased 28 percent in 1976 compared to 1975, and decreased 14 percent in the January–February period of 1977 compared to the like period in 1976.

Production of color televisions at the Harvard, Illinois plant decreased 38 percent in quantity in 1974 compared to 1973, increased 28 percent in 1975 compared to 1974, decreased 19 percent in 1976 compared to 1975, and decreased 73 percent in the January–December period of 1977 compared to the like period in 1976.

Production of monochrome televisions at the Harvard, Illinois plant decreased 59 percent in 1974 compared to 1973, increased 32 percent in 1975 compared to 1974, increased 18 percent in 1976 compared to 1975, and decreased 27 percent in the January–February period of 1977 compared to the like period in 1976.

INCREASED IMPORTS

Imports of monochrome televisions decreased absolutely but increased relative to domestic production in 1973 compared to 1972, decreased absolutely but increased relatively in 1974 compared to 1973, and decreased both absolutely and relatively in 1975 compared to 1974. These imports increased 45 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 193.8 percent in 1975 to 311.3 percent in 1976.

Imports of color televisions, including combinations, increased both absolutely and relative to domestic production in 1973 compared to 1972, decreased absolutely but increased relatively in 1974 compared to 1973, and decreased absolutely but increased relatively in 1975 compared to 1974.

These imports increased 180 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 23.4 percent in 1975 to 55.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

Company imports of color televisions increased 45 percent and Rockwell's domestic production decreased 19 percent in quantity in 1976 compared to 1975. Color televisions accounted for 41 percent of Rockwell International's total sales of televisions in 1976. The proportion of Rockwell International's total company sales in quantity of color televisions which were completed in Taiwan increased from 15 percent in 1975 to 28 percent in 1976.

Company imports of monochrome televisions decreased 29 percent and domestic production increased 18 percent in quantity in 1976 compared to 1975. However, company inventory of monochrome televisions increased 96 percent and company sales decreased 28 percent in quantity in 1976 compared to 1975. Production workers at the Harvard, Illinois plant are used interchangeably in the production of color and monochrome televisions.

The work of the Engineering Department is related to the work of the production facility and must be near that facility. As Rockwell has increased the percentage of total company production produced in Taiwan, it has also shifted engineering functions associated with the production of televisions to Taiwan.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports of articles like or directly competitive with color and monochrome televisions produced at the Harvard, Illinois plant of Rockwell International contributed importantly to the total or partial separations of the workers of that plant and the Chicago, Illinois engineering department. In accordance with the provisions of the Act, I make the following certification:

All workers at the Harvard, Illinois plant and at the Chicago, Illinois Engineering Department of Rockwell International who became totally or partially separated from employment on or after November 29, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14764 Filed 5-23-77;8:45 am]

[TA-W-1527]

WELLINGTON LEATHER, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1527: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 28 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's leather jackets at Wellington Leather Incorporated, Peabody, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3381). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wellington Leather, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Annual employment at Wellington Leather increased 17 percent in 1975 from 1974 and decreased 12 percent in 1976 from 1975. All employees were laid-off by December 31, 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production figures prior to January 1975 were not available. Production by Wellington Leather declined 2 percent during January–September 1976 compared to January–September 1975. Production in the cutting department discontinued in September 1976. All production was terminated in December 1976.

INCREASED IMPORTS

Imports of leather coats and jackets increased 25 percent in value from 1974 to 1975—from $123.1 million to $154.3 million. Imports increased 6 percent during January–September 1976 compared to January–September 1975.

CONTRIBUTED IMPORTANTLY

Imports of leather garments have risen in the first nine months of 1976 and can be expected to rise faster because of special tariff concessions implemented on January 1, 1976. These tariff concessions allow 98 developing countries and 39 dependent territories of other nations in low wage areas to export a wide range of products including leather wearing apparel to the U.S. duty free.

Because of the leather apparel imports from these low wage areas Wellington could not operate at profitable levels and was forced to close.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with men's leather jackets produced by Wellington Leather, Incorporated contributed importantly to the separation of workers at that firm. In accordance with the provisions of the Act, I hereby make the following certification:

All workers of Wellington Leather, Incorporated, Peabody, Massachusetts who became totally or partially separated from employment on or after August 21, 1976 and before January 16, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14765 Filed 5-23-77;8:45 am]

[TA-W-1579]

WILLIAM ATKIN CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1579: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 18, 1977 in response to a worker petition received on January 18, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's shirts at William Atkin Company, Inc., Allentown, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5457). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of William Atkin Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 7 percent in 1976 compared to 1975. Employment declined 13.9 and 29.4 percent in the third and fourth quarters of 1976 compared to the same quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 29.4 percent in quantity and 26.4 percent in value in 1976 compared to 1975. Sales increased 29 percent in the first quarter and decreased 23.8 percent, 40.8 percent, and 56.1 percent in the second, third, and fourth

quarters of 1976, respectively, compared to the same quarters in 1975.

Production of men's shirts decreased 22.4 percent in quantity in 1976 compared to 1975. Production declined 2.5, 44.3, and 58.4 percent in the second, third, and fourth quarters of 1976, respectively, compared to the same quarters in 1975.

INCREASED IMPORTS

U.S. imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased from 41.7 million units in 1971 to 78.8 million units in 1973 before declining to 54.9 million units in 1974. Imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased to 66.2 million units in 1975, an increase of 20.6 percent over 1974 and further increased to 74 million units in 1976, an increase of 11.8 percent over 1975.

U.S. imports of men's and boys' woven dress and business shirts declined in each year from 86.8 million units in 1971 to 30.8 million units in 1975. Imports of men's and boys' woven dress and business shirts increased to 64.3 million units in 1976, an increase of 108.7 percent over 1975.

U.S. imports of men's and boys' woven sport shirts decreased from 63.3 million units in 1971 to 41.6 million units in 1973 before increasing to 49.4 million units in 1974 and to 61 million units in 1975. Imports of men's and boys woven sport shirts increased to 79.8 million units in 1976, an increase of 30.8 percent in 1976 compared to 1975.

CONTRIBUTED IMPORTANTLY

A representative sample of customers from the William Atkin Company revealed that several increased their imports of men's shirts in 1976 compared to 1975 while decreasing their purchases from the William Atkin Company, Inc., of Allentown, Pennsylvania.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shirts produced at the Allentown, Pennsylvania plant of the William Atkin Company, Inc., contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Allentown, Pennsylvania, plant of the William Atkin Company, Inc., who became totally or partially separated from employment on or after April 16, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14766 Filed 5-23-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE INFORMATION ACTIVITIES TASK FORCE

Part Open Meeting

In accordance with the Federal Advisory Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Science Information Activities Task Force.
Date: June 9 and 10, 1977.
Time: 9:00 a.m. thru 4:00 p.m., both days.
Place: Room 543/540 National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of meeting: Open—9 a.m. to 2 p.m. June 9; Closed—2 p.m. to 4 p.m., June 9; Open—9 a.m. to 4 p.m. June 10.
Contact: Mr. Robert S. Cutler, Executive Officer, Room 1201, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-5826. Persons planning to attend should notify Mr. Cutler prior to the meeting.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of the Task Force: To provide advice and recommendations concerning the appropriate roles and responsibilities of the National Science Foundation regarding the communication and use of scientific and technical information.

AGENDA: THURSDAY, JUNE 9, 1977, ROOM 543

9 a.m.	Welcome and Introductory Remarks, Acting Assistant Director, Scientific, Technological and International Affairs.
9:15 a.m.	Introductory Remarks, Chairman.
9:30 a.m.	Invited Presentations, Chairman.
10:15 a.m.	Coffee Break.
11:30 a.m.	Outline of Material for Final Report, Staff Consultant.
12 m.	Recess
1 p.m.	Open Public Participation, Chairman.
2 p.m.	Closed Session, Room 517, Chairman.
4 p.m.	Adjourn.

AGENDA: FRIDAY, JUNE 10, 1977, ROOM 540

9 a.m.	Introductory Remarks, Chairman.
9:15 a.m.	Task Force Discussion, Chairman.
10:30 a.m.	Coffee Break.
10:45 a.m.	Committee Meetings: A. Science/Technology Committee, Room 540; B. Markets Committee, Room 543; C. Leg & Reg Committee, Room 540, Rear; D. Uses Committee, Room 517.
12 m.	Recess.
1 p.m.	Discussion on Final Report and Task Force recommendations.
4 p.m.	Adjourn.

Reason for closing: The Task Force will be conducting deliberations on and formulation of proposed confidential advice and recommendations for presentation to the Director, NSF. The premature disclosure of the intended content would be likely to affect significantly the proposed Task Force action. These matters are within exemption 9(B) of the Government in the Sunshine Act, section 552b(c) 5 U.S.C.

Authority to close meeting: This determination was made by the Director NSF, on May 18, 1977, pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 18, 1977.

[FR Doc.77-14780 Filed 5-23-77;8:45 am]

ADVISORY PANEL FOR GENETIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Genetic Biology.

DATE AND TIME: June 9-11, 1977, 9 a.m.-6 p.m. each day.

PLACE: National Science Foundation, 1800 G Street NW., Washington, D.C. Room 517.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. J. Christopher Cordaro, Program Director, Genetic Biology, Room 326, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5985.

PURPOSE OF PANEL: To povide advice and recommendations concerning support for research in Genetic Biology.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: May 19, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-14713 Filed 5-23-77;8:45 am]

ADVISORY PANEL FOR REGULATORY AND DEVELOPMENTAL BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub.

L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panels for Regulatory and Developmental Biology (joint meeting).

DATE AND TIME: June 9-11, 1977, 9 a.m. to 6 p.m. each day.

PLACE: Room 321, National Science Foundation, 1800 G Street NW., Wasington, D.C.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. Laurence Berlowitz, Special Assistant to the Division Director, Room 506, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7867.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in cell biology.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: May 19, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-14714 Filed 5-23-77;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

INTERAGENCY COMMITTEE ON RURAL TELECOMMUNICATIONS

Meeting

Notice is hereby given that the Interagency Committee on Rural Telecommunications will hold its first meeting on May 26, 1977, at 9:30 a.m., at the Office of Telecommunications Policy, 1800 G Street NW., Room 712, Washington, D.C.

The purpose of the Committee is to identify regulatory and institutional barriers to the use of telecommunication technology for improvement of social services in rural areas. The Committee includes representatives from the following federal agencies: Department of Commerce; Department of Health, Education, and Welfare; Department of Labor; National Science Foundation; and the Office of Telecommunications Policy.

The first agenda item will be presentations by representatives of the Departments of HEW and Labor concerning discrepancies between urban and rural health care and employment opportunities. The second agenda item will be the organizational structure and distribution of responsibilities among subcommittees.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Committee before or after the meeting.

Further information pertaining to the meeting may be obtained from Dr. Vincent Sardella, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-3122).

Dated: May 20, 1977.

VINCENT SARDELLA,
Chairman.

[FR Doc.77-14895 Filed 5-23-77;8:45 am]

OHIO RIVER BASIN COMMISSION

BIG SANDY/GUYANDOTTE RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Adopted Plan

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has adopted the Big Sandy/Guyandotte River Basin Comprehensive Coordinated Joint Plan for transmittal to the President and the Congress through the Water Resources Council.

Copies are available on request to the Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-14683 Filed 5-23-77;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT OF 1974

Adoption of Routine Use

On November 17, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") gave notice (41 FR 50739) that it proposed to add a new routine use for an existing system of records, "Plan participant and beneficiary data—PBGC."

Interested persons were invited to submit written data, views, or arguments on or before December 17, 1976. No comments were received. The wording of the notice has been changed to clarify its meaning. Accordingly, the routine use is hereby adopted, with such changes, as set forth below.

STATEMENT OF ROUTINE USE

The following routine use applies to and is incorporated by reference into the "Plan participant and beneficiary data—PBGC" system of records maintained by the Pension Benefit Guaranty Corporation as published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40498).

1. Routine Use—Employer Disclosures. Disclosure, in furtherance of proceedings under Title IV of the Employee Retirement Income Security Act of 1974, of plan participant and beneficiary data of a plan covered by Title IV to an employer maintaining the plan.

Issued in Washington, D.C., this 18th day of May, 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.77-14644 Filed 5-23-77;8:45 am]

PRESIDENT'S COMMISSION ON MENTAL HEALTH

MEETING

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential Commission meeting scheduled to assemble during the months of June, 1977.

THE PRESIDENT'S COMMISSION ON MENTAL HEALTH

June 22, 1977; 10:00 a.m. to 4:00 p.m., Ceremonial Courtroom, Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102.

Open meeting.

Contact: Mary Ann Orlando, Special Assistant to the Chairperson, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, Tel. 202-456-7100.

Purpose: The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The

Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be subsubmitted to the President by April 1, 1978.

Agenda: This meeting will be open to the public. Agenda items include discussion of recent public hearings and progress of task panels and staff work of the Commission.

Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairperson, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, Tel. 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

THOMAS E. BRYANT, M.D.
Chairperson and Executive Director, President's Commission on Mental Health.

JUNE 1, 1977.

[FR Doc.77-14657 Filed 5-23-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13538]

LOST AND STOLEN SECURITIES PROGRAM

Designation of Entity To Receive Reports and Inquiries

AGENCY: Securities and Exchange Commission.

ACTION: Designation of Entity to Receive Reports and Inquiries.

SUMMARY: This action designates AutEx, Inc. to receive reports and inquiries required to be made with the Commission for a one year pilot period pursuant to section 240.17f-1, of the Lost and Stolen Securities Program.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Piliero II, Associate Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549—202-755-1390.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the designation of AutEx, Inc. as the Commission's designee to receive reports and inquiries for which the Commission is the appropriate instrumentality under 17 CFR § 240.17f-1 pursuant to section 17(f) of the Securities Exchange Act of 1934, ("the Act") (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)).

BACKGROUND

The Securities Acts Amendments of 1975 amended the Securities Exchange Act of 1934 by adding Section 17(f)(1). This Section mandates the Commission to promulgate rules to require certain institutions to report instances of missing, lost, stolen or counterfeit securities and to make inquiry with respect to securities coming into the possession or control of such institutions to ascertain whether the securities had been reported as missing, lost, stolen or counterfeit. Section 17(f)(1)(A) of the Act stated that reports and inquiries shall be made to the "Commission or other person designated by the Commission" and authorized the Commission to charge a reasonable fee for the operation of the program.

On December 10, 1976 the Commission adopted 17 CFR § 240.17f-1 establishing reporting and inquiry requirements with respect to missing, lost, stolen or counterfeit securities.[1]

In that release, the Commission solicited submissions of proposed systems from persons interested in serving as the Commission's designee. The Commission also published "Criteria for a Lost and Stolen Securities Reporting and Inquiry System" to aid in the development of proposed systems.[2] In response to the Commission's solicitation, several plans were submitted.[3]

DESIGNATION OF AUTEX, INC.

After analysis of the plans which were received, the Commission has determined that the submission by AutEx, Inc. ("AutEx") is the lowest cost, responsive and responsible bid. AutEx has proposed a system to receive reports and inquiries in a manner responsive to the Commission's solicitation in Securities Exchange Act Release No. 13053. AutEx has also addressed the Commission's "Criteria for a System to Implement a Lost and Stolen Securities Program" and has proposed a system flexible enough to react to future developments in the area.

Accordingly, the Commission has designated AutEx to receive reports and inquiries for which the Commission is the appropriate instrumentality under section 240. 17f-1 for the one year pilot period.

DESIGN AND OPERATION OF SYSTEM

Although detailed operating procedures will be disseminated prior to the effective date of section 240.17f-1, the following is a summary of the AutEx proposal:

The AutEx system would accept reports and inquiries by four means: telephone, teletype, mail or remote terminal. The user's right to access the system would be validated by means of special security procedures. All reports would be logged into a computerized record, and hardcopy confirmations would be periodically conveyed to the reporting institutions and the transfer agent for the security.

In the early months, when the data base is small compared to its eventual size, inquiry would entail manual look-ups. During the same period, AutEx would evaluate the need and desirability of an on-line system in light of the early experience with the actual system operation. If an on-line system seems more desirable for the later stages of the pilot program, AutEx would develop such a system.

Any on-line system which AutEx would develop would provide access through telephone, telex, the mails and other means. Participants would normally gain access through their existing telephone equipment by dialing a toll-free number. An operator having on-line access to the computer by means of CRT/keyboard terminals would respond to the inquiry and generate hardcopy confirmation of the inquiry.

Participants who would require heavy use of the system would be provided direct access through their own computer terminals. The remote terminals provided would be similar to the system operators' CRT/keyboard terminals.

The proposed system would also allow reporting and inquiry by means of computer tape either remotely entered or hand delivered to a central data collection point.

PRINCIPLES OF DESIGNATION

AutEx has been chosen as the Commission's designee subject to its undertaking to comply with the following "Principles of Designation." These principles are the major responsibilities which AutEx is expected to undertake.[4]

The principles for designation are:

1. The designee shall implement Rule 17f-1 (17 CFR 240.17f-1), in accordance with the terms of its submission and at the rates specified therein, for a one year pilot program as set forth in its submission and the Commission's release.

2. The designee shall:

a. Receive report and answer inquiries for which the Commission is the appropriate instrumentality;

b. Maintain records of such reports and inquiries and furnish such records to institutions in accordance with the provisions of Rule 17f-1;

c. Convey receipt of reports to the transfer agents concerned where such transfer agents are not the reporting institutions; and

d. Collect fees, as approved by the Commission, from reporting institutions to defray the cost of the system;

[1] Securities Exchange Act Release No. 13053; 41 FR 54923 (December 16, 1976).

[2] *Id.*

[3] All plans which were submitted may be found in the Commission's public files under File No. S7-611.

[4] If AutEx is unwilling or unable to comply with the Principles of Designation, the Commission may designate another entity or take such other action as it may deem appropriate.

3. The designee shall maintain the capacity to:

a. Receive reports or inquiries by telephone, the mails, telex and other means;

b. Generate hard copy confirmation to the reporting institution with respect to any report or inquiry made by such institution; and

c. Retrieve records of inquiry by the name of the reporting institution as well as the particular security.

4. The designee warrants that all work shall be performed in a businesslike manner and in accordance with the highest standards.

5. The designee shall have the capacity to include in its data base all reports of missing, lost or stolen securities made prior to the effective date of Rule 17f–1 and shall include such reports as the Commission may direct.

6. The designee shall keep a current and true record, available for inspection by the Commission, with respect to each report, inquiry, confirmation, correction or other information received pursuant to this designation; the time of and means by which such report, inquiry or other information was received, the time of response, the means by which a response was given and the nature of the response. The designee shall make available for the Commission's inspection all records and accounts of amounts billed to reporting institutions, the basis for the bills, amounts received from reporting institutions and accounts on expenses incurred by the designee. Such records for any calendar year shall be kept for three years after the end of the calendar year. The designee shall make periodic reports to the Commission as the Commission deems appropriate and necessary.

7. All reports and inquiries received pursuant to Rule 17f–1, and all confirmations of such reports and inquiries, billing information and any other records maintained pursuant to this designation are the property of the Commission. The designee shall furnish to the Commission upon demand true, correct, complete and current copies of any or all, or any part of such records maintained pursuant to this designation.

8. The designee shall report to the Commission quarterly during the pilot program:

a. The number of reports and inquiries received during the quarter;

b. The number of inquiries regarding securities reported as missing, lost, stolen or counterfeit;

c. The dollar value of securities reported as missing, lost, stolen or counterfeit;

d. The number of reporting institutions which are direct subscribers;

e. Expenses incurred by the designee;

f. The amounts billed to reporting institutions; and

g. Any other information which the Commission may direct.

9. The Commission may direct that the designee shall carry out different or additional functions during the pilot program as it deems appropriate upon written notice to the designee.

10. The designee shall agree to any other reasonable conditions as the Commission may direct.

IMPLEMENTATION DATE

At the present time § 240.17f–1 is scheduled to become effective on July 1, 1977. However, if the Commission determines that its designee for the pilot program requires additional time to implement the system in an efficient manner, it may delay the start-up date further.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The Commission designates AutEx, Inc. to receive reports and inquiries required to be made to the Commission under § 240.17f–1, subject to the conditions contained herein, pursuant to the Securities Exchange Act of 1934 as amended, including sections 2, 10, 15, 17 and 23 thereof. The Commission finds that any burden upon competition imposed by this designation is necessary and appropriate in the public interest and for the protection of investors in order to implement a lost and stolen securities program pursuant to section 17(f) of the Act.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1977.

[FR Doc.77-14618 Filed 5-23-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1329]

ALABAMA

Declaration of Disaster Loan Area

Mobile County and adjacent counties within the State of Alabama constitute a disaster area because of physical damage resulting from flooding on April 22, 1977 through April 24, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 11, 1977, and for economic injury until the close of business on February 13, 1978, at:

Small Business Administration, Disaster Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-14643 Filed 5-23-77;8:45 am]

[Declaration of Disaster Loan Area No. 1327]

NORTH CAROLINA

Declaration of Disaster Loan Area

Buncombe County and adjacent Counties within the State of North Carolina constitute a disaster area because of physical damage resulting from heavy rainfall, and flash flooding which occurred on April 4, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 11, 1977, and for economic injury until the close of business on February 13, 1978, at:

Small Business Administration, Disaster Office, 230 South Tryon Street—Suite 700, Charlotte, North Carolina 28202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-14642 Filed 5-23-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 122]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Authority To Amend A.I.D. Regulation 1

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 FR 10608), I hereby delegate to the Assistant Administrator for Program and Management Services the authority to waive, withdraw, and amend the provisions of A.I.D. Regulation 1.

This authority may be redelegated as the Assistant Administrator for Program and Management Services shall specify, and may be exercised by persons performing the functions of those officers in an "Acting" capacity.

Actions within the scope of this delegation heretofore taken by the official designated herein are hereby ratified and confirmed.

This delegation of authority is effective immediately.

Dated: May 11, 1977.

ROBERT H. NOOTER,
Acting Administrator.

[FR Doc.77-14624 Filed 5-23-77;8:45 am]

DEPARTMENT OF THE TREASURY

[Treasury Department Order No. 190; Revision 13]

SUPERVISION OF BUREAUS AND OFFICES, DELEGATION OF CERTAIN AUTHORITY, AND ORDER OF SUCCESSION IN THE TREASURY DEPARTMENT

1. The Deputy Secretary shall be under the direct supervision of the Secretary.

2. The following officials shall be under the supervision of the Secretary, and

shall report to him through the Deputy Secretary:
- Under Secretary for Monetary Affairs
- Under Secretary
- General Counsel
- Assistant Secretary (Tax Policy)
- Commissioner, Internal Revenue Service
- Comptroller of the Currency
- Assistant Secretary (Legislative Affairs)
- Assistant Secretary (Economic Policy)
- Assistant Secretary (Domestic Finance)
- Assistant Secretary (Public Affairs)
- Executive Secretary

3. The following officials shall be under the supervision of the Under Secretary for Monetary Affairs, and shall exercise supervision over those officers and organizational entities indicated thereunder:
- Assistant Secretary (International Affairs)
  - Deputy Assistant Secretary for Trade and Investment Policy
  - Deputy Assistant Secretary for Commodities and Raw Materials
  - Deputy Assistant Secretary for International Monetary Affairs
  - Deputy Assistant Secretary for Developing Nations
  - Deputy to the Assistant Secretary for Saudi Arabian Affairs
  - Deputy to the Assistant Secretary and Secretary of International Monetary Group
  - Inspector General for International Finance
- (The Assistant Secretary (Domestic Finance) reports through the Under Secretary for Monetary Affairs for debt management purposes.)
- Fiscal Assistant Secretary

4. The following officials shall be under the supervision of the Under Secretary, and shall exercise supervision over those officers and organizational entities indicated thereunder:
- Assistant Secretary (Administration)
  - Deputy Assistant Secretary
  - Office of Administrative Programs
  - Office of Audit
  - Office of Budget and Program Analysis
  - Office of Computer Science
  - Office of Equal Opportunity Program
  - Office of Management and Organization
  - Office of Personnel
- Chief Deputy to the Under Secretary (Enforcement and Operations)
  - United States Secret Service
  - Bureau of Alcohol, Tobacco and Firearms
  - Federal Law Enforcement Training Center
  - United States Customs Service
  - Bureau of Engraving and Printing
  - Office of Foreign Assets Control
- Treasurer of the United States
  - United States Savings Bond Division
  - Bureau of the Mint

5. The following officials shall exercise supervision over those officers and organizational entities indicated thereunder:
- General Counsel
  - Deputy General Counsel
  - Legal Division
  - Office of Director of Practice
  - Office of Tariff Affairs
- Assistant Secretary (Tax Policy)
  - Deputy Assistant Secretary for Tax Legislation
  - Deputy Assistant Secretary for Tax Policy Economics Office of Tax Analysis
  - Office of Tax Legislative Counsel (also part of Legal Division)
  - Office of International Tax Counsel (also part of Legal Division)
  - Office of Industrial Economics
- Assistant Secretary (Legislative Affairs)
  - Deputy Assistant Secretary (Legislative Affairs)
  - Office of Legislative Affairs
- Assistant Secretary (Economic Policy)
  - Deputy Assistant Secretary for Domestic Economic Analysis, Office of Financial Analysis
  - Deputy Assistant Secretary for International Economic Analysis
- Assistant Secretary (Domestic Finance) (also reports to Under Secretary for Monetary Affairs for management purposes.)
  - Deputy Assistant Secretary for Capital Markets Policy
    - Office of Securities Market Policies
    - Office of Capital Markets Legislation
  - Deputy Assistant Secretary for Urban Finance
    - Office of Municipal Finance
    - Office of New York City Finance
    - Office of Urban Economics
  - Deputy Assistant Secretary for Debt Financing
    - Senior Advisor (Debt Research)
    - Office of Government Financing
    - Office of Agency Finance and Market Policies
  - Office of Revenue Sharing
- Assistant Secretary (Public Affairs)
  - Deputy Assistant Secretary (Public Affairs)
  - Office of Public Affairs
- Fiscal Assistant Secretary
  - Deputy Fiscal Assistant Secretary
  - Bureau of Government Financial Operations
  - Bureau of the Public Debt
- Commissioner of Internal Revenue
  - Deputy Commissioner
  - Internal Revenue Service
- Comptroller of the Currency
  - First Deputy Comptroller
  - Office of the Comptroller of the Currency

6. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

7. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed, or until the absence or sickness shall cease:

A. Deputy Secretary.

B. Under Secretary for Monetary Affairs.

C. Under Secretary.

D. General Counsel.

E. Assistant Secretaries, or Deputy Under Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary, or Deputy Under Secretary.

8. Treasury Department Order No. 190 (Revision 12) is rescinded, effective this date.

Dated: May 17, 1977.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-14641 Filed 5-23-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Order No. 36571]

IDAHO INTRASTATE FREIGHT RATES AND CHARGES, 1977

MAY 18, 1977.

In the matter of petition for investigation of intrastate freight rates and charges within the state of Idaho.

Present: Dale W. Hardin, Commissioner, to whom this matter has been assigned for action.

By joint petition authorized under section 13(3) of the Interstate Commerce Act, filed April 27, 1977, petitioners, six common carriers by railroad [1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Idaho, request that this Commission institute an investigation of their Idaho intrastate freight rates and charges, under sections 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amount approved for interstate application by this Commission in Ex Parte No. 330.

[1] Burlington Northern Inc., The Camas Prairie Railroad Company; The Chicago, Milwaukee, St. Paul and Pacific Railroad Company; The Spokane International Railroad Company; Union Pacific Railroad Company, and Washington, Idaho and Montana Railway.

By application filed with the Idaho Public Utilities Commission, petitioners sought to make the increase granted in Ex Parte No. 330 applicable on Idaho intrastate traffic. Said Commission denied the application.

Petitioners contend that present interstate freight rates from, to, and within Idaho are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Idaho are not more favorable than for interstate traffic; that traffic moving under present Idaho intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Idaho intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Idaho and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 3, 13, and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 330.

Under section 13 of the Interstate Commerce Act, this Commission may institute an investigation into the lawfulness of intrastate rail freight rates and charges for the purpose of adjusting such rates and charges to those charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State.

Wherefore, and good cause appearing therefore:

It is ordered, That the petition be, and it is hereby granted; and that an investigation under sections 13 and 15a of the Interstate Commerce Act be, and it is hereby, instituted to determine whether the Idaho intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 330; and to determine if any rates or charges or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Idaho, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and respondents herein; that the State of Idaho be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Idaho and the Idaho Public Utilities Commission; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 13th day of May 1977.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14615 Filed 5-20-77;8:45 am]

[Ex Parte MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Order

MAY 18, 1977.

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its offices in Washington, D.C., on the 11th day of May 1977.

It appearing, That a petition has been filed by B & L Motor Freight, Inc. (MC-123255 and numerous subs) and Prunty Motor Express, Inc. (MC-29833 and Sub-No. 2), under common control, for waiver of paragraphs (a)(3) and (c) of Section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners maintain a jointly supervised program applying the same standards of inspection maintenance to equipment in accordance with the motor carrier safety regulations of the Department of Transportation;

It further appearing, That the Department offers no objection to granting the petition;

It further appearing, That no proceeding is pending involving the fitness of petitioners;

It is ordered, That waiver of paragraphs (a)(3) and (c) of Section 1057.4 be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the Department of Transportation and that the petitioners remain in satisfactory compliance with these regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Burns, Turkington, and Sibbald. (Member Joel E. Burns not participating.)

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14616 Filed 5-20-77;8:45 am]

[Notice No. 396]

Assignment of Hearings

MAY 19, 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 postponement or hearings in which they are interested.

MC-C-7823, New England-New York Transport, Inc.—Investigation and Revocation of Certificates, now being assigned July 12, 1977 (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 142040 (Sub-1), Amber Delivery Service, Inc., now being assigned July 13, 1977 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 140097 (Sub-1), C. V. Transportation, Inc., now being assigned July 18, 1977 (2 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 142263, Meteghan Trucking, Ltd., now assigned continued hearing July 20, 1977 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 139999 (Sub-No. 16), Redfeather Fast Freight, Inc., now assigned July 7, 1977, at Omaha, Nebr., is canceled and application dismissed.

MC 106398 (Sub-766), National Trailer Convoy, Inc., application dismissed.

MC 116475 (Sub-No. 19), General Transportation, Inc., now assigned July 20, 1977, at Phoenix, Ariz., is canceled and transfered to Modified Procedure.

MC 100666 (Sub-334), Melton Truck Lines, Inc., now assigned June 1, 1977 at Albuquerque, New Mexico, hearing canceled.

MC 142785 Sub 1, Brotherly Love Express, Inc., now assigned June 7, 1977, at Philadelphia, Pa., will be held in the U.S. Customs House, Courtroom 300, 2nd and Chestnut Street.

MC 2232 Sub 11, Creger Freight Lines, Inc., now assigned June 8, 1977, at Philadelphia, Pa., will be held in the U.S. Customs House Courtroom 300, 2nd and Chestnut Street.

MC 95876 Sub 192, Anderson Trucking Service, Inc., now assigned June 1, 1977, at Birmingham, Ala., will be held in the Dept. of Labor Conference Room 1931 9th Avenue South.

MC 126305 Sub 81, Boyd Brothers Transportation Co., Inc., now assigned June 2, 1977, at Birmingham, Ala., will be held in the Dept. of Labor Conference Room 1931 9th Avenue South.

MC 116110 Sub 13, P. C. White Truck Line, Inc., now assigned June 3, 1977, at Birmingham, Ala., will be held in the Dept. of Labor Conference Room 1913 9th Ave., South.

MC 141991 Sub 2, James R. Blackmon, dba Blackmon Haulers, now assigned June 8, 1977, at Birmingham, Ala., will be held in the Dept. of Labor Conference Room 1931, 9th Avenue South.

MC 104123 Sub 79, Hohn Schutt, Jr., Inc., MC 108119 Sub 54, E. L. Murphy Trucking Co., Inc., and MC 108341 Sub 54, Moss Trucking Co., Inc., now assigned June 6, 1977, at Birmingham, Ala., will be held in the Dept. of Labor Conference Room 1931 9th Avenue South.

MC 142512 Ocean Breeze Transit Co., now assigned June 6, 1977, at Atlantic City, N.J., will be held in Westside Complex, Bet. Ill. and Marmora Avenues.

MC 22179 Sub 19, Freeman Truck Line, now assigned June 6, 1977, at Jackson Miss., will be held at the Jackson Hilton, 750 N. State Street, on June 7, 1977 will be held in the Chamber of Commerce Bldg., Board of Supervisors Meeting Room, Yazoo City, Mississippi; and on June 9, 1977 will be held in the Chamber of Commerce Meeting Room, Kosciusko, Mississippi.

MC 134922 Sub 226, B. J. McAdams, Inc., now assigned June 7, 1977, at San Francisco, Calif., will be held in the U.S. Court of Appeals, Courtroom 14, U.S. Courthouse and P.O. Bldg., 7th Street and Mission.

MC 135078 Sub 11, American Transport, Inc., now assigned June 9, 1977, at San Francisco, Calif., will be held in the Tax Court, Room 2021, Federal Bldg. and Courthouse, 450 Golden Gate Avenue.

MC 113908 (Sub-241), Erickson Transport Corp., now assigned continued hearing May 23, 1977 at Washington, D.C., has been postponed to July 12, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14768 Filed 5-23-77;8:45 am]

[Notice No. 169]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-77128. By application filed May 16, 1977, 2-G TRANSPORTATION, INC., 10 E. Minnesota Street, Savage, MN 55378, seeks temporary authority to lease the operating rights of H. B. NELSON & SONS, INC., P.O. Box 241, Alexandria, MN 56308, under section 210a(b). The transfer to 2-G Transportation, Inc., of the operating rights of H. B. Nelson & Sons, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14769 Filed 5-23-77;8:45 am]

[Notice No. 64]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interestate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 285TA), filed December 3, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Bldg., 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Colorado, Connecticut, Delaware, the District of Columbia, Kansas, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Ore-Ida Foods, Inc., Boise, Idaho 83707. The above-described request for authority was published in the FEDERAL REGISTER December 13, 1976, but such notice inadvertently omitted the destination State of New York. This authority, including New York, was granted by the Commission, Motor Carrier Board, by order entered February 7, 1977. Insofar as the authority to serve points in New York is concerned, any interested party may file a petition for reconsideration within 20 days from the date this notice is published. Send petitions for reconsideration to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 409 (Sub-No. 62TA), filed April 25, 1977. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid feed supplements*, in bulk, in tank vehicles, from the facilities of Rural America Products, at or near Omaha, Nebr., to points in Colorado, Wyoming, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert Everett, Traffic Manager, Rural America Products, 8990 West Dodge Street, Omaha, Nebr. 68114. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 720 (Sub-No. 33TA), filed April 22, 1977. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged potatoes and potato products* (except in bulk), from the facilities of Wiscold, Inc., at or near Beaver Dam, Wis., to points in Kentucky, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wiscold, Inc., 11400 W. Burleigh St., Wauwatosa, Wis. 53222. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 1288 (Sub-No. 14TA), filed April 20, 1977. Applicant: LORAIN TRANSFER CO., INC., P.O. Box 173, Shreveport, La. 71101. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper*, in bales, for recycling from points in Arkansas south and west of U.S. Highway

63, and points in Texas on and East of U.S. Highway 83, on the one hand, and, on the other, the plantside and facilities of Bird & Son, at or near Shreveport, La., for 180 days. Supporting shipper(s): Bird & Son, Inc., Washington St., East Walpole, Mass. 02032. Send protests to: District Supervisor Ray C. Armstrong, Jr., 9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans. La. 70113.

No. MC 2900 (Sub-No. 300TA), filed April 22, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32209. Applicant's representative: R. E. Allish (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk and those requiring special equipment), serving Newport, Tenn., as an off-route point in connection with applicants presently authorized regular routes, for 180 days. Supporting shipper(s): There are approximately thirteen (13) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 25562 (Sub-No. 30TA), filed April 25, 1977. Applicant: A. R. GUNDRY, INC., 85 Stanton St., Rochester, N.Y. 14611. Applicant's representative: William P. Fromm, 445 Earlwood Ave., Oregon, Ohio 43616. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating grease*, in bulk, in tank vehicles, from Buffalo, N.Y., to Sparrows Point, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Battenfeld American, Inc., 1575 Clinton Street, Buffalo, N.Y. 14206. Send protests to: Mr. Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, N.Y. 13202.

No. MC 72495 (Sub-No. 15TA), filed April 21, 1977. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag*, in bags, from the plantsite of H. B. Reed & Co., Inc., located at or near Cresap, W. Va., to points in that part of Ohio on and east of U.S. Highway 21 and points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., for 180 days. Supporting shipper(s): H. B. Reed & Co., Inc., 8149 Kennedy Ave., Highland, Ind. 46322. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 103051 (Sub-No. 395TA), filed April 25, 1977. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue N., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Thomasville and Quitman, Ga., and Dothan, Ala., to St. Louis, Mo.; Bradley and Chicago, Ill.; Oklahoma City, Okla.; and Eagle Pass, Tex., for 180 days. Supporting shipper(s): Sunnland Foods, Inc., P.O. Box 1138, Thomasville, Ga. 31792. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 109689 (Sub-No. 310TA), filed April 20, 1977. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives and emulsified petroleum sizing*, in bulk, From: La Grande, Oreg., to Navajo, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Borden Chemical, Division of Borden, Inc., 180 E. Broad St., Columbus, Ohio 43215. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 110525 (Sub-No. 1190TA), filed April 22, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maple sugar*, in bulk, in tank vehicles, from Newport, Vt., to Baltimore, Md., for 180 days. Supporting shipper(s): Doxsee Food Corporation, 8323 Pulaski Highway, Baltimore, Md. 21237. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111274 (Sub-No. 22TA), filed April 22, 1977. Applicant: ELMER C. SCHMIDGALL and BENJAMIN G. SCHMIDGALL, d.b.a. SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and fencing materials, farm buildings, materials, and components of farm buildings*, between Morton, Ill., on the one hand, and all points in Arkansas on the other, under a continuing contract, or contracts, with Morton Buildings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morton Buildings, Inc., Lyle Malinowski, Plant Manager, 252 W. Adams Street, Morton, Ill. 61550. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 112617 (Sub-No. 364TA), filed April 25, 1977. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21396, 1292 Fern Valley Rd., Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, in tank vehicles, from the plant site of W. R. Grace & Company, at or near Owensboro, Ky., to Omaha, Nebr., for 180 days. Supporting shipper(s): Mr. B. G. Tucker, Traffic Coordinator, W. R. Grace & Company, Route No. 1, Highway 60 East, Owensboro, Ky. 42301. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 112801 (Sub-No. 192TA), filed April 22, 1977. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Products of corn*, except feed and feed ingredients and oil, in bulk, in tank vehicles, from the plantsites and storage facilities of C.P.C. International at Argo, Ill., to points and places in the states of Connecticut, Delaware, Kentucky (except Louisville, Covington, and Bellevue), Michigan (except Grand Rapids, Benton Harbor, Buchanan, Detroit, Niles, St. Joseph, Sturgis, and Three Rivers), Tennessee, South Carolina, Alabama, North Carolina, and Georgia; (2) *Products of corn*, except feed and feed ingredients and oil, inedible, in bulk, in tank vehicles, from the plant site and storage facilities of C.P.C. International at Argo, Ill., to points and places in the states of Indiana, New York, Iowa, Ohio, New Jersey, Wisconsin, Pennsylvania, and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): C.P.C. International, Inc., Roger V. Haugen, Assistant Transportation Manager, International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 112963 (Sub-No. 65TA), filed April 22, 1977. Applicant: ROY BROS.,

INC., 764 Boston Post Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in specially designed dump vehicles, from ports of entry on the International Boundary Line between the United States and Canada in New York, Vermont, and New Hampshire, to Cambridge and Fall River, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northeastern Brokerage, Inc., 308 Boylston Street, Boston, Mass. 02116. Send protests to: District Supervisor, John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 113362 (Sub-No. 309TA), filed April 19, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration, from the storage facilities utilized by M & M Mars, located at or near Hampden Township, Cumberland County, Pa., to Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Restricted to the transportation of shipments originating at the above-named storage facilities utilized by M & M Mars and destined to the above named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M & M Mars, a division of MARS, Incorporated, High Street, Hackettstown, N.J. 07840. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 113528 (Sub-No. 29TA), filed April 26, 1977. Applicant: MERCURY FREIGHT LINES, INC., 67 Midtown Park East, P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Dick Coats, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, and parts thereof*, from Dallas, Tex., to Hollywood, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Triangle Publications, TV Guide Division, Box 8228, Philadelphia, Pa. 19104. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 113751 (Sub-No. 19TA), filed April 22, 1977. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia St., P.O. Box 47, Waupaca, Wis. 54981. Applicant's representative: Edward Solie, Suite 100, Executive Bldg., 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged potatoes and potato products* (except in bulk), from the facilities of Wiscold, Inc., at or near Beaver Dam, Wis., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wiscold, Inc., 11400 W. Burleigh St., Wauwatosa, Wis. 53222. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202 .

No. MC 113908 (Sub-No. 398TA), filed April 21, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 E Dale St., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed citrus molasses distillers soluble*, in bulk, from: Roberta, Ga., to Tampa, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monarch Wine Company of Georgia, P.O. Box 6847LS, Atlanta, Ga. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115322 (Sub-No. 132TA), filed April 25, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: L. W. Fincher, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Rich Products Corp., at Buffalo, N.Y., to points in Maryland, Delaware, and the District of Columbia, for 180 days. Supporting shipper(s): Rich Products Corp., P.O. Box 245, 1145 Niagara St., Buffalo, N.Y. 14240. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 115904 (Sub-No. 73TA), filed April 20, 1977. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Neil Grover (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and masonry supplies*, from Pueblo, Colo., to Wyodock, Wyo., and Sutherland, Nebr., for 180 days. Supporting shipper(s): The Summit Pressed Brick & Tile Co., P.O. Box 533, Pueblo, Colo. 81002. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 115322 (Sub-No. 133TA), filed April 25, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: L. W. Fincher, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen*, except in bulk, from Westbury, Long Island N.Y., to points in Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Bakers Co., Inc., 437 Railroad Avenue, Wesbury, N.Y. 11590. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116073 (Sub-No. 354TA), filed April 21, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and 5th wheel travel trailers, trailers designed to be drawn by passenger automobiles*, from Wilderness Industries at or near Frankfort, Ind., and Prowler Industries at or near Crawfordsville, Ind., to all points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, Kentucky, Tennessee, Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper(s): Fleetwood Enterprises, Inc., 3125 Myers Street, Riverside, Calif. 92503. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118159 (Sub-No. 206TA), (Correction), filed March 30, 1977, published in the FEDERAL REGISTER issue of April 20, 1977, republished as corrected this issue. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 15366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denver, Colo., to points in Illinois, Wisconsin, Indiana, Ohio, Michigan, Kentucky, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, the District of Columbia, Rhode Island, Vermont, New Hampshire, Connecticut, Maine, Massachusetts, Tennes-

see, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colorado Beef Processors, 5590 High St., Denver, Colo. 80216. Send protests to: Joe Green, District Supervisor, Rm. 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to include Connecticut in the territorial description.

No. MC 118159 (Sub-No. 209TA), filed April 25, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum containers*, from Tampa, Fla., to Birmingham, Ala.; Charlotte, N.C.; and Kenner, La.; and from Houston, Tex., to Kenner, La., for 180 days. Supporting shipper(s): Reynolds Metal Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 118318 (Sub-No. 29TA), filed April 26, 1977. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, Idaho 83651. Applicant's representative: Kenneth G. Berquist, P.O. Box 1775, 910 Main St., Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and wine*, from Alameda, Los Angeles, Madera, Marin, Napa, Orange, Solano, Sonoma, and Stanislaus Counties, Calif., to points in Idaho south of the southern boundaries of Adams, Valley, and Lemhi Counties, Idaho, for 180 days. Supporting shipper(s): Boise Sales Co., 110 West 33d Street, Boise, Idaho 83704. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 119160 (Sub-No. 9TA), filed April 25, 1977. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 1111, Highway 49 East, Mt. Pleasant, Tex. 75455. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates* from points in Morris County, Tex., to points in Louisiana (except points in Bossier, Caddo, De Soto, and Webster Parishes), for 180 days. Supporting shipper(s): Gifford-Hill & Company, Inc., P.O. Box 47127, Dallas, Tex. 75247. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 119560 (Sub-No. 13TA), filed April 25, 1977. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, S.C. 29448. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Deerfield, S.C., to Atlanta, Augusta, Brunswick, Jesup, St. Mary's, and Savannah, Ga.; and Portsmouth and Richmond, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Coastal Abrasives and Filter Sand Co., P.O. Box 158, Hardeeville, S.C. 29927. Send protests to: District Supervisor Strotheid, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 119880 (Sub-No. 96TA), filed April 26, 1977. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, 617 Chicago St., East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol or alcoholic liquors, grain neutral spirits*, in bulk, in tank vehicles, from Delavan and Peoria, Ill., to Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund Street, Peoria, Ill. 61601. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 119555 (Sub-No. 13TA), filed April 25, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, 640 12th Ave., S.W. Calgary, Alberta, Canada T2P 2P9. Applicant's representative: R. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank vehicles, from Green River, Wyo., to the port of entry on the United States-Canada International Boundary line at International Falls, Minn., for furtherance in foreign commerce to Shebandowan, Ontario, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Roger Cohen, Resident Manager, Van Waters & Rogers Limited, 2030 Notre Dame Ave., Winnipeg, Manitoba, Canada. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 119741 (Sub-No. 70TA), filed April 27, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, RFD 2, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from a point at or near Darr, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Ohio and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dugdale Packing Company, P.O. Box 166, Cozad, Nebr. 69130. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119792 (Sub-No. 63TA), filed April 22, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, 3600 S. Western Avenue, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged potatoes and potato products*, (except in bulk), from the facilities of Wiscold, Inc., at or near Beaver Dam, Wis., to points in Georgia, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wiscold, Inc., James H. Kuehn, President, 11400 W. Burleigh Street, Wauwatosa, Wis. 53222. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 123255 (Sub-No. 99TA) (Correction), filed April 14, 1977, published in the FEDERAL REGISTER issue of May 4, 1977, and republished this issue. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Fiberglas materials and fiberglas products, fibrous glass textile materials, fibrous glass textile products, plastic materials, and plastic products, fibrous glass mineral wool products*, from the plantsite and warehouse facilities of Owens-Corning Fiberglas Corporation at or near Newark, Ohio to points in the States of Arkansas, Louisiana, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owen Corning Fiberglas Corporation, Case Avenue, Newark, Ohio 43055. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and United States Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43125.

No. MC 123993 (Sub-No. 39TA), filed April 12, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, 1724

W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anyhydrous Ammonia* in bulk, in tank vehicles, from the plantsite of Farmland Industries, Inc., of Farmland, La., located near Pollock, La., to points and places in Texas located east of U.S. Highway 281, for 180 days. Supporting shipper(s): Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Avenue, 9038 U.S. Federal Bldg., New Orleans, La. 70113.

No. MC 126736 (Sub-No. 93TA), filed April 22, 1977. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk in shipper or water carrier tank vehicles, From Harris County, Tex., to Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hess Oil Virgin Islands, Corp., 1 Hess Plaza, Woodbridge, N.J. 07095. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128031 (Sub-No. 4TA), filed April 26, 1977. Applicant: GEORGE A. McFARLAND, D/B/A McFARLAND TRUCKING, P.O. Box 643, Austin, Minn. 55912. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings and accessories*, from Austin, Minn., to points in North Dakota, South Dakota, Montana, Iowa, Wyoming, Wisconsin, Illinois, Indiana, Michigan, Missouri, Ohio and Nebraska, for 180 days. Supporting shipper(s): Cretex Plastics division of the Cretex Companies, Inc., 8421 Wayzata Blvd., Minneapolis, Minn. 55426. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134387 (Sub-No. 47TA), filed April 27, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to separate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from points in Alameda and San Bernardino Counties, Calif., to points in Pinal County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Can Corporation, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126736 (Sub-No. 94TA), filed April 22, 1977. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable cooking oil*, in bulk, in shipper or water carrier tank vehicles, from Marks, Miss., to Jacksonville, Fla., for subsequent export movement, for 180 days. Supporting shipper(s): Frito-Lay, Inc., P.O. Box 35034, Dallas, Tex. 75235. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128220 (Sub-No. 16TA), filed April 25, 1977. Applicant: RALPH LATHAM, d/b/a LATHAM TRUCKING CO., P.O. Box 508, Burnside, Ky. 42519. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquets, and related items* from the plant site of Husky Industries, Inc., at or near Cookville, Tenn., to points in Maryland and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: Elaine Newman, Interstate Commerce Commission, Suite 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 134959 (Sub-No. 8TA), filed April 25, 1977. Applicant: BEN-K TRUCKING, INC., North 6th Avenue and County Rd. 64, Greeley, Colo. 80631. Applicant's representative: Charles M. Williams, Suite 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat scraps, meat meal, tankage, blood meal, and bone meal* in bulk, except in bulk, in tank vehicles, from the plantsite and storage facilities of Monfort Packing Co., a Division of Monfort of Colorado, Inc., located at or near Greeley, Colo., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, restricted to transportation services performed under a continuing contract or contracts with American Commodity Corporation of Marshall, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Commodity Corporation, Box 699, Marshall, Mo. 65340. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 138512 (Sub-No. 17TA), filed April 27, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., dba WISCONSIN PROVISIONS EXPRESS, 3383 E. Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, imitation or synthetic cheese, and equipment, materials and supplies* used in the manufacture and display of cheese and cheese products (except commodities in bulk), (1) Between Logan Utah and Carthage and Monett, Mo., and (2) between Logan, Utah and points in Iowa and Wisconsin, under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. D. Schreiber Cheese Co., Inc., P.O. Box 610, 425 Pine St., Green Bay, Wis., 54301. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139584 (Sub-No. 8TA), filed April 20, 1977. Applicant: JOHN BUSCH, P.O. Box 211, Conyngham, Pa. 12819. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal caps for glass containers, and raw materials* for the manufacture of metal caps for glass containers, from Hazleton, Pa., to points in the states of New York, New Jersey, Massachusetts, Connecticut, Maine, Maryland, Delaware, Virginia, North Carolina, Florida, Illinois, and California, for 108 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Diversified Industries, White Cap Davision, Valmont Industrial Park, Hazelton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140855 (Sub-No. 3 TA) (Correction), filed February 9, 1977, published in the FEDERAL REGISTER issue of February 25, 1977, republished as corrected this issue. Applicant: TAB TRUCKING, INC., E. 3628 Syndicate Blvd., Spokane, Wash., 99202. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Recycled garnet, magnesium and zinc oxide, in sacks and in bins, from Spokane County, Wash., on the one hand, to points in Idaho, North Dakota, South Dakota, Colorado, Missouri, Montana, Wisconsin, Kansas, Nebraska, Illinois, Minnesota, Iowa, Utah, California and Oregon, and Indiana on the other, under a continuing contract with Inland Zinc Company, for 180 days. Supporting shipper: Inland Zinc Company, Spokane Industrial Park, P.O. Box 3572 Ta, Spokane, Wash., 99220. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174. The purpose of this republication is to include additional destinations points which were previously omitted.

No. MC 141027 (Sub-No. 2TA), filed April 18, 1977. Applicant: ARMOND L. HART d/b/a PETE HART TRUCKING, 3328 North Grantland Avenue, Fresno, Calif. 93705. Applicant's representative: Edward L. Fanucchi, 2409 Merced Street, Suite 3, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Onion and garlic planting and harvesting machines* transported on lowbed trailers specially built to accommodate shipper's equipment, between points in California and points in Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gilroy Foods, Inc., P.O. Box 1088, Gilroy, Calif. 95020. Send protests to: District Supervisor Claud W. Reeves, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 142359 (Sub-No. 1TA), filed April 14, 1977. Applicant: PORT EAST TRANSFER, INC., 1800 S. Newkirk Street, Baltimore, Md. 21214. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, (other than those designed to be drawn by passenger automobiles) containers and *chassis for containers*, between Baltimore, Md., and Norfolk, Va., and points in their commercial zones, on the one hand, and, on the other, Washington, D.C.; Wilmington, Charlotte, Greenville, N.C., and points in their commercial zones; points in Connecticut; Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia and West Virginia. (B) *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), and *buildings*, in sections, (except prefabricated buildings), in initial movements, in truckaway service. From Baltimore, Md., and its commercial zones to Washington, D.C. and points in its commercial zone; points in Florida, Virginia, Pennsylvania, North Carolina, Michigan, Ohio, Georgia, Kentucky, New Jersey, Connecticut, Massachusetts, Indiana, New York, Vermont, West Virginia, Delaware, South Carolina, Tennessee and Rhode Island. (C) *Office and special purpose trailers*, in truckaway service, between Baltimore, Md., and its commercial zone, on the one hand, and, on the other, Washington, D.C., and points in its commercial zone; points in Delaware, Maryland, Massachusetts, New York, New York, New Jersey, Pennsylvania, West Virginia and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately fifteen (15) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 142749 (Sub-No. 1TA) (correction), filed January 4, 1977, published in the FEDERAL REGISTER issue of January 27, 1977, republished as corrected this issue. Applicant: BUDDY L. INC., 804 N. Robers St., Irving, Tex. 75061. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead*, from the plantsites of Dixie Metals Co., at Dallas, Tex., and Heflin, La., to the plantsites of General Battery Corp., at Selma, Ala., City of Industry, Calif.; Opa-Locka, Fla.; Frankfort, Ind.; Salina, Kans.; and Greer, S.C.; and (2) *Lead scrap and junk batteries*, from the plantsites of General Battery Corp., at Selma, Ala.; City of Industry, Calif., Opa-Locka, Fla., Frankfort, Ind.; Salina, Kans., and Freer, S.C.; to the plantsites of Dixie Metals Co., at Dallas, Tex., and Heflin, La., under a continuing contract with Dixie Metals Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dixie Metals Co., 3030 McGowan St., Dallas, Tex. 75202. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Rm 13C12, Dallas, Tex. 75242. The purpose of this republication is to correct the territorial description in part (2) of the above proceeding.

No. MC 143154 (Sub-No. 1TA), filed April 19, 1977. Applicant: ARTHUR E. PAMIN, JR. and STEVEN V. BIDLAKE d/b/a MOLITOR TRUCKING, 6450 Highway 10 West, Missoula, Mont. 59801. Applicant's representative: Charles A. Murray, Jr., 207A Behner Bldg., 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Azusa, Fairfield and Los Angeles, Calif., and points in its Commercial Zone, to points in Idaho; and (2) from Fairfield, Calif., to points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143163 (Sub-No. 1TA), filed April 18, 1977. Applicant: RICHARDSON TRUCKING, INC., 330 East 8th Street, P.O. Box 967, Greeley, Colo. 80631. Applicant's representative: Winston A. Hollard, 5900 West Colfax, Suite 20, P.O. Box 967, Denver, Colo. 80214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, inedible meat, and meat by-products* (except hides and commodities in bulk, in tank vehicles), used as, or in the manufacture of animal feed and feed ingredients, from Denver, Fort Collins, Fort Morgan, Greeley, Grand Junction, Lamar, Rocky Ford, and Sterling, Colo.; and Scottsbluff, Nebr., and their commercial zones to Los Angeles, Calif; Fort Dodge and Des Moines, Iowa; Crete, Fremont, Hastings, Lincoln, Milford, Omaha, and York, Nebr.; Independence, Kansas City, and St. Joseph, Mo.; Forest Grove, Hillsboro and Portland, Oreg.; and Jefferson, Wis. and their commercial zones. From Cherokee, Estherville, and Storm Lake, Iowa; Austin and Worthington, Minn.; and Sioux Falls, S. Dak., and their commercial zones to Denver, Colo., and its commercial zone, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Valley Feed and Provision Company, 923 D Street, Greeley, Colo. 80631. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143165 (Sub-No. 1TA), filed April 25, 1977. Applicant: CHARLES W. McCLELLAND, d/b/a, McCLELLAND LUMBER TRANSPORTS, Route 3, Park Road Court, Union, Mo. 63084. Applicant's representative: Charles W. McClelland (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and blocking material*, from the lumber mill and yard of Merritt Lumber Company, Inc., near Steelville (Crawford County), Mo., to Portage, Burns Harbor, Gary, Valparaiso and Hammond, Ind.; to Chicago Heights, Ill., and points in the Chicago Commercial Zone, under a continuing contract or contracts with Merritt Lumber Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Merritt Lumber Company, Inc., Highway 8, 6 miles east of Steelville, Mo. Send protests to: District Supervisor

J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 143174 (Sub-No. 1TA), filed April 20, 1977. Applicant: KAPRI TRANSPORTATION CO., P.O. Box "G", Valley, Nebr. 68064. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) From Davenport, Iowa to points in Missouri and Illinois; (2) From LaCrosse, Wis., to points in Minnesota and Iowa; and (3) From Winona, Minn., to points in Wisconsin and North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert B. Pediur II, Operations Manager, Energy Engineering, Inc., 4777 West Lake Street, River Forest, Ill. 60305. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 143175TA, filed April 20, 1977. Applicant: JERRY BAUMFELD d/b/a, CONTINENTAL VAN LINE, 7332 Ethel Avenue, North Hollywood, Calif. 91605. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furnture, uncrated, and lamps and shades*, from points in Los Angeles County, Calif., to points in Clark County, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately four (4) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143181TA, filed April 19, 1977. Applicant: ROMEO T. NADEAU, Baker Lake, New Brunswick, Canada. Applicant's representative: Robert L. Jalbert, P.O. Box 126, Fort Kent, Me. 04743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Skidders* between ports of entry on the International Boundary Line between the United States and Canada in Maine and points in Aroostook County, Me., for 180 days. Supporting shipper(s): Jean M. Dube, St. Benoit, Packington, P.Q., Canada, Conrad Caouette, Baker Lake New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl St., Portland, Me. 04111 .

No. MC 143182TA, filed April 22, 1977. Applicant: ED WHITE d/b/a WHITE TRUCKING, Route 1, Box 95, Atmore, Ala. 36502. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Columbus, Ga., to points in Baldwin, Escambia and Mobile Counties, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Atmore Truckers Association, P.O. Box 367, Atmore, Ala. 36502. Farmers Exchange, Inc., St. Nicholas Avenue, Brewton, Ala. 36426. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 143196TA, filed April 25, 1977. Applicant: BOB RAINS HAULING, 14121 Randall Drive, Woodbridge, Va. 22193. Applicant's representative: John E. Gullette, 3960 N. Forestdale Avenue, Woodbridge, Va. 22193. Authority sought to operate as a *common carrier*, by motor vehicle , over irregular routes, transporting: *Pickup and delivery* in requested area of railroad piggy-back general commodities, excluding household goods and bulk petroleums; between Alexandria, Va., and the state of Virginia, North of Richmond, between Alexandria, Va. and the state of Maryland and the District of Columbia, for 180 days. Supporting shipper(s): Metro Shippers, Inc., 745 Slater Lane, Alexandria, Va. 22314. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 143205TA, filed April 26, 1977. Applicant: DAVE HAAS, INC., 203 E. Birch St., Thorp, Wis. 54771. Applicant's representative: David Haas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, ties, poles, posts and timber*, from: Marathon, Stanley, and Chippewa Falls, Wis., to: St. Cloud, Aitkin, Osseo, Duluth, Thief River Falls, Foreston, LaCrescent, Minneapolis, St. Paul, Mankato, Fairbault, Rochester, Winona and Moorhead, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delmar Saw & Lumber Company, Inc., Rt. 1, Stanley, Wis. 54768, John C. Neely, 264 E. Marie Ave., West St. Paul, Minn. 55118. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 1515 (Sub-No. 225TA), filed April 25, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, beginning and ending at Youngstown, Ohio, and extending to Commodore Downs Race Course at Fairview, Pa., in round-trip special operations, over irregular routes, during the racing season of each year, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

WC 1317TA, filed April 26, 1977. Applicant: A. WALLACE LANE & BELVA D. KERBY DBA, IDAHO-PACIFIC NAVIGATION, 831 Riverview Blvd., Clarkston, Wash. 99403. Applicant's representative: A. Wallace Lane, P.O. Drawer 1185, Lewiston, Idaho 83501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Logs*, from ports and points along the Snake River and its tributaries below Asotin, Wash., to ports and points along the Columbia and its tributaries below Pasco, Wash., contract carriage by water using non-self propelled barges pushed by separate towing vessels, for 180 days. Supporting shipper(s): Timberjacks, Inc., Clarkston Industrial Park, Port of Clarkston, Clarkston, Wash. 99403. Triad Mining Company, Clarkston Industrial Park, Port of Clarkston, Clarkston, Wash. 99403. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14767 Filed 5-23-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

[MA–6 amending M–20]

CANCELLATION OF MEETING

MAY 19, 1977.

The May 24, 1977, meeting regarding Docket 29139, EDR–296, Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales, announced on May 16, 1977, will not take place.

At the scheduled meeting time, the press of other commitments would permit the attendance of only two Board Members. Because the purpose of the meeting was to conduct agency business, which requires the presence of a quorum, it was decided to cancel the announced meeting and re-schedule it in the near future at a time which permits the attendance of a quorum number of Board Members.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: The following Members have voted that agency business requires that this meeting be cancelled and that no earlier announcement of the change was possible:

Acting Chairman Lee R. West

Vice Chairman Richard J. O'Melia

Member R. Tenney Johnson

Member G. Joseph Minetti was not present and did not vote.

[S–474–77 Filed 5–19–77;4:04 pm]

2

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 25826, May 19, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., May 26, 1977.

CHANGES IN THE MEETING:

Agenda items 1, 2, and 3 in the previous announcement are open to the public, and items 4 and 5 are closed to the public.

[S–478–77 Filed 5–20–77;9:25 am]

3

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, June 1, 1977, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. 20463.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Telephone: 202–523–4065.

[S–472–77 Filed 5–20–77;9:23 am]

4

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, May 26, 1977, at 10 am.

PLACE: 1325 K Street NW., Washington, D.C. 20463.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion of meeting open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions:
  A. AO 1977–17.
  B. AO 1977–22.
  C. AO 1977–21.
IV. Agency job classification actions.
V. Request for copies of campaign contribution reports in public records.

Portion of meeting closed to the public:

VI. Executive Session:
  A. Personnel.
  B. Presidential Primary Audit Report No. 5.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202–523–4065.

[S–476–77 Filed 5–20–77;9:25 am]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., June 1, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202–376–3012).

MATTERS TO BE CONSIDERED:

Consideration of Association Request for Board Consent to Retain an Employee Pursuant to the Provisions of section 5(d)(12)(B) of the Home Owners' Loan Act of 1933, as amended. No. 28, May 20, 1977.

[S–482–77 Filed 5–20–77;10:40 am]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., June 1, 1977.

PLACE: 320 First Street NW., Room 630.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202–376–3012).

MATTERS TO BE CONSIDERED:

Application for Permission to Change Office Location—Sunshine State Federal Savings and Loan Association, Plant City, Florida.
Reconsideration of Limited Facility Application—First Federal Savings and Loan Association of Chicago, Chicago, Illinois.
Consideration of Amendment of Holding Company Proposal (Amendment of § 584.-3(a)).
Consideration of Amendment of Charter—Change of Name—First Federal Savings and Loan Association of Hammonton, Hammonton, New Jersey.
Consideration of Amendments Relating to Service Corporations.
Consideration of Proposed Amendment Regarding Change in Corporate Title by Federally-Chartered Associations.
Limited Facility Application—Franklin Society Federal Savings and Loan Association, New York, New York.
Branch Office Application—Victoria Federal Savings and Loan Association, Victoria, Texas.
Branch Office Application—West Side Federal Savings and Loan Association of New York City, New York, New York.
Limited Facility Application—Coast Federal Savings and Loan Association, Los Angeles, California.

Limited Facility Application—Westchester Federal Savings and Loan Association, New Rochelle, New York.
Inner City Branch Office Application—Glendale Federal Savings and Loan Association, Glendale, California.
Branch Office Application—Glendale Federal Savings and Loan Association, Glendale, California.
Application for Extension of Time for Bank Membership and Insurance of Accounts—Blue Ridge Savings and Loan Association, Floyd, Virginia. No. 27, May 20, 1977.
Limited Facility Application—Great American Federal Savings and Loan Association, Oak Park, Illinois.

[S-481-77 Filed 5-20-77;10:40 am]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 23, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 25, 1977, 2 p.m.

CHANGE IN THE MEETING:

The following items have been added to the agenda upon the affirmative vote of Acting Chairman Watt, Commissioners Smith and Holloman:

P-14. Docket No. E-9578, Texas Power & Light Company.
P-15. Docket No. ER76-739, Kentucky-Indiana Power Pool Agreement.
M-1. Docket No. RM77-11, Corrections, Minor Revisions, and Clarifications to Certain Sections of Title 18 of the Code of Federal Regulations.

The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman and Watt:

G-14. Docket No. RP76-38, Arizona Electric Power Cooperative, Inc. and The City of Willcox, Arizona v. El Paso Natural Gas Company.
G-15. Docket No. RP72-6, El Paso Natural Gas Company.
G-16. Docket Nos. CP-75-131 and CP76-129, Mountain Fuel Supply Corporation; Docket No. CP76-94, Phillips Petroleum Company.
G-17. Docket No. CP77-38, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. and National Fuel Gas Supply Corporation.
G-18. FPC Gas Rate Schedule Nos. 554, 555, 556, 557, 559 and 560, Phillips Petroleum Company; FPC Gas Rate Schedule Nos. 537, 538, 539, 561, 562, 567, 569, 572, 576, and 577, Sun Oil Company.
G-19. Docket No. CI74-319, James M. Forgotson, Operator for Gulf Coast Venture.
G-20. Docket No. CI76-743, Ladd Petroleum Corporation.
G-21. Docket No. CS71-631, Eason Oil Company; Docket No. CS76-842, Devon Corporation.

[S-479-77 Filed 5-20-77;10:10 am]

8

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, May 27, 1977, at 10 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 NW., Washington, D.C., to consider the following items of official Board business:

1. Proposed purchase of computer peripherals by the Federal Reserve Bank of New York.
2. Request from the House Committee on Banking, Finance and Urban Affairs for the Board's comments on H.R. 1675, the "Regional Capital Development Banks Act".
3. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in tse Government in the Sunshine Act (5 U.S.C. 552b(c)). 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, May 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-480-77 Filed 5-20-77;10:40 am]

9

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., June 2, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Dockets 64, 335, and 338, *Shawnee.*
Docket 272, *Creek.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Telephone (202-653-6184).

[S-475-77 Filed 5-20-77;8:45 am]

10

[USITC SE-77-34A]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 25405, May 17, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., May 31, 1977.

CHANGES IN THE MEETING:

Additional agenda item (in closed session):

7. Selection of a Deputy General Counsel.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-470-77 Filed 5-19-77;1:21 pm]

11

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Page 25827, Thursday, May 19, 1977.

CHANGES IN THE MEETING TO BE HELD:

Additional item to be considered at the portion of the meeting open to the public:

(10) Release of information by the Board to Social Security for Supplemental Security Income purposes.

Additional items to be considered at the portion of the meeting closed to the public:

(11) Appeal to the Board of denial of waiver of recovery of overpayment, Millage and Sadie Martin.
(12) Appeal to the Board of denial of annuity application, Louie W. Jones.

[S-469-77 Filed 5-19-77;12:22 pm]

12

AGENCY HOLDING THE MEETING: Tennessee Valley Authority.

TIME AND DATE: 10:30 a.m., Thursday, May 26, 1977.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—Personnel actions—None.
B—Consulting and personal service contracts—None.
C—Purchase awards:

1. Req. No. 822016—Reactor building stainless steel liners for Hartsville and proposed Phipps Bend Nuclear Plants.
2. Req. No. 546346—Rear-end dump trucks for Construction Services Branch warehouse, Muscle Shoals, Alabama.
3. Req. No. 143497—Indefinite quantity term contract for metallizing services for various steam plants.
4. Req. No. 821906—250-ton overhead traveling cranes for Hartsville and proposed Phipps Bend Nuclear Plant.
5. Req. No. 543367—Indefinite quantity term contract for ASTM A-53, A-106, and A-120 steel pipe, warehouse quantities.
6. Amendment to contract with Westinghouse Electric Corporation, for purchase of additional rotors for Gallatin, Shawnee, Kingston, and Johnsonville Steam Plants.
7. Req. No. 820181—480-volt unit substations for Hartsville and proposed Phipps Bend Nuclear Plants.
8. Resolution relating to ratification of award of contract for turbine blading for Colbert Steam Plant.
9. Req. No. 822237—Indefinite quantity term contract for reinforcing bar splicing materials for Hartsville Nuclear Plant.
10. Req. No. 820882 (Reissue)—Metal cable trays and fittings for Hartsville and the proposed Phipps Bend Nuclear Plants.
11. Req. No. 820350—480-volt motor control centers and lighting board for Hartsville and the proposed Phipps Bend Nuclear Plants.

12. Amendment to contract with General Electric Company for services of turbine and generator service engineers, mechanics, etc., for various projects.

13. Amendment to contract with Westinghouse Electric Corporation for services of turbine and generator service engineers, mechanics, etc., for various projects.

14. Amendment to contract with Brown Boveri Corporation, North Brunswick, New Jersey, for turbogenerators for Hartsville and proposed Phipps Ben Nuclear Plants.

15. Req. No. 820006 (Reissue)—Diesel engine-driven emergency power packages for Hartsville and proposed Phipps Bend Nuclear Plants.

D—Project authorizations:

1. No. 3229—Ammonia from coal demonstration.

2. No. 3225—Rebuild the Sturgis District-Eupora 46-kV Line for future 161-kV operation, increase the capacity of the Eupora, Mississippi, 46-kV Substation and convert to 60-kV operation.

E—Fertilizer items—None.

F—Power items:

1. Amendment to Option Agreement with Ewing-Northern Coal Association—option to purchase certain lands in Franklin, Hamilton, and Jefferson Counties, Illinois.

2. Lease and amendatory agreement with the City of Winchester, Tennessee—Winchester District Substation.

3. Lease and amendatory agreement with Gibson County Electric Membership Corporation—Rutherford Substation.

4. Letter agreement with Electric Plant Board of the City of Fulton, Kentucky—replacement of a 69-kV delivery point at TVA's Fulton Substation; and bill of sale and quitclaim deed conveying an 0.8-mile section of TVA's old Clinton-Fulton 69-kV Line to the distributor.

5. Deed conveying to East Mississippi Electric Power Association TVA's Scooba Substation site—Kemper County, Mississippi.

G—Real property transactions—None.

E—Unclassified:

1. Resolution relating to extension of employment at Colbert Steam Plant—Jake N. Berry.

2. Resolution relating to changes in designation of officers to certify vouchers.

3. Agreement among TVA, Tennessee Department of Education, and local school systems in the Phipps Bend Nuclear Plant Project area.

4. Adoption of supplemental resolution authorizing 1977 series B bonds.

5. Resolution authorizing the Chairman and certain executive officers to take further action relating to issuance and sale of 1977 series B bonds.

The Board will complete its quarterly review of current and anticipated conditions and costs affecting TVA's power operations and the adequacy of revenues to meet the requirements of the TVA Act and the tests and provisions of its bond resolutions; and to determine whether an adjustment of the rates and charges for the sale of electric power will be necessary during the quarter beginning July 1, 1977.

DATED: May 19, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–343–4537.

[S–477–77 Filed 5–20–77;9:25 am]

13

AGENCY HOLDING THE MEETING: United States Parole Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 17, 1977 42 FR 25405–6.

CHANGES IN THE MEETING:

At the Open Business Meeting scheduled for May 25, 1977 and continued on May 27, 1977 at 501 Primrose Road, Burlingame, Calif., as announced above, in addition to the matters listed on that announcement the following matter will be considered:

Item 35: Consideration of the submission of a recent report to the Attorney General entitled "Two-year Program for the Department of Justice—Parole Commission" and certain subject matter thereof.

AUTHORITY FOR THE CHANGE:

Resolution of a majority of United States Parole Commissioners adopted at a meeting held on May 20, 1977, at 320 First Street, Washington, D.C., and over a conference telephone circuit to the effect that agency business requires this addition and no earlier announcement of the change was possible.

CONTACT PERSONS FOR MORE INFORMATION:

M. E. Malin Foehrokolb (Washington, D.C.) 202–724–3117; Helen Moniz Burlingame, California) 415–347–4737.

[S–487–77 Filed 5–20–77;3:46 pm]

federal register

TUESDAY, MAY 24, 1977

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

UPWARD BOUND PROGRAM; SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM; TALENT SEARCH PROGRAM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 155—UPWARD BOUND PROGRAM

AGENCY: U.S. Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This regulation governs the administration of the Upward Bound Program. Changes were made in the existing interim regulation to accommodate legislative changes made by the Education Amendments of 1976, Pub. L. 94-482.

EFFECTIVE DATE: Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

DATES: Not Applicable.

ADDRESSES: Not Applicable.

FOR FURTHER INFORMATION CONTACT:

Barbara W. Freeman, Bureau of Postsecondary Education, 7th and D Streets, S.W., Regional Office Building 3, Room 3514, Washington, D.C. 20202, Telephone: 202-245-2511.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER of February 1, 1977 (42 FR 6078-6083) which amended the interim Upward Bound regulation to accommodate changes made in the program by the Education Amendments of 1976 and to clarify existing provisions. Interested persons were given thirty days in which to submit written comments, suggestions, or objections. The public was also invited to comment at the time the interim Upward Bound regulation was published in the FEDERAL REGISTER of May 14, 1976 (41 FR 20076-20086). The following is a summary of the comments received on the interim Upward Bound regulation and on the Notice of Proposed Rulemaking and the Office of Education's response to the comments.

1. § 155.4 ELIGIBLE PROJECT PARTICIPANTS

Comment. One commenter suggested that "and" be changed to "or" in paragraph (e) which stated that an individual is eligible to participate in a project if that individual "is from the target area and is attending a target school," since veterans who are dropouts do not reenter secondary school the fall semester which immediately follows participation in the summer residential component and veterans must satisfy all requirements of this section. The commenter felt not to make such a modification would eliminate the veterans' components.

Response. Paragraph (e) has been modified accordingly.

Comment. Numerous comments suggested that exemptions from the age limitation and the eligibility requirements be provided for veterans.

Response. No change has been made. The Upward Bound Program is designed to serve youths from low-income families. Veterans must meet the same eligibility requirements as other project participants.

Comment. Numerous comments suggested that the income eligibility requirement of § 155.4(c) was too restrictive in high cost areas.

Response. The Office of Education has adopted the standards for low-income family level set forth in the "Current Population Reports," Series P. Bureau of the Census, U.S. Department of Commerce. These standards are more liberal than those which were previously employed.

2. § 155.5 SUMMER RESIDENTIAL, ACADEMIC YEAR, AND VETERANS' COMPONENTS

Comment. One commenter, on behalf of 11 members of an advisory council to an Upward Bound project, objected to requiring nonresidential summer components to provide three meals a day. The commenter suggested that the provision of three meals a day should be required only when judged by the project director to be in the best interest of the enrollees and their families.

Response. No modification was made. Participants in nonresidential summer components are entitled to the same benefits and services as participants in summer residential components.

Comment. Several comments objected to the residential requirement of the summer residential component.

Response. The requirement has been modified to permit up to 10 percent of the projects funded in any fiscal year to include applicants who have residential facilities but prefer nonresidential projects. No change has been made in the requirement that institutions without residential facilities available to them are othewise eligible. A requirement that all nonresidential projects must provide three meals a day has been added.

3. § 155.8 FUNDING CRITERIA

Comment. Several commenters raised questions regarding the type of assessment instruments which can be employed to determine growth in project participants' academic skills. They objected to the requirement of § 155.8(c)(2) (i) and (ii) that standardized tests be employed.

Response. No change has been made. The purpose of the Upward Bound Program is the development of skills and motivation for success in education beyond high school. Certain standardized tests are universally recognized as requirements for admission to postsecondary schools. The Office of Education believes that these tests are necessary indicators of the success which a project participant will have in gaining admission to postsecondary schools.

Comment. One comment suggested that in evaluating proposals under § 155.8(d), weights should be assigned to each question on the application, rather than to the category under which a group of questions falls.

Response. No change has been made. The Office of Education believes that the total concept, such as project design, should be evaluated rather than the individual parts of which it is composed.

4. § 155.9 PROGRAM REQUIREMENTS

Comment. Several commenters objected to the requirement that a project make every effort to recruit a student body which reflects within a ten percent variance the ethnic/racial composition of the eligible students who are enrolled in target schools. In the view of these commenters, the requirement would prevent a project from focusing on the needs of a specific community.

Response. No change has been made. The purpose of this requirement is to ensure that projects are not designed to serve an exclusive racial or ethnic group and that recruitment efforts are not restricted in this regard.

5. § 155.11 ALLOWABLE COSTS—STIPENDS

Comment. Several comments suggested that the section on allowable costs be expanded to include such terms as medical expenses and gym clothes.

Response. The section has been amended to include insurance to cover the costs of an injury to an enrollee while he or she is participating in a project activity and medical insurance for the enrollee during full-time participation in the summer residential component. Clothing is not an allowable cost of an Upward Bound project.

In order to clarify the existing provisions, the following changes were also made.

6. § 155.6 ELIGIBLE APPLICANTS

Paragraph (b) of this section has been modified to require that an agency must be established or designated prior to the submission of the application. The investiture of responsibility for administering the project in one of the participating institutions or the agency established or designated by the institutions shall also occur prior to the filing of an application for funds.

Modifications have been made throughout the regulation to specify income to be the family taxable income. Other technical and typographical changes have also been made in the regulation.

After consideration of all comments, Part 155 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation

of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 13.492, Upward Bound.)

Dated: May 4, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: May 16, 1977.

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

Part 155 of Title 45 of the Code of Federal Regulations is amended to read as follows:

Sec.
155.1 Scope and purpose—general provisions.
155.2 Definitions.
155.3 Project size.
155.4 Eligible project participants.
155.5 Summer residential, academic year and veterans components.
155.6 Eligible applicants.
155.7 Applications.
155.8 Funding criteria.
155.9 Program requirements.
155.10 National demonstration projects.
155.11 Allowable costs—stipends.
155.12 Salary and wage rates.
155.13 Student records.
155.14 Travel.
155.15 Coordination of administration with other programs authorized by Title IV-A-4 of the Act.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258-259 (20 U.S.C. 1070d-1070d-1), Sec. 124 (b), Title 1, Pub. L. 94-482, unless otherwise noted.

§ 155.1 Scope and purpose—general provisions.

(a) The regulations in this part govern the administration of the Upward Bound Program. Services provided under this program are designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education. Projects under this program shall generate skills and motivation necessary for success in education beyond high school. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic academic skills, such as reading, public speaking and writing, mathematics and science, (2) guidance and counseling with regard to educational and career opportunities, and (3) a comprehensive counseling and enrichment program for the purpose of developing creative thinking, effective expression and positive attitudes toward learning. Such projects also provide, during the school year, tutoring and counseling services. The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d—1070d-1.)

§ 155.2 Definitions.

For the purpose of this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

(b) "Academic potential" means a capacity for success in post-secondary education which is documented by standardized measurement instruments or other verifiable indicators such as written recommendations from professional educators, counselors or employers.

(20 U.S.C. 1070d-1.)

(c) "Combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

(d) "Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b)(1).)

(e) "Proprietary institution of higher education" means an educational institution as defined in section 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1088(b)(3).)

(f) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

(g) "Target area" means an area, having a high concentration of youths from low-income families, which will be served by an Upward Bound project.

(20 U.S.C. 1070d—1070d—1.)

(h) "Target school" means a secondary school which serves students residing in a target area.

(38 U.S.C. 101(2).)

(i) "Veteran" means a person who served in the active military, naval or air service of the United States.

(38 U.S.C. 101(2).)

(j) "Youth" means a person aged 14 through 27.

(20 U.S.C. 1070d—1070d-1, unless otherwise noted.)

§ 155.3 Project size.

(a) Except for National Demonstration projects, each project funded under this part shall serve between fifty and one hundred fifty participants. Participants may include students enrolled in target schools situated not more than 50 miles from the institution administering the project, dropouts from such secondary schools and veterans residing within the fifty mile radius. Upward Bound projects serving veterans shall be composed exclusively of veterans.

(b) The Commisioner may authorize exceptions to any limitations set forth in paragraph (a) of this section if it can be shown that such exceptions will not hinder the effectiveness of the project nor prevent the Upward Bound program from achieving its stated goals and objectives.

(20 U.S.C. 1070d-1.)

§ 155.4 Eligible project participants.

An individual is eligible to participate in a project funded under this part if such individual:

(a) Is a youth as defined in § 155.2(j);

(b) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(c) At the time of initial selection comes from a family whose taxable income does not exceed the low-income family level set forth in the "Current Population Reports," Series P-60, Bureau of the Census, U.S. Department of Commerce;

(d) Has academic potential but is unlikely to apply for admission to, or be accepted for enrollment in, an institution of postsecondary education because of a lack of preparation, or underachievement, or both, in secondary school;

(e) Is from the target area or is attending a target school, or is a dropout from a target school who has committed himself to re-entering secondary school in the fall semester which immediately follows participation in the summer component; and

(f) At the time of initial selection has completed the first year of secondary school and, except for veterans, has not entered the twelfth grade. For purposes of this part, "secondary school" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(g) A veteran is eligible to be served under this part if the veteran meets the eligibility requirements set forth in § 155.4 (a) through (f).

(20 U.S.C. 1070d-1.)

§ 155.5 Summer residential, academic year and veterans components.

(a) Except as provided in paragraphs (c) and (e) of this section, each project funded under this part shall consist of a summer residential component and an academic year component.

(b) A summer residential component shall be of at least six weeks duration. During the summer residential component, the project shall:

(1) Provide residential facilities, including room and board, in order that the activities listed in subparagraphs (b)(2) through (b)(7) can be effectively carried out;

(2) Provide to participants who have not completed secondary school, intensive basic skills development in those academic subjects required for secondary school graduation and postsecondary school admission;

(3) Provide intensive postsecondary orientation and preparatory instruction to participants who have graduated from secondary school and who intend to enroll at a postsecondary institution in the academic term following the summer residential component;

(4) Provide motivational activities through (i) individualized guidance and counseling, and (ii) such activities as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual, social and cultural development of such students;

(5) Provide a staff composed of (i) teachers from the target schools the participants are attending, (ii) postsecondary instructors from the host institution including graduate assistants, and (iii) other individuals with areas of specialization that will enhance the learning potential of participants;

(6) Provide tutor-counselors, that is, postsecondary school students who have demonstrated success in postsecondary education and who, preferably, have backgrounds similar to those of the participants; and

(7) Provide such other services that have as their purpose the educational preparation of participants for postsecondary admissions, including assisting participants in the preparation of admissions and financial aid forms and where necessary ensuring that participants take national standardized tests required for postsecondary admission.

(c) (1) A recipient need not meet the residential requirement of a summer residential component if:

(i) The recipient provides services and activities equivalent to those services and activities participants would receive from a summer residential component;

(ii) The recipient demonstrates a compelling need for the services under this part in the area to be served; and

(iii) Residential facilities are not available to the project in that area.

(2) Notwithstanding subparagraph (1) of this paragraph, in the case of not more than 10 percent of the projects funded, as determined by the Commissioner, a recipient need not meet the residential requirement of a summer residential component if it satisfies the conditions of clauses (i) and (ii) but not clause (iii) of that subparagraph.

(3) Projects that need not provide a residential component must provide their enrollees with three meals a day.

(d) During the academic year component a project shall:

(1) Provide to participants on a weekly basis individualized guidance, counseling and orientation in career opportunities and requirements for postsecondary education including preparation of admission and financial aid applications and preparation for national standardized tests required for postsecondary admission, and either (i) academic instruction and tutoring within the context of courses being studied by the student at the secondary school or (ii) activities such as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual, social and cultural development of such students.

The Commissioner may waive this requirement for a project serving students who are not accessible to the project location or staff because of distance. In such a case, however, the project shall provide the services enumerated in this subparagraph on a bi-weekly basis;

(2) Provide an on-going evaluation of each participant's progress toward achieving adequate academic skills and motivation necessary for success in postsecondary education, including an assessment of each participant's realistic postsecondary educational opportunities;

(3) Provide such other activities that have as their purpose the educational preparation of participants for postsecondary admissions which have the specific approval of the Commissioner; and

(4) Provide for a staff that is adequate to perform such activities.

(e) *Veterans' projects.*

The Commissioner may fund Upward Bound projects for veterans. Such projects shall:

(1) Provide intensive basic skills development in those academic subjects required for the successful completion of a high school equivalency certification program and for admission to postsecondary institutions or short-term remedial-refresher courses for those veterans who are high school graduates but who have delayed pursuing postsecondary education;

(2) Provide (i) individualized guidance and counseling, (ii) liaison with personnel of the Veterans Administration and State veterans agencies with regard to educational benefits for participants, and (iii) assistance in gaining admission to postsecondary educational programs and in obtaining financial aid where necessary;

(3) Engage (i) a full-time project director with demonstrated administrative skills and professional qualifications to conduct a special educational program for veterans and (ii) a staff, including tutoring personnel, that has adequate professional qualifications to teach veterans' equivalency programs and to carry out proposed activities and services;

(4) Provide the project director with sufficient latitude to conduct the project effectively and expend project funds as required;

(5) Provide no residential component and shall not pay stipends to participants; and

(6) Secure certification for the payment of veterans educational benefits by appropriate State and Federal agencies prior to the beginning of educational activities.

(20 U.S.C. 1070d–1.)

§ 155.6 Eligible applicants.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education, combinations of such institutions, public and private agencies and, in exceptional cases, secondary schools and secondary vocational schools.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established or designated by the combination for that purpose. A combination of institutions or an applicant institution that wishes to designate an agency to carry out the project on its behalf must designate or establish that agency prior to the submission of its application. The combination of institutions must also vest responsibility for administering the project in one of the participating institutions or in the agency prior to such submission.

(c) A secondary school or secondary vocational school may receive funds under this part in the event no other applicant capable of providing such facilities is available in the geographic area to be served by the project and provided that the school has facilities for providing a summer residential component.

(20 U.S.C. 1070d–1.)

§ 155.7 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) *Need.* (i) A geographic description of the target area; and

(ii) A documented description of the target schools in terms of the number of students enrolled in such schools from low-income families, the number and percentage of those students who subsequently enroll in postsecondary education, their ratio of students to counselors, their dropout rate, and an estimate of the number of enrolled students eligible to participate in an Upward Bound project.

(2) *Design.* (i) The number of participants and their grade levels to be served by the project;

(ii) A description of the applicant's plan for identifying and selecting eligi-

ble participants, assessing participants in terms of their academic potential for postsecondary education and their academic and motivational needs at the time of entry into the project, providing career and academic counseling and guidance, providing academic, cultural, social, and recreational services and activities, and evaluating each participant's progress toward achieving the academic skills and motivation needed for success in postsecondary education;

(iii) A description of the summer residential and academic year components which will show how the applicant will generate skills and motivation that will enable the participants to gain admission to postsecondary institutions. For applicants not proposing to include residential facilities in their summer residential component, the reasons for not including residential facilities, the compelling need for the project in the area to be served, and an explanation of how equivalent services will be provided; and

(iv) A description of the applicant's plan for evaluating the effectiveness of the project in terms of increasing participants' performance levels, motivating participants to enroll in postsecondary educational programs, and assisting them to obtain adequate financial aid; and

(3) *Resources and organization.* (i) A description of the applicant's plan to orient the target schools and postsecondary schools in the geographic area to be served to the goals of the Upward Bound project and utilize community and other resources to supplement authorized activities;

(ii) If the applicant previously carried out an Upward Bound project or a project that was comparable to an Upward Bound project, the applicant shall provide a description of that project, including the number of students served, the method used to select participants, the services offered, the number of such participants attaining a minimum of one year's growth in reading, communication skills, and mathematics, the number of participants who gained admission to postsecondary institutions, and any evaluation reports made on that project;

(iii) Evidence that an applicant has the resources, organization, and personnel to successfully carry out an Upward Bound project; and

(iv) A description of the project's staffing pattern, the required professional qualifications and experience, duties and salary range for each professional category, and the plan for staff selections and in-service training; and

(4) *Budget.* A detailed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applicants for veterans projects shall provide a description of the educational services and activities already available for veterans residing in the target area who do not possess a high school equivalency certificate in addition to the requirements set forth in subparagraphs (i), (2) (i), (ii), (iv), (3) (ii), (iv), and (4) (i) of paragraph (a), and paragraph (b), of this section.

(d) Applications for national demonstration projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satifies the requirements of § 155.10.

(20 U.S.C. 1070d–1.)

§ 155.8 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports and other relevant data;

(3) The project continues to offer promise of success in enabling youths to enter postsecondary education with an adequate academic background;

(4) All required reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded for new awards under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) *Need.* (i) The number of youths who would be eligible to participate under this part who will be enrolled in the target schools or reside in the area to be served during the project period;

(2) *Design.* (i) The comprehensiveness of the applicant's plan for identifying and selecting eligible participants, assessing and documenting their educational need and potential for postsecondary education through the use of standardized measurement instruments, and such other evaluative methods the applicant may choose to use, providing career and academic guidance and counseling, preparing and motivating project participants for admission to postsecondary institutions, and assisting participants in applying for admission to postsecondary institutions which are appropriate for such participants' abilities and ambitions;

(ii) The extent to which the project will generate academic skills and motivation that will enable the participants to gain admission to postsecondary institutions and assist participants to attain a minimum of one year's growth, as measured by standardized measurement instruments stipulated in the application, in those academic skills such as reading, writing, mathematics and science which are essential for postsecondary education and in which participants are deficient; and

(iii) The quality of the applicant's plan to evaluate project services in terms of increasing participants' performance levels, motivating participants to enroll in postsecondary educational programs and assisting them to obtain adequate financial aid;

(3) *Resources and organization.* (i) The extent to which the applicant has provided for the orientation of target school and applicant staff to the goals and objectives of the Upward Bound Program and has provided for the utilization of community and other resources to supplement authorized activities;

(ii) The extent to which the applicant has the resources, organization, and personnel to successfully carry out an Upward Bound project; and

(iii) The quality of the applicant's plan to staff the project with personnel with appropriate qualifications and experiences to carry out proposed activities, and the plan for providing in-service training;

(4) *Budget.* (i) The reasonableness of the allocation of resources among project activities; and

(ii) The extent to which the proposed budget reflects the activities to be undertaken.

(d) In evaluating an application, the Commissioner will use the following weights:

(1) *Need:* 35 percent,

(2) *Design:* 30 percent,

(3) *Resources and Organization:* 30 percent, and

(4) *Budget:* 5 percent.

(e) In selecting applications for funding, the Commissioner will consider the need for a project in the area that the applicant proposes to serve as compared to the need of the total target population to be served.

(f) Except for veterans projects, preference will be given to those applicants for new awards that proposed to carry out a summer residential component.

(g) Special consideration will be given to those applicants for new awards that propose to serve veterans if the applicant will serve an area in which the needs of eligible veterans for the services provided under this part cannot adequately be met without the project.

(h) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Upward Bound national demonstration projects on the basis of the criteria set forth in paragraph (c) and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, or presents a clearly new or experimental technique or design for the provision of Upward Bound services to eligible participants;

(2) Whether the proposed project duplicates or competes with existing re-

gional or national programs, or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Whether, with regard to proposed projects presenting a new or experimental technique or design, the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1.)

§ 155.9 Program requirements.

(a) Each project funded under this part shall be designed to assist in enabling youths with academic potential from low-income families with inadequate secondary school preparation, or who may be physically handicapped, or who may be disadvantaged because of severe rural isolation to complete secondary education and be prepared to successfully pursue postsecondary education; and shall:

(1) Develop and utilize objective procedures to identify participants from a variety of sources and select eligible participants on the basis of a comprehensive needs assessment. A comprehensive needs assessment shall include standardized and other instruments which will diagnose specific areas of academic strengths and weaknesses;

(2) Set specific objectives, stated in measurable terms, that each participant needs to attain in order to secure admission as a regular student at an institution appropriate to the individual's abilities and career ambitions;

(3) Engage a project director with demonstrated professional qualifications, administrative skills and a clear commitment to the goals of the program to serve in a full-time capacity. This full-time requirement may be waived: (i) if the individual chosen is selected to coordinate two or more programs as required under 155. 15(a), or (ii) if the individual must teach a minimum number of hours at the host institution to retain faculty status;

(4) Provide the project director with sufficient authority to conduct the project effectively and expend project funds as required;

(5) Design and implement an evaluation mechanism to test the effectiveness of (i) the project's progress in meeting approved goals and objectives, (ii) the project's efforts in remedying academic deficiencies diagnosed when students initially entered the project, and (iii) the project's activities which are designed to effect other changes in the academic and personal skills of project participants which are necessary for successes in post-secondary education;

(6) Assure that all the facilities of the host institution, both academic and non-academic, will be made available to all project participants;

(7) Utilize institutional and community resources to provide diagnostic health services to identify physical impediments to learning and to remedy those impediments;

(8) Implement a plan for following participants through their postsecondary educational program;

(9) Coordinate the project with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities;

(20 U.S.C. 1232c(b)(1).)

(10) Make every effort with regard to successful graduates from the project, to secure admissions, with adequate financial aid, to an institution of postsecondary education which is appropriate to such students' abilities and ambitions, if such graduates are unable to secure regular admissions at postsecondary institutions and if the project is administered by an institution of higher education, the project shall make every effort to secure special review from the admissions and financial aid personnel of the host institution for the purpose of reconsidering the students' admission at that institution; and

(11) Make every effort to provide that the ethnic/racial composition of the students served will reflect within a maximum ten percent variance the ethnic/racial composition of students eligible to be served by an Upward Bound project who are enrolled in target schools.

[Reserved]

(20 U.S.C. 1070d-1.)

§ 155.10 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Upward Bound projects.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope, or present a clearly new, or experimental technique or design for the provision of Upward Bound services to eligible participants;

(2) Neither duplicate nor compete with existing regional or national programs, nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of services and activities for similar youths;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d-1.)

§ 155.11 Allowable costs—stipends.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project. Such costs may include:

(1) In-service training of project staff;

(2) The rental of space if space is not available at the sponsoring institution and if the space rented is not owned by the sponsoring institutions;

(3) Room and board expenses for Upward Bound participants computed on a weekly basis if the expenses are not more than the rates charged regularly enrolled students at the sponsoring institution during the summer session. In the event the host institution does not have a summer school operating at the same time as the Upward Bound project, room and board fees may be no higher than those fees charged regularly enrolled students during the academic year computed on a weekly basis;

(4) Student activity fees;

(5) Admission fees to educational activities, theaters, movies and other cultural events which have as their purpose the intellectual, social and cultural development of participants;

(6) Entertainment costs for project sponsored banquets, social activities and ceremonies;

(7) Meals and overnight accommodations for staff when required to accompany the project on field trips of more than one day;

(8) Tuition costs for not more than two credit bearing courses totaling 6 or less credit hours at the grantee institution for participants who have graduated from secondary school and who intend to enroll in postsecondary education in the fall semester following the summer in which the credit is earned;

(9) Insurance to cover the costs of an injury to an enrollee if the injury occurs while the enrollee is participating in a project activity and medical insurance for the enrollee while the enrollee is participating full time in the summer residential component; and

(10) Room and board for those persons responsible for dormitory supervision of project participants during summer residential phase.

(b) Costs that may not be supported by funds under this part shall include:

(1) The construction, modification, or major repairs of buildings or the purchase of land or buildings;

(2) The duplication of services specifically available to students at the institution or through such local facilities as vocational rehabilitation centers, medical clinics, and social service organizations;

(3) Research;

(4) Purchase of any equipment unless it is demonstrated that purchase is less expensive than renting;

(5) Meals for staff except as provided in subparagraphs (a)(3) and (a)(7) of this section;

(6) Clothing; and

(7) Room and board for administrative and instructional staff personnel

who do not have responsibility for dormitory supervision of project participants during summer residential phase, unless approved by the Commissioner.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, of Appendix A, of parts 100 thru 100d of this title.

(d) Projects shall provide stipends to all participants who are enrolled on an essentially full-time basis. Such payments shall not exceed a rate of $30 per month for the summer component or $20 per month for the academic year component except in exceptional cases, as determined by the Commissioner.

(20 U.S.C. 1070d–1.)

§ 155.12 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local laws.

(20 U.S.C. 1070d–1.)

§ 155.13 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate and accessible records.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Rationale used to select individual participants, including records of interviews;

(2) High school transcripts and all available test scores;

(3) Documents pertaining to student eligibility as defined in § 155.4;

(4) Diagnostic analysis of the student's academic strengths and weaknesses at the time of entry into the project, and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as records, family contacts, career explorations, college visits, and referrals;

(6) Documentation of the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A medical consent form signed by the student's parent(s) or guardian;

(8) Project efforts in assisting students in gaining admission to and financial assistance for attendance at postsecondary institutions;

(9) Project follow-up on students with particular emphasis on postsecondary enrollment and status;

(10) The recommendations made to the student upon the student's completion of the project regarding his educational and career potentials; and

(11) The reasons for a student's leaving the project if he left prior to enrollment in a postsecondary educational institution.

(c) Files for projects serving veterans shall include but are not limited to those records indicated in subparagraphs (1), (2), (3), (4), (6), (8), (9), (10) and (11).

(20 U.S.C. 1070d–1.)

§ 155.14 Travel.

In accordance with the cost principles set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Field trips for educational purposes which are in reasonable proximity to the project's regular location;

(b) Student travel to and from regularly scheduled project activities;

(c) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education-sponsored meetings when approved in writing by the Commissioner;

(d) Transportation costs for formal visits to the campus of the sponsoring institution for parents, foster parents, or legal guardians of Upward Bound students, and overnight accommodation costs for such persons when necessary because of distance; and

(e) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d–1.)

§ 155.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

In addition to the requirements set forth in 45 CFR 100a.275 and § 155.9, if an applicant also requests funds to carry out one or more of the programs authorized by Title IV–A–4 of the Act, the application must reflect the following:

(a) Provide for a single, unified administrative program operation. In the event a Project Director of one of the projects subject to this provision is selected to serve as coordinator for two or more projects authorized by Title IV–A–4 of the Act, the salary of that individual must be prorated among the projects;

(b) Provision for separate program identities, activities and budget; and

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities.

(20 U.S.C. 1070d–1.)

[FR Doc.77–14504 Filed 5–23–77;8:45 am]

PART 157—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

AGENCY: U.S. Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This regulation governs the administration of the Special Services for Disadvantaged Students Program. Changes were made in the existing Special Services for Disadvantaged Students regulation to accommodate legislative changes made by the Education Amendments of 1976, Pub. L. 94–482.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

DATES: Not applicable.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Barbara W. Freeman, Bureau of Postsecondary Education, 7th and D Streets SW., GSA Regional Office Building 3, Room 3514, Washington, D.C. 20202, telephone 202–245–2511.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER of February 1, 1977 (42 FR 6083–6088), which amended the existing Special Services for Disadvantaged Students regulation to accommodate changes made in the program by the Education Amendments of 1976 and to clarify existing provisions. Interested persons were given thirty days in which to submit written comments, suggestions, or objections. The following is a summary of the comments received and the Office of Education's response to the comments.

1. § 157.2 DEFINITIONS

Comment. One commenter felt that the definition of "deprived economic background" in paragraph (2)(f) of this section was confusing and misleading. This commenter suggested that a required income level be defined and set forth in the regulation and that this definition should include such items as veterans' benefits and unemployment compensation.

Response. No modification has been made to the definition of "deprived economic background" since this is a definition of a condition rather than a definition of low-income. The only reference to income in the Special Services Program regulation is found in § 157.13 Student records. Appropriate modification has been made to paragraph (b)(3), which requires documentation supporting a student's eligibility to participate in the project. Only those students who are being served by reason of their deprived economic background are required to meet the income criteria prescribed by the Commissioner. New language has been added to state that, in making determinations as to the eligibility of such students, the family's taxable income shall be considered. Neither veteran's educational benefits nor unemployment compensation are considered as taxable income.

3. § 157.7 PROGRAM REQUIREMENTS

Comment. Several commenters indicated that the proposed regulation did

not clearly identify the individuals for whom projects must be designed.

Response. Paragraph (a) has been modified to make it clear that projects may be designed for any one of three groups: (1) Youths from low-income families who have academic potential but who lack adequate secondary preparation, (2) youths from low-income families who have academic potential but who are physically handicapped, and (3) youths from low-income families who have academic potential but who are disadvantaged because of severe rural isolation. This section identifies the groups for whom projects must be designed. Section 157.3 (Eligible Project Participants) sets forth the eligibility criteria for students who receive project services.

4. § 157.13 STUDENT RECORDS

Comment. One commenter suggested that paragraph (b)(2) of this section should be deleted since outdated high school records and test scores are often misleading.

Response. No modification has been made. The regulation requires that the students' academic and other needs be assessed at the time of selection for the project. The high school records, only one indicator of the students' performance, should be compared with, and evaluated in light of, the results of the needs assessment. All of these documents provide a baseline for measuring the students' progress while being served by the project. We recognize that high school records of persons recently graduated from high school are of greater use than those of students who have been out of high school for several years.

In order to clarify existing provisions the following changes were also made.

4. § 157.4 ELIGIBLE APPLICANTS

Paragraph (b) of this section has been modified to require that an agency which is established or designated by a combination of institutions to carry out a Special Services project must be so established or designated prior to the submission of the application. The investiture of responsibility for administering the project in one of the participating institutions or agencies established or designated by the institution shall also occur prior to the filing of an application for funds. Paragraph (c) of this section has been modified to require agencies which have written agreements with a combination of institutions to submit such agreements with the application for funds.

5. § 157.8 BILINGUAL EDUCATIONAL COMPONENTS

This section was formerly entitled Bilingual educational projects. Paragraph (a) has been modified to highlight the requirement that students served in projects with bilingual educational components must be students who satisfy the definition in the regulation (§ 157.2(i)) for "limited English-speaking ability."

Other technical and typographical changes have been made in the regulation.

After consideration of all comments, Part 157 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

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

(Catalog of Federal Domestic Assistance No. 13.482, Special Services for Disadvantaged Students.)

Dated: May 4, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: May 16, 1977.

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

Part 157 of Title 45 of the Code of Federal Regulations is amended to read as follows:

Sec.
157.1 Scope, and purpose—general provisions regulations.
157.2 Definitions.
157.3 Eligible project participants.
157.4 Eligible applicants.
157.5 Applications.
157.6 Funding criteria.
157.7 Program requirements.
157.8 Bilingual educational components.
157.9 [Reserved]
157.10 National demonstration projects.
157.11 Allowable costs.
157.12 Salary and wage rates.
157.13 Student records.
157.14 Travel.
157.15 Coordination of administration with other programs authorized by Title IV-A-4 of the Act.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b) of Title I, Pub. L. 92-318, 86 Stat. 258-259 and 88 Stat. 603-604. Sec. 124 (b), Title I, Pub. L. 94-482. (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

§ 157.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Special Services for Disadvantaged Students (Special Services) Program. Services under this program are designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education. Projects under this program shall provide remedial and other special services for students with academic potential who (1) are enrolled or accepted for enrollment at an institution of higher education which is a beneficiary of a grant or contract made under this part and (2) by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume their postsecondary education. The goal of the program and projects funded under this part shall be to increase the retention and graduation rates of such students.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d-1070d-1.)

§ 157.2 Definitions.

For the purpose of this part:

(a) "Academic potential" means having abilities to complete a postsecondary educational program, with supportive services, at the institution which is the beneficiary of the grant, as documented by the written recommendations of counselors, teachers, or personal interviews, or standardized measurement instruments.

(20 U.S.C. 1070d-1.)

(b) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(c) "Bilingual educational teaching, guidance, and counseling" means teaching, guidance, and counseling in two languages, one of which is English.

(20 U.S.C. 1070d-1.)

(d) "Combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

(e) "Deprived cultural background," with regard to a student, means an environment that has not provided those educational and other necessary skills, exposures, and experiences that equip a student to succeed in postsecondary education.

(f) "Deprived economic background," with regard to a student, means an environment in which the family income, at most, only provided for basic necessities, such as food, housing, and clothing, or where such necessities were provided wholly or in part by public assistance.

(g) "Deprived educational background," with regard to a student, means an educational environment that did not provide those skills, knowledge, and understandings that would enable a student to complete a course of study at the host institution without supportive services.

(20 U.S.C. 1070d-1.)

(h) "Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 1088(b)(1).)

(i) "Limited English-speaking ability," when used with reference to an individual, means (i) individuals who were not born in the United States or whose native language is a language other than English, or (ii) individuals who come from environments where a language other than English is dominant and, for reasons indicated in (i) or (ii) of this paragraph, have difficulty speaking and understanding instruction in the English language.

(20 U.S.C. 880b-1(a)(1).)

(j) "Other special services" means special classes, tutoring, counseling and guidance, cultural enrichment, and referrals to health, employment, housing, and legal agencies and resources to resolve noneducational problems related to academic success.

(k) "Physically handicapped students" means those students who, because of their physical disabilities, need specifically designed instructional materials or programs, modified physical facilities, or related services to participate fully in the experience and opportunities offered by postsecondary institutions. Physical disabilities include but are not limited to:

(1) Legal blindness,
(2) Deafness,
(3) Cerebral palsy,
(4) Epilepsy,
(5) Mobility difficulties due to use of appliances or prosthetics,
(6) Quadriplegia, paraplegia, or hemiplegia,
(7) Severe heart condition, and
(8) Multiple disabilities or any combination of the above conditions.

(20 U.S.C. 1070d-1.)

(l) "Proprietary institution of higher education" means an educational institution as defined in section 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1088(b)(3).)

(m) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

(n) "Youth" means a person aged 14 through 27.

(20 U.S.C. 1141(b); 1088(a).)

(20 U.S.C. 1070d-1070d-1, unless otherwise noted.)

§ 157.3 Eligible project participants.

A student is eligible to participate in a program or project authorized under this part if such student:

(a) Is enrolled or accepted for enrollment at an institution which is the beneficiary of a grant or contract made under this part;

(b) Is a citizen or national of the U.S., or is in the U.S. for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanant resident of the Trust Territory of the Pacific Islands; and

(c) (i) Is an individual with academic potential who demonstrates a need for the remedial and special services authorized under this part as a result of a deprived educational, cultural or economic background, or a physical handicap, or (ii) is an individual with academic potential with a limited English-speaking ability who is in need of bilingual education, teaching, guidance, and counseling in order to successfully pursue postsecondary education.

(20 U.S.C. 1070d-1.)

§ 157.4 Eligible applicants.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education and combinations of such institutions.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established or designated by the institutions for carrying out the project on their behalf. A combination of institutions or an applicant institution that wishes to designate an agency to carry out the project on its behalf must designate or establish that agency prior to the submission of its application. The combination of institutions must also vest responsibility for administering the project in one of the participating institutions or in the agency prior to such submission.

(c) An agency which has been established or designated by a combination of institutions must have a written agreement setting forth the duties and responsibilities of each participating institution prior to the submission of its application, and include a copy of such agreement in the application for funds.

(20 U.S.C. 1070d-1.)

§ 157.5 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) *Need.* (i) The number and percentage of students from low-income families, physically handicapped students, students who are disadvantaged because of severe rural isolation, and students of limited English-speaking ability enrolled or accepted for enrollment at the institution who are or will be eligible for program services and a description of the ethnic/racial background of the students to be served by the project; and

(ii) A description of the academic and other problems these students encounter at the time of entry into the institution and continue to encounter while pursuing their education at the institution; and

(2) *Design.* (i) A description of the methods by which project participants will be selected and their needs assessed;

(ii) A description of the manner in which the comprehensive services will be provided to meet the students' needs;

(iii) A description of the applicant's plan for evaluating the effectiveness of the project; and

(3) *Resources and organization.* (i) A description of the project's staffing pattern, the required professional qualifications and experience, duties and salary range for each professional category, and the plan for staff selection and in-service training;

(ii) The amount and type of student financial aid available at the applicant institution that will be awarded to participants;

(iii) A description of the institution's administrative and academic policies, such as grading systems, retention policies, and probation procedures that bear on the project participant's progress toward graduation;

(iv) An organizational chart describing where the project will be placed in the institution's structure to assure that project director will be consulted on those administrative and academic policies that affect the participant's chances of completing an educational program at the institution;

(v) A description of the manner in which the applicant will orient the faculty and staff of the institution to the goals and objectives of the Special Services Program and a description of the institutional resources available to the project and the manner in which those resources will be used;

(vi) If the applicant has carried out a Special Services project or a project comparable to a Special Services project, a description of that project, including the number of students served, the methods used to select students, the services offered, the number of such students who graduated from the institution, and any evaluation reports made on that project; and

(vii) Evidence that an applicant has the resources, organization and personnel to successfully carry out a Special Services project; and

(4) *Budget.* The proposed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for projects with bilingual educational components shall provide the information necessary to determine whether the proposed project satisfies the requirements of § 157.8.

(d) Applications for national demonstration projects shall provide the information needed to determine whether the proposed project satisfies the requirements of § 157.10.

(20 U.S.C. 1070d-1.)

§ 157.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the

continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) *Need.* (i) The extent to which the institution has made available educational opportunities to students of deprived educational, cultural, or economic backgrounds, and to students of limited English-speaking ability, or with physical handicaps, or who are disadvantaged because of severe rural isolation; and

(2) *Design.* (i) The comprehensiveness of the applicant's plan for selecting students to be served by the project, conducting an assessment of supportive services needed by the students, and providing the services;

(ii) The quality of the applicant's plan to evaluate the project in terms of the effects of project services on the progress made by students participating in the project and the extent to which project participants graduate from the institution; and

(3) *Resources and organization.* (i) The quality of the applicant's plan to staff the project with personnel with appropriate qualifications and experiences to carry out proposed activities, and the plan for providing in-service training;

(ii) The degree to which student financial assistance at the applicant institution will be used to meet the needs of students who will be participating in the project;

(iii) The degree to which administrative and academic policies have as their purpose the maximization of a student's chances for graduating from the host institution;

(iv) The extent to which the project director will be consulted on those administrative and academic policies that affect the participant's chances of completing an educational program at the institution;

(v) The extent to which the applicant proposes to orient the faculty and staff of the institution to the goals and objectives of the Special Services Program and to utilize institutional resources available to the project; and

(vi) The extent to which the applicant has the resources, organization, and personnel to successfully carry out a Special Services project; and

(4) *Budget.* (i) The extent to which the proposed budget reflects the activities to be undertaken; and

(ii) The reasonableness of the allocation of resources among the project activities.

(d) In evaluating an application for a new award, the Commissioner will use the following weights:

(1) *Need.* 35 percent,

(2) *Design.* 30 percent,

(3) *Resources and organization.* 30 percent, and

(4) *Budget.* 5 percent.

(e) In selecting applications for funding, the Commissioner will consider the need for the project in the area the applicant proposes to serve as compared to the need of the total target population to be served.

(f) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Special Services national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, or presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical handicaps, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(2) Whether the proposed project duplicates or competes with existing regional or national programs or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Whether, with regard to proposed projects presenting a new or experimental technique or design, the applicant's proposed activities and expected results can be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students.

(4) Whether the proposed project will provide services not readily available on a local or regional basis for participants; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d-1.)

§ 157.7 Program requirements.

(a) Each project funded under this part shall be designed to assist in enabling youths from low-income families with academic potential who may lack adequate secondary preparation, who may be physically handicapped or who may be disadvantaged because of severe rural isolation to be graduated from postsecondary institutions and shall:

(1) Develop and utilize procedures to identify and select eligible students. Such procedures shall include a comprehensive needs assessment of the individual student to determine those academic and other educational deficiencies which need to be corrected to enable that student to graduate;

(2) Provide personal, career and academic counseling and guidance in those areas that affect the student's academic performance;

(3) Provide remedial and other special services, such as special classes, tutoring, and educational and cultural activities that will enable project participants to compete with sufficient academic and personal skills at the institution, without creating a long-range dependency on the project;

(4) Develop and utilize special curricular and instructional methods which will enable students to complete required and prerequisite courses in a reasonable period of time;

(5) Document the effects of project activities on students' performance and progress while they are participating in the project;

(6) Make every effort to provide that the ethnic/racial composition of the students served will reflect within a maximum ten percent variance the ethnic/racial composition of the students eligible to be served by the Special Services project who are enrolled in the institution which is the beneficiary of the grant; and

(7) If practicable, share facilities, staff, services, and activities of other Special Services, Talent Search, Upward Bound projects, and Educational Opportunity Centers in close geographic proximity.

(b) Each institution receiving funds under this part shall:

(1) Obtain and provide adequate financial aid for students enrolled in the project to enable them to continue their academic program;

(2) Retain project participants at the institution for a period of time sufficient to enable them to adjust to and participate meaningfully in the academic program at the institution (a minimum of two years for a 4-year program, one year for a 2-year program);

(3) Make all resources and facilities which are available to regular students of the institution available to project participants;

(4) Place the project within a department of the institution's structure so that the project has academic credibility;

(5) Locate the project in an area that is accessible to the students to be served;

(6) Engage (i) a full-time project director with demonstrated professional qualifications, administrative skills and a clear commitment to the goals of the program, who will be authorized to conduct the project effectively and expend project funds, and who will be consulted with regard to the development of institutional practices and procedures that relate to the retention and graduation of

project participants. This full-time requirement may be waived in the event the individual is selected under § 157.15 (a) to coordinate two or more programs, or if the individual must teach a minimum number of hours at the host institution to retain faculty status:

(7) Engage a staff that has professional qualifications and commitment to carry out the proposed activities and services;

(8) Utilize institutional facilities and, when possible, staff, to provide pre-service and in-service training for the project staff; and

(9) Develop an administrative and faculty commitment to the goals of the Special Services Program.

(20 U.S.C. 1070d–1)

§ 157.8 Bilingual educational components.

(a) Projects with components serving students of limited English-speaking ability, as defined in § 157.2(i), shall provide special instruction in the use of the English language to such students, either through the project or the institution's regular program of instruction.

(b) Projects with a component serving such students shall provide bilingual personal, career, and academic counseling and guidance; bilingual remedial and special classes that enable students to complete required and prerequisite courses; bilingual tutorial services; and other bilingual supportive services necessary to meet the educational needs of the participants.

(c) Projects serving students with limited English-speaking ability shall select students for participation in the project who have the greatest difficulty in speaking and understanding instruction in the English language, if the project cannot serve all such students who are enrolled or accepted for enrollment at the institution.

(20 U.S.C. 1070d–1)

§ 157.9 [Reserved]

§ 157.10 National demonstration projects.

(a) The Commissioner may reserve funds to conduct national demonstration projects which will involve innovative and experimental approaches to the provision of remedial and other special services to project participants.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope, or present a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical handicaps, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(2) Neither duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Provide services not readily available on a local or regional basis for participants; and

(5) Provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d–1)

§ 157.11 Allowable costs.

(a) The Commissioner will pay for those costs that are reasonably related to the operation of a project. Such costs may include the following:

(1) Remedial and special classes if such classes are limited to project participants and the grantee institution does not provide identical instruction as part of its program of instruction;

(2) Courses in English language instruction for students of limited English-speaking ability if the institutions does not provide identical instruction as part of its program of instruction and such instruction is limited to project participants;

(3) In-service training of project staff; and

(4) Activities of an academic or cultural nature that have as their purpose the improvement of the participant's progress and personal development at the institution.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment unless specifically authorized by the Commissioner;

(4) The payment of tuition, stipends, or any other form of student financial support; and

(5) Research.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d–1)

§ 157.12 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

(20 U.S.C. 1070d–1)

§ 157.13 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Reasons for selecting the individual participants;

(2) High school transcripts and all available test scores;

(3) Documents supporting the student's eligibility as defined in § 157.3. In the case of students accepted on the basis of income, such income means the family taxable income, as documented by a copy of Form 1040 or 1040A. If a student is from a family without an income for taxable purposes, a notarized statement to this fact shall be on file;

(4) Assessment of the student's academic strengths and weaknesses, and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as family contacts, career explorations, referrals;

(6) Documentation of the contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A summary at the end of each academic term of credit-hours attempted and earned, grade point average, credit hours earned toward graduation, and courses dropped and the reason for dropping them as well as remedial or noncredit courses taken;

(8) Documentation of an exit interview which shall include, but not be limited to (i) the reason for the student's leaving the project, (ii) the student's permanent mailing address, and (iii) the recommendations made to the student upon the student's leaving the project regarding the student's educational and career potentials.

(20 U.S.C. 1070d–1)

§ 157.14 Travel.

In accordance with the cost principles set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Transportation of students to and from educational and cultural activities sponsored by the project and approved in writing by the Commissioner;

(b) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education sponsored meetings, when approved by the Commissioner;

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d–1)

§ 157.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

In addition to the requirements set forth in 45 CFR 100a.275 and § 157.7 when an applicant under this part also requests funds to carry out one or more of the programs authorized by Title IV–A–4 of the Act, the application must reflect the following:

(a) Provision for a single, unified administrative program operation. In the event a Project Director of one of the projects subject to this provision is selected to serve as coordinator for two or

more projects authorized by Title IV–A–4 of the Act, the salary of that individual must be prorated among the projects;

(b) Provision for separate program identities, activities, and budget; and

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities.

(20 U.S.C. 1070d–1; 1232c(b)(1).)

[FR Doc.77–14505 Filed 5–23–77;8:45 am]

PART 159—TALENT SEARCH PROGRAM

AGENCY: U.S. Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This regulation governs the administration of the Talent Search Program. Changes were made in the existing Talent Search regulation to accommodate legislative changes made by the Education Amendments of 1976, Pub. L. 94–482.

EFFECTIVE DATE: Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

DATES: Not applicable.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Barbara W. Freeman, Bureau of Postsecondary Education, 7th and D Streets SW., Regional Office Building 3, Room 3514, Washington, D.C. 20202, Telephone 202–245–2511.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER of February 1, 1977 (42 FR 6088–6092) which amended the existing Talent Search regulation to accommodate changes made in the program by the Education Amendments of 1976 and to clarify existing provisions. Interested persons were given thirty days in which to submit written comments, suggestions, or objections. No comments were received. A summary of the changes to the existing regulations are as follows:

1. § 159.1 SCOPE AND PURPOSE—GENERAL PROVISIONS REGULATION

This section was modified to include, within the category of youths for whom the Talent Search Program is designed, qualified youths who reside in areas of severe rural isolation and youths who have delayed pursuing postsecondary education.

2. § 159.2 DEFINITIONS

The definition for financial need has been modified to make it consistent with the existing definition of low-income in the other Special Programs authorized by Section 417A–417B, Title IV of the Higher Education Act of 1965. New language has been added to specify that the family income will be the family taxable income.

3. § 159.3 PROJECT SETTING—TARGET AREA

The requirement that Talent Search projects be located in target areas in which 25 percent of the youths residing therein come from low-income families was revised to provide that 25 percent of the families residing in the area must meet a low-income requirement. Also, projects serving sparsely populated or geographically isolated areas may be located in target areas in which 15 percent of the families meet the low-income requirement.

4. § 159.6 APPLICATIONS

The format of this section was changed so that the order of the list of information items required in the application conforms to the arrangement of those same items found on the application technical review form.

5. § 159.7 FUNDING CRITERIA

This section was modified. Numerical weights were assigned to designated categories (Need, Design, Resources and Organization, and Budget) for the purpose of evaluating applications. Modification has been made to paragraph (c)(1) to allow those applications proposing to serve sparsely populated areas to be evaluated on the extent to which the target area is characterized by having in excess of 15 percent of youths residing or attending school in the area who are from low-income families.

6. § 159.8 PROJECT SIZE

This section was added to include the provision that up to one-third of the project participants need not meet the low-income requirement but must satisfy the other eligibility requirements.

7. § 159.9 PROJECT ACTIVITIES AND SERVICES—PROJECT REQUIREMENTS

The requirement that a project director serve on a full-time basis was amended to provide for an exemption for those individuals who are selected to coordinate two or more projects and for those individuals who must teach a minimum number of hours to retain faculty status.

8. § 159.11 ALLOWABLE COSTS

This section was amended to include transportation costs for students and staff under certain circumstances and to permit the purchase of testing materials and college catalogs and to permit in-service training of project staff.

Throughout the regulation modifications have been made to specify income to be the family taxable income and other technical and typographical changes have been made in the regulation.

As a result of the above, Part 159 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

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

(Catalog of Federal Domestic Assistance Program No. 13.488, Talent Search Program.)

Dated: May 4, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: May 16, 1977.

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

Part 159 of Title 45 of the Code of Federal Regulations is amended to read as follows:

Sec.

159.1 Scope and purpose—general provisions regulations.
159.2 Definitions.
159.3 Project setting—target area.
159.4 Eligible project participants.
159.5 Eligible applicants.
159.6 Applications.
159.7 Funding criteria.
159.8 Project size.
159.9 Project activities and services—project requirements.
159.10 National demonstration projects.
159.11 Allowable costs.
159.12 Salary and wage rates.
159.13 Participant records.
159.14 Travel.
159.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

AUTHORITY: Secs. 417A–417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92–318, 86 Stat. 258–259, sec. 124(b), Title I, Pub. L. 94–482 (20 U.S.C. 1070d–1070d–1), unless otherwise noted.

§ 159.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Talent Search Program. Services provided under this program are designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to enter, continue, or resume programs of postsecondary education. Projects under this program shall (1) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and especially such youths who have delayed pursuing postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, (2) publicize existing forms of student financial aid, and (3) encourage qualified secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs. The goal of the program and projects funded under this part shall be to (1) increase the rate at which youths of financial or cultural need complete sec-

ondary school and enroll with adequate financial aid, in postsecondary educational programs, (ii) decrease the rate of secondary and postsecondary school dropouts, (iii) increase the number of secondary and postsecondary school dropouts who reenter educational programs, and (iv) increase the postsecondary enrollment rate of youths who have delayed pursuing postsecondary educational training.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d—1070d–1.)

§ 159.2 Definitions.

For the purpose of this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(b) "Combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or nonprofit private agency, organization or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

(c) "Cultural need" means a condition generally exhibited by a youth who comes from an environment that has not provided those educational and other necessary skills, exposures and experiences that will equip him to succeed in postsecondary education.

(20 U.S.C. 1070d–1.)

(d) "Demonstrated aptitude" means with regard to a secondary or postsecondary school dropout the ability to acquire those skills (1) necessary to complete a secondary educational program, or its equivalent, or (2) to enter, or reenter and complete a postsecondary educational program.

(20 U.S.C. 1070d–1.)

(e) "Exceptional potential" means a capacity for success in postsecondary education which is documented either by standardized measurement instruments or other verifiable indicators such as written recommendations from professional educators, counselors or employers.

(20 U.S.C. 1070d–1.)

(f) "Financial need" means a condition (1) where the family taxable income does not exceed the low-income family level set forth in the "Current Population Reports," Series P–60, Bureau of the Census, United States Department of Commerce, and (2) where such income at most provides for the basic necessities such as food, housing and clothing.

(20 U.S.C. 1070d–1.)

(g) "Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b)(1).)

(h) "Proprietary institution of higher education" means an educational institution as defined in section 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1088(b)(3).)

(i) "Secondary school" means a school which provides secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 1141(d).)

(j) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

(k) "Youth" means a person aged 14 through 27.

(20 U.S.C. 1070d–1070d–1, unless otherwise noted.)

§ 159.3 Project setting-target area.

(a) Talent Search projects, except national demonstration projects, shall provide their services to eligible youths residing or attending school in a discrete geographic area (target area). Except as provided in paragraph (b) of this section, in order to qualify as a target area, at least 25 percent of the families residing in the area must have a family taxable income which does not exceed the low-income family level set forth in "Current Population Reports," Series P, Bureau of the Census, Department of Commerce.

(b) Projects serving sparsely populated or geographically isolated areas may serve a target area in which at least 15 percent of the families residing therein have a family taxable income which does not exceed the low-income family level set forth in "Current Population Reports," Series P–60, Bureau of the Census, Department of Commerce.

(20 U.S.C. 1070d–1)

§ 159.4 Eligible project participants.

A youth is eligible to receive services under this part if he:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose, and is, or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Has in the case of a youth enrolled in or graduated from secondary school "exceptional potential" for success in postsecondary education or, in the case of a secondary or postsecondary school dropout, a "demonstrated aptitude" for reentry into and success in secondary or postsecondary educational programs;

(c) Is of financial or cultural need; and

(d) Is in need of (i) guidance and counseling to complete or return to secondary school, (ii) information and counseling on postsecondary educational opportunities, (iii) assistance in gaining admission or readmission to postsecondary educational institutions, or (iv) assistance in applying for financial aid to attend such institutions.

(e) Veterans if they are otherwise eligible may receive services under this program.

(20 U.S.C. 1070d–1.)

§ 159.5 Eligible applicants.

(a) The Commissioner may make grants to and contracts with the following agencies, institutions, and organizations to carry out Talent Search projects: (1) Institutions of higher education, including institutions with vocational and career education programs;

(2) Combinations of institutions of higher education;

(3) Public and private agencies and organizations (including professional and scholarly organizations); and

(4) In exceptional cases, secondary schools and secondary vocational schools, if there are no institutions of higher education or public or private agencies within a reasonable geographic distance of such secondary or vocational school providing educational services similar to the services authorized under this part.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private nonprofit agency established or designated by the combination for that purpose.

(20 U.S.C. 1070d–1.)

§ 159.6 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date established annually by the Commissioner, and shall provide the following information and such other information as the Commissioner may from time to time prescribe:

(1) *Need.* (i) The geographic area to be served (target area);

(ii) A description, citing data sources, of the target area in terms of the number and percentage of youths in the area from families whose family taxable income is not more than the low-income level prescribed annually by the Commissioner, and the number and percentage of eligible youths residing or attending school in the area;

(iii) A description, citing data sources, of the individual secondary schools in the target area including, for the three years preceding the year for which the application is being submitted, an estimate of the dropout rate for each school, and an estimate of the number and percentage of students from each school who subsequently enroll in postsecondary institutions, an estimate of the number of students in the school from low-income families, and the ratio of counselors to students;

(iv) An estimate, citing data sources, of the ethnic/racial composition of youths from low-income families residing in, or attending school in, the target area and the ethnic/racial composition of the youths to be served by the project;

(2) *Design.*

(i) A projection of the effect of the project in the target area on the secondary school completion and dropout rate, the rate of postsecondary school admissions and the number of secondary and postsecondary dropouts who reenter educational programs;

(ii) A description of the applicant's plan for identifying and selecting eligible participants; assessing and documenting their potential for postsecondary education; providing career and academic counseling and guidance; disseminating information on student financial aid in the target area; providing assistance to project participants in gaining admission to secondary schools, and a variety of postsecondary institutions, which have adequate supportive services, if needed by such participants; assisting youths enrolling in postsecondary institutions in obtaining student financial aid; and determining whether the participants actually enrolled in secondary schools or postsecondary institutions and whether participants enrolled in postsecondary institutions received adequate financial aid;

(iii) A description of the applicant's plan for evaluating the effectiveness of the project in terms of enrolling participants in postsecondary educational programs, with adequate financial aid, and returning participants to secondary or postsecondary educational programs;

(3) *Resources and organization.* (i) A description of the applicant's plan to orient the secondary and postsecondary schools in the target area to the goals of the Talent Search project and to utilize community and other resources to supplement authorized activities including written commitments by such community and other relevant organizations;

(ii) If the applicant has carried out a project that was funded under the Talent Search Program or was comparable to one authorized under this part, a description of that project including the number of youths served, the methods used to select participants, the services offered, the rate of increase of postsecondary admissions in the area served, the rate of decrease in secondary and postsecondary school dropouts, the rate of increase of secondary and postsecondary school dropouts who reenter educational programs, and any evaluation reports made on that project;

(iii) Evidence that an applicant has the resources, organization, and personnel to successfully carry out a Talent Search project.

(iv) A description of the project's staffing pattern, the required professional qualifications and experience, duties and salary range for each professional category, and the plan for staff selection and in-service training; and

(4) *Budget.* (i) A detailed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for national demonstration projects shall provide the information needed to determine whether the project satisfies the requirements of § 159.10.

(20 U.S.C. 1070d–1.)

§ 159.7 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired.

(b) *Conditions for approval.* Requests for continuation awards will be approved only if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling youths to resume or continue their secondary education or to enter, resume, or continue their post secondary education with adequate financial aid;

(4) All required reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26 (b), as well as the following additional criteria:

(1) *Need.* (i) The extent to which the target area of the project is characterized by having a percent of youths from low-income families, residing or attending school in the area, that exceeds the minimally acceptable 25 percent, or exceeds 15 percent for those proposing to serve sparsely populated or geographically isolated areas;

(ii) The number of youths who are eligible to be served by a project who reside or attend schools in the target area;

(2) *Design.* (i) The extent to which the project will, in the target area, increase the rate of secondary school completion and postsecondary admissions, decrease the rate of secondary school dropouts, and increase the number of secondary and postsecondary dropouts who reenter secondary and postsecondary educational programs;

(ii) The comprehensiveness of the applicant's plan for identifying and selecting eligible participants and assessing and documenting their potential for postsecondary education, providing career and academic guidance and counseling, disseminating information on student financial aid to the target population, assisting youths in gaining admission or readmission to secondary schools and a variety of postsecondary institutions which have adequate supportive services, if needed by the participants, assisting youths enrolling in postsecondary institutions in obtaining student financial aid, and determining whether the participants actually enrolled in secondary programs or postsecondary institutions and whether participants enrolled in postsecondary institutions received adequate financial aid;

(iii) The quality of the applicant's plan to evaluate the effects of project services on the enrollment of participants in postsecondary educational programs with adequate financial aid and on the return of participants to secondary and postsecondary educational programs;

(3) *Resources and organization.* (i) The extent to which the applicant has provided for the orientation of secondary and postsecondary schools in the target area to the goals and objectives of the Talent Search Program and has received written commitments by community and other relevant organizations for the utilization of community and other resources to supplement authorized activities;

(ii) The extent to which the applicant has the resources, organization, and personnel to successfully carry out a Talent Search project;

(iii) The adequacy of the project's staffing pattern, the required professional qualifications and experience, the duties and the salary range for each professional category and the plan for staff selection and in-service training; and

(4) *Budget.* (i) The extent to which the proposed budget reflects the activities to be undertaken; and

(ii) The reasonableness of the allocation of resources among the proposed project activities.

(d) In evaluating an application for a new award, the Commissioner will use the following weights:

(1) *Need.* 35 percent,

(2) *Design.* 25 percent,

(3) *Resources and organization.* 35 percent, and

(4) *Budget.* 5 percent.

(e) In selecting applications for funding, the Commissioner will consider the need for the project in the area the applicant proposes to serve as compared to the need of the total target population to be served.

(f) *National demonstration projects.* The Commissioner will select a limited number of applications to be funded as Talent Search national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, or presents a clearly new or experimental

technique or design for the provision of Talent Search services to eligible participants;

(2) Whether the proposed project duplicates or competes with existing regional or national programs, or consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Whether, with regard to proposed projects presenting a new or experimental technique or design, the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services to similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis to such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1.)

§ 159.8 Project size.

(a) Each project shall identify and serve at least 1,000 youths except that projects serving sparsely populated or geographically isolated target areas need not serve 1,000 youths but must serve at least 500 youths.

(b) Projects may serve youths from other than low-income families who are otherwise eligible under § 159.4. The number of such participants shall not exceed one-third of the total number of participants served.

(20 U.S.C. 1070d–1.)

§ 159.9 Project activities and services-project requirements.

(a) Projects funded under this part shall be designed to assist qualified youths, including those youths who reside in areas of severe rural isolation or who are physically handicapped, with academic potential from low-income families to complete secondary school and enroll with adequate financial aid in postsecondary institutions and shall:

(1) Collect and disseminate information regarding the variety of postsecondary educational opportunities, student financial aid, academic assistance and career options available to project participants;

(2) Provide counseling and guidance to each project participant with regard to the appropriate postsecondary institution for that person;

(3) Provide counseling with regard to career options available to project participants; and

(4) Provide assistance to project participants in applying for (i) admission to postsecondary institutions, (ii) readmission to secondary schools, or postsecondary institutions with adequate supportive services if needed by project participants, and (iii) student financial aid.

(b) Each project shall: (1) Develop and utilize an assessment process, which includes the results of standardized measurement instruments or other verifiable indicators to determine, if needed, each participant's interests, career goals, and academic potential;

(2) In the target area, develop and implement a strategy to (i) increase significantly the secondary school completion rate, the postsecondary school admissions rate and, with regard to dropouts, the secondary and postsecondary readmission rates and (ii) decrease significantly the secondary school dropout rates;

(3) Not duplicate services offered by an Educational Opportunity Center, another Talent Search project or other similar programs in the target area and, if practicable, shall share facilities, staff, services and activities;

(4) Establish cooperative relationships with service agencies in the target area which have resources needed by the project participants;

(5) Establish a direct relationship with educational institutions to determine admission requirements, filing and deadline dates for the submission of admission and financial aid applications, course requirements, and appropriate supportive services available for project participants;

(6) Engage a project director with demonstrated professional qualifications, administrative skills and a clear commitment to serve in a full-time capacity. This full-time requirement may be waived: (i) in the event the individual is selected under § 159.15(a) to coordinate two or more programs, or (ii) if the individual must teach a minimum number of hours at the host institution to retain faculty status;

(7) Engage a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services;

(8) Provide necessary in-service training to the project staff;

(9) Determine (i) whether each participant admitted to a secondary or postsecondary institution actually enrolled in that institution and (ii) whether participants enrolled in postsecondary institutions received adequate financial assistance;

(10) Evaluate the effects of project services on (i) increasing the rates of secondary school completion, postsecondary admissions and secondary and postsecondary dropouts' readmission to secondary and postsecondary educational programs and (ii) decreasing the rates of secondary and postsecondary school dropouts; and

(11) Ensure that the project is not used as an exclusive recruitment mechanism by the grantee.

(20 U.S.C. 1070d–1.)

§ 159.10 National demonstration projects.

(a) The Commissioner may reserve funds to conduct national demonstration projects.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope, or present a clearly new or experimental technique or design for the provision of Talent Search services to eligible participants;

(2) Neither duplicate nor compete with existing regional or national programs, nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(3) Be readily replicable and utilized by other educational programs concerned with the provision of services for similar youth;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1.)

§ 159.11 Allowable costs.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project. Such costs may include:

(1) Transportation costs for students and staff to postsecondary educational institutions in the area;

(2) Transportation costs for student participation in "College Days" activities;

(3) Transportation costs for career development field trips;

(4) Purchase of testing materials;

(5) Purchase of college catalogs; and

(6) In-service training of project staff.

(b) Costs that may not be charged against the project include:

(1) Tutoring or any instructional costs;

(2) Tuition, fees, stipends or other forms of direct financial support for youths participating in project activities;

(3) Application fees for enrollment or financial aid;

(4) Duplication of services that are otherwise provided by the institution or agency sponsoring the project or by such local agencies as vocational rehabilitation centers and social service organizations;

(5) Construction, major remodeling or major repair; and

(6) Meals and lodging for project participants.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of this title (General Provisions for Office of Education Programs).

(20 U.S.C. 1070d–1.)

§ 159.12 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution or agency.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local law.

(20 U.S.C. 1070d–1.)

§ 159.13 Participant records.

(a) Projects shall develop and utilize a data collection system which allows the project to establish accurate participant records for all clients served. A client is a youth who has received project services through personal contact on two or more occasions. Such records shall include, but are not limited to, the following:

(1) The method used to select the participant;

(2) The participant's high school transcripts and all available aptitude and achievement test scores;

(3) Documentation of the participant's eligibility to receive services under the project;

(4) Documentation of counseling services received by the student;

(5) Documentation of visits made to postsecondary institutions;

(6) Documentation of assistance provided the patricipant in applying for admission to postsecondary institutions and for student financial aid;

(7) The postsecondary institutions which accepted the participant for admission and the one in which he or she enrolled;

(8) The amount and type of student financial aid received by the participant; and

(9) The participant's age, sex, race, family income, grade level and permanent address.

(b) Projects shall maintain records which document services to persons served on a one- or two-time basis (contact). Such records shall include, but are not limited to, the individual's name, address, age, and service received.

(20 U.S.C. 1070d-1.)

§ 159.14 Travel.

In accordance with the cost principles set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Travel to enable youths (i) to visit campuses of postsecondary institutions which are in reasonable proximity to the project's target area, (ii) to participate in "College Days" or their equivalent or (iii) to observe and meet with persons who are employed in various career fields and who work within reasonable proximity to the target area;

(b) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education sponsored meetings, when approved in writing by the Commissioner; and

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1.)

§ 159.15 Coordination of administration with other programs authorized by Title IV–A–4 of the Act.

In addition to the requirements set forth in CFR 100a.275 and § 159.9, when an applicant under this part requests funds to carry out one or more of the programs authorized by Title IV–A–4 of the Act, the application must reflect the following:

(a) Provision for a single, unified administrative program operation. In the event a Project Director of one of the projects subject to this provision is selected to coordinate two or more projects authorized by Title IV–A–4 of the Act, the salary of that individual must be prorated among the projects;

(b) Provision for separate program identities, activities, and budget; and

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identity.

(20 U.S.C. 1070d-1; 1232c(b)(1).)

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TUESDAY, MAY 24, 1977

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

FIRE SAFETY EQUIPMENT IN HEALTH CARE FACILITIES

Loans to Finance Purchase and Installation

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-416]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart C—Fire Safety Equipment in Health Care Facilities

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This regulation provides for the insurance of financial institutions which make loans for the purchase and installation of fire safety equipment in health care facilities. Loans may be made to eligible borrowers for a maximum term of 25 years and in a maximum amount of $50,000.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Christopher LaMartina, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6133, Washington, D.C. 20410 (202) 755-8686.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development gave notice on September 29, 1976 at 41 FR 43098 that it was proposing to amend Title 24 of the Code of Federal Regulations, Chapter II, Subchapter B, Part 201, "Property Improvement and Mobile Home Loans", by adding a new Subpart C, "Fire Safety Equipment in Health Care Facilities."

The Department received twelve comments in response to the September 29, 1976 publication. The comment period closed on October 29, 1976.

A number of commenters objected to the limitation of $50,000 as a maximum loan limit pointing out that the National Housing Act does not place a dollar limit on loans allowable under this program. In this regard it is necessary to refer to the Act's legislative history. The Senate bill (S. 3066) authorized HUD to determine the maximum amount and term of loans financing fire safety equipment in health care facilities. The House amendment (H.R. 15361) provided for a maximum loan amount of $50,000 and a maximum term of 25 years. The Conference Report adopted the Senate provision. However, the conferees stated that it was their intention that HUD administratively establish the maximum loan and term at the figures contained in the House amendment, except in exceptional cases (see compilation of the Housing and Community Development Act of 1974—Pub. L. 93-383—Subcommittee on Housing of the Committee on Banking and Currency, House of Representatives, 93 Congress, Second Session—October 1974 at page 321). In view of the direction of the Conference Report it was determined to adopt the limitations in the House amendment.

Several commenters questioned the definition of fire safety equipment contained in the regulations. Section 2 of Title I of the National Housing Act as amended, defines fire safety equipment as follows:

> The term "fire safety equipment" means any device or facility which is designed to reduce the risk of personal injury or property damage resulting from fire and is in conformity with such criteria and standards as shall be prescribed by the Secretary.

In view of the comments received it has been determined to revise the definition to provide that fire safety equipment means any device or construction feature which is recognized in the latest edition of the Department of Housing and Urban Development's Minimum Property Standards for Care Type Housing (4920.1) or the Fire Safety Code of the National Fire Protection Association (NFPA).

Section 201.1220 has been revised to provide insurance premiums of .50 of one percent per annum of the net proceeds of the loan. The proposed regulations provided for .90 of one percent computed on the declining loan balances. This change was made so as to maintain compatability with the Title I property improvement program.

Several commenters suggested that the proceeds of a loan should include architectural and engineering services and the cost of obtaining building permits where such services are directly connected with eligible alterations, repairs, or improvements financed in accordance with regulations in this part. This suggestion has been adopted. See § 201.1195 (d).

A commenter questioned whether a health care facility would be ineligible if it was encumbered with secondary financing. The regulations do not impose such a restriction but do require that all such secondary liens be approved by the Secretary. See § 201.1140(b).

A question was also raised as to the meaning of "vested." The term "vested" is used in its common meaning in that the borrower must hold legal title to the health care facility. See § 201.1145.

Several commenters indicated some confusion as to items, devices or facilities which would be eligible. As amended the regulations would permit any device or construction feature recognized in the Department of Housing and Urban Development's Minimum Property Standards for Care Type Housing (4920.1). This would include changes to improve egress (widening of doors, construction or improvement of ramps, etc.) as well as warning detection systems recognized by such Standards. See § 201.1110(g).

Several commenters questioned the economic feasibility of the loans and the ability of borrowers to bear the cost of the loan. Loans in this program are subject to co-insurance and a share of the potential loss is borne by the lending institution. The insurance obligation of the Secretary with respect to any lender cannot exceed: (1) 10 percent of the total amount of the loans made by the lender, or (2) 90 percent of the loss on any individual loan. It is necessary, therefore, that the interest rate be set at a level to meet the loan market in order to obtain the participation of lending institutions.

Several commenters suggested that loans be permitted to finance, on a retroactive basis, fire safety equipment that has been previously purchased or financed by a borrower. The Act authorizes loans on a prospective basis only and previously-financed purchases are not eligible for participation.

A commenter suggested undue emphasis was placed upon the installation of sprinkler systems as a fire safety device. Sprinkler systems in combination with smoke detectors in each patient room are among the most effective fire safety equipment devices in nursing homes. The regulations, however, provide for the installation of all or any of the fire safety equipment recognized under the latest edition of the Minimum Property Standards for Care Type Housing, including sprinkler systems, or under the Life Safety Code of the National Fire Protection Association (NFPA).

A commenter suggested that a comparison between this program and the fire safety equipment program authorized under Section 232 of the National Housing Act be made. This program is a co-insurance program with primary responsibility for loan processing placed upon the insured lending institution and is intended for the small health care facility which might not qualify under the Section 232 Program.

A suggestion was made that the grace period be lengthened. This suggestion has been adopted and the grace period has been extended from 10 to 15 days. See § 201.1165.

A Finding of Inapplicability pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 has been made with respect to these proposed regulations contained in 38 FR 19182 as amended. A copy of the Finding of Inapplicability is available for public inspection at the office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

Accordingly, in consideration of the foregoing, 24 CFR Part 201 is amended as follows:

1. In § 201.12, paragraph (b) is amended to read as follows:

§ 201.12 Insurance reserve.

* * * * *

(b) There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in Subparts A, B, and C of this part on and after March 1, 1950, and prior to the expiration of the Secretary's authority to insure under the provisions of this Act, less the amount of all claims approved for payment by the Secretary in connection with such loans and less the amount of any adjustments made pursuant to paragraph (c) of this section.

* * * * *

2. In Part 201 a new Subpart C is added to read as follows:

Subpart C—Fire Safety Equipment in Health Care Facilities

Sec.
201.1105 Purpose of subpart.
201.1110 Definitions.

MAXIMUM LOAN, FEES AND CHARGES

201.1115 Maximum and minimum loan amount.
201.1120 Method of loan payment and amortization period.
201.1125 Application.
201.1130 Maximum charges.

ELIGIBLE BORROWERS

201.1135 Eligible borrowers.
201.1136 [Reserved].

PROPERTY REQUIREMENTS

201.1140 Eligibility of property.

TITLE

201.1145 Eligibility of title.

LOAN REQUIREMENTS

201.1149 Reliance on credit application.
201.1150 Note and security form.
201.1155 Cost of recording security.
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201.1180 Lien on real estate.
201.1185 Prepayment privilege and prepayment charge.
201.1190 Refinancing.

FORM OF CONTRACT

201.1195 Contract requirements.

SPECIAL REQUIREMENTS

201.1200 Discrimination prohibited.

RIGHTS AND DUTIES OF LENDER

201.1205 Servicing and collection.
201.1210 Administrative reports and examinations.
201.1215 Election by lender.

INSURANCE CHARGE REQUIREMENTS

201.1220 Rate of insurance charge.
201.1225 Insurance charge adjustments on transfers.
201.1230 Refund or abatement of insurance charge.
201.1235 Insurance charge to borrower.
201.1240 Insurance reserve.

LOAN REPORTING

201.1245 Report of loans.

CLAIMS

201.1250 Claims.
201.1255 Maximum claim period.
201.1260 Date of default.
201.1265 Amount of claim.

FLOOD INSURANCE

201.1270 Flood insurance.

INCONTESTABILITY

201.1275 Incontestability of claim payments.

AMENDMENTS

201.1280 Amendment and effect.

AUTHORITY: Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703) as amended by Pub. L. 93-383.

201.1215 Election by lender.

Subpart C—Fire Safety Equipment in Health Care Facilities

§ 201.1105 Purpose of subpart.

The provisions of this subpart contain the requirements under which an insured financial institution may obtain insurance of loans made for the purchase and installation of fire safety equipment for nursing homes, intermediate health care facilities and other comparable health care facilities.

§ 201.1110 Definitions.

As used in the regulations in this subpart the following terms shall have the meanings indicated.

(a) "Secretary" means the Secretary of Housing and Urban Development or a HUD official delegated the Secretary's authority with respect to the Act.

(b) "Contract of Insurance" includes all of the provisions of the regulations in this subpart, § 201.12 and the applicable provisions of the Act.

(c) "Form" means a document which is approved by or satisfactory to the Secretary.

(d) "Insured" means an approved financial institution holding a contract of insurance under Title I of the Act.

(e) "Loan" means an advance of funds or credit or the purchase of an obligation.

(f) "Note" means a note, bond, or other obligation that is evidence of indebtedness.

(f-1) "Default" means a failure by the borrower(s) to make any payment due under or provided to be paid by the terms of the note or security instrument.

(g) "Fire safety equipment" means any device or construction feature which is designed to reduce the risk of death, personal injury, or property damage resulting from a fire in nursing homes, extended health care facilities and intermediate care facilities, or other comparable health care facilities, which is recognized in the latest edition of the Department of Housing and Urban Development's Minimum Property Standards for Care Type Housing (4920.1) or the Fire Safety Code of the National Fire Protection Association (NFPA).

(h) "Nursing home" means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or if there is no State law providing for licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and related medical services are prescribed by, or are performed under the general direction of the persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

(i) "Intermediate care facility" means a proprietary facility or facility of a private nonprofit corporation or association licensed or regulated by the State (or if there is no State law providing for such licensing and regulation by the State, by the municipality or the political subdivision in which the facility is located), for the accommodation of the persons who, because of incapacitating infirmities, require minimum but continuous care but are not in need of continuous medical care or nursing services.

(j) "Extended health care facility" means a health care facility providing community service for inpatient care for convalescents or chronic disease patients who require skilled nursing care and related medical services.

(k) "State" means any State of the United States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(l) "Fire safety loan" means any form of secured obligation as may be determined by the Secretary to be eligible for insurance under this subpart.

(m) "Equipment cost" means the reasonable cost of "fire safety equipment", fully installed, as evidenced by a legally binding contract between the borrower and the contractor.

(n) "Insured loan maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan instrument or instruments.

(o) "Borrower" means an owner of a health care facility who applies for and receives a loan in reliance upon the provisions of the Act.

(p) "Health care facility" means a "nursing home," "intermediate care facility," "extended health care facility," or other comparable facility.

(q) "Actuarial method" means the method of allocating payments made on an obligation between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed.

(r) "Act" means the National Housing Act, as amended, 12 U.S.C. 1703.

MAXIMUM LOANS, FEES AND CHARGES

§ 201.1115 Maximum and minimum loan amounts.

The principal amount of the loan shall not exceed the actual cost of the fire safety equipment, including the cost of installation, or $50,000, whichever sum is the lesser. The minimum principal amount shall be $10,000.

§ 201.1120 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for equal monthly payments in accordance with amortization tables provided by the Secretary.

(b) *Amortization period.* The term of the loan shall pot exceed 25 years and 32 days.

§ 201.1125 Application.

(a) *Prior approval.* An application for insurance of a fire safety loan under this part shall be considered only in connection with a proposal which has been approved by the Fire Safety Marshal or other state or local official or agency, or other authority having primary responsibility or jurisdiction for the fire safety requirements of the health care facility.

(b) *Filing of application.* An application for insurance of a fire safety loan for a nursing home or intermediate care facility, extended health care facility, or other comparable health care facility shall be submitted to the local HUD office on an approved form, by a HUD-approved lender and the facility owner(s), for prior credit approval. It shall be accompanied by a proposal meeting the requirements of paragraph (a) of this section, and a copy of the contract between the borrower(s) and the contractor. Upon approval of the application, a letter shall be issued by the Secretary setting forth the terms and conditions upon which the fire safety loan will be deemed eligible for loan insurance.

§ 201.1130 Maximum charges.

(a) The loan shall bear interest at the rate agreed upon by the borrower and lender, which rate shall not exceed eleven (11) percent per annum.

(b) The loan shall be payable in equal monthly installments which shall include:

(1) Insurance charges payable to the Secretary by the lender.

(2) Interest on the loan.

(3) Amortization of the principal amount of the loan.

(c) The lender may collect from the borrower an amount representing the fees provided for in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed one and one-half percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Secretary.

ELIGIBLE BORROWERS

§ 201.1135 Eligible borrowers.

In order to be eligible as a borrower under this subpart the applicant shall be an owner of a nursing home, intermediate care facility, extended health care facility, or other comparable health care facility.

§ 201.1136 [Reserved]

PROPERTY REQUIREMENTS

§ 201.1140 Eligibility of property.

(a) A health care facility to be eligible under this subpart shall be real estate held:

(1) In fee simple; or

(2) [Reserved];

(3) [Reserved].

(b) The health care facility must be owned by an eligible borrower as herein defined and must, at the time the loan is insured, be free and clear of all liens other than those specifically approved by the Secretary.

TITLE

§ 201.1145 Eligibility of title.

The lender shall determine that the title to the real property to be improved is vested in the borrower as of the date of the loan application.

LOAN REQUIREMENTS

§ 201.1149 Reliance on credit application.

An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of facts made by the borrower, which are called for by the borrower's credit application, in determining the eligibility of the loan.

§ 201.1150 Note and security form.

The lender shall present for insurance a note and security instrument or instruments, on forms approved by the Secretary for use in the jurisdiction in which the property to be improved is located.

§ 201.1155 Costs of recording security.

The insured may collect from the borrower the following expenses actually incurred by the insured in connection with the transaction: Recording fees, fees necessary to maintain the validity of the lien, documentary stamp taxes, title examination charge, and hazard insurance premiums, provided that such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the contract of insurance and, if such costs or expenses are assessed against the borrower, proper evidence thereof shall be maintained in the file.

§ 201.1160 Default provision.

The obligation shall contain a provision for acceleration of maturity, at the option of the holder, upon default in the payment of any installment.

§ 201.1165 Late charges.

The obligation may provide for a late charge not to exceed 5% per $1 of each installment more than 15 days in arrears. No late charge in excess of $50 may be made on any past due installment.

§ 201.1170 Security.

(a) *All States except Louisiana.* The loan shall be secured by a properly recorded and perfected financing statement and security agreement covering the fire safety equipment, which shall be perfected in the manner specified by the Uniform Commercial Code as adopted in each state. If prior liens on the underlying realty by operation of law attach to the fire safety equipment, the Secretary or the lender may require that the borrower obtain a subordination agreement or a disclaimer from the holder of the prior lien.

(b) *Louisiana.* The loan shall be secured by a chattel mortgage covering the fire safety equipment, which shall be filed or recorded as required by state law. If prior liens on the underlying realty attach to the collateral, the Secretary or the lender may require that a severance agreement be obtained from each person, other than the borrower, having any interest in the real estate on which the fire safety equipment is installed.

§ 201.1175 Validity and enforceability of loan.

(a) The obligation shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers and shall be complete and regular on its face. The signatures of all parties to the obligation must be genuine. If the obligation is executed for and on behalf of a corporation or trust, the note must create a binding obligation of the principal.

(b) The obligation shall be secured by a properly recorded and perfected financing statement and security agreement or chattel mortgage which creates a first lien against the fire safety equipment.

§ 201.1180 Lien on real estate.

As additional security, a recorded lien on the improved real estate shall be required for any loan of $25,000 or more. The lien shall be in the form of a real estate mortgage, deed of trust or other form of security instrument approved by the Secretary.

§ 201.1185 Prepayment privilege and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any date a payment is due, after giving the lender 30 days' advance written notice, and it may contain a provision, with the approval of the Secretary, for a reasonable charge in the event of prepayment.

§ 201.1190 Refinancing.

A new obligation entered into for the purpose of liquidating a loan previously reported for insurance may be insured, if such new loan meets the requirements of this subpart and if the term of the new loan does not exceed 25 years and 32 days from the date of the original loan. The full amount of any unearned financing charge on the original obligation shall be refunded to the borrower. The earned charge shall be calculated by the actuarial method. The borrower may be assessed a handling charge of not more than $500 in connection with the refinancing.

FORM OF CONTRACT

§ 201.1195 Contract requirements.

(a) The contract between the borrower and the contractor shall be a lump sum contract for a specified amount. The contract shall include only the cost of fire safety equipment, and its installation.

(b) [Reserved].

(c) *Completion certificate.* The insured shall obtain a completion certificate on a form approved by the Secretary, signed by the borrower and by the contractor.

(d) *Use of loan proceeds.* The proceeds of a loan shall be used only to finance the purchase and installation of fire

safety equipment in existing health care facilities, fees for architectural and engineering services, and the costs of obtaining building permits in connection therewith, in accordance with the requirements of this subpart. The purchase and installation of the equipment must be commenced in reliance upon the credit facilities afforded by Title I of the Act.

§ 201.1200 Discrimination prohibited.

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the projects shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, or national origin.

RIGHTS AND DUTIES OF LENDER UNDER THE CONTRACT OF INSURANCE

§ 201.1205 Servicing and collection.

The insured shall service loans in accordance with the accepted practices of prudent lending institutions. The insured shall have adequate facilities for contacting the borrower in the event of default and shall otherwise exercise diligence in collecting the amount due. The insured shall remain responsible to the Secretary for proper collection efforts, even though the actual servicing and collection may be performed by an agent of such insured.

§ 201.1210 Administrative reports and examinations.

The Secretary may at any time call upon an insured for such reports as the Secretary may deem to be necessary in connection with the regulations in this subpart. The Secretary may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 201.1215 Election by lender.

Upon default, the lender may either elect to assign the loan to the Secretary in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument or instruments in lieu of making a claim for insurance benefits. If the lender elects the latter course, the Secretary shall be so notified, and insurance coverage shall be deemed terminated, at the discretion of the Secretary.

INSURANCE CHARGE REQUIREMENTS

§ 201.1220 Rate of insurance charge.

(a) *First premium.* The insured shall pay to the Secretary by check or draft an insurance premium equal to fifty one-hundredths (0.50) of one percent of the net proceeds of any eligible loan reported and acknowledged for insurance. Payments shall be due within twenty-five (25) days of the Secretary's acknowledgment of the loan report.

(b) *Annual insurance premium.* The second and succeeding installments, at a rate and in an amount equal to the first premium, shall be paid by check or draft within twenty-five (25) days after billing by the Secretary on an annual basis.

(c) *Calculation of premiums.* In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month or more than 14 days.

§ 201.1225 Insurance charge adjustments on transfers.

Where there is a transfer of obligation between insured lenders and the insurance charge on such obligation has already been paid, any adjustment of such charge shall be made by the lenders involved, except that any unpaid installments of the insurance charge shall be paid by the purchasing lender.

§ 201.1230 Refund or abatement of insurance charge.

An insured shall be entitled to a refund or abatement of insurance charges only in the following instances:

(a) Where the obligation has been refinanced, the unearned portion of the charge on the original obligation shall be credited to the charge on the refinanced loan.

(b) Where the obligation is prepaid in full or an insurance claim is filed, charges falling due after such prepayment or claim shall be abated.

(c) When a loan (or portion thereof) is found to be ineligible for insurance, charges paid on the ineligible portion shall be refunded. Such refund shall be made, however, only if a claim is denied by the Secretary or the ineligibility is reported by the insured promptly upon discovery. In no event shall a charge be refunded on the basis of a loan ineligibility where the application for refund is made after the loan is paid in full.

§ 201.1235 Insurance charge to borrower.

The insurance charge paid by the insured may be passed on to the borrower provided such charge is fully disclosed to the borrower.

§ 201.1240 Insurance reserve.

All of the provisions of § 201.12 with respect to maintenance for each insured lender of a general reserve shall apply with respect to loans reported for insurance under this subpart. The aggregate amount of loans advanced by an insured lender, for the purpose of determining its general insurance reserve, shall include loans reported for insurance under Subparts A, B, and C of this part.

LOAN REPORTS

§ 201.1245 Report of loans.

(a) *Date of reports.* A loan report on the prescribed form shall be transmitted to the Secretary at Washington, D.C., within 31 days from the following dates:

(1) In the case of an original loan, the date of the loan or the date upon which it was purchased by the insured.

(2) In the case of a refinancing, the date of the refinancing loan.

(3) In the case of a transfer of the loan to another insured lender, the date of the transfer.

(b) *Late reports.* If the loan is current, the Secretary may in her discretion, accept a late report on a loan where the insured certifies that the obligation is not in default.

(c) *Transfer of loan between insured lenders.* All of the provisions of § 201.12 (d) governing the transfer of loans between insured lenders shall apply to loans insured under this subpart.

CLAIMS

§ 201.1250 Claims.

(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form approved by the Secretary and executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction. Claim shall not be filed by the insured until after default.

§ 201.1255 Maximum claim period.

Claim shall be filed no later than 9 months and 31 days after the due date of the earliest fully unpaid installment provided for in the obligation unless an extension is requested and approved by the Secretary.

§ 201.1260 Date of default.

For the purpose of determining the date of default, any payments received on an account, including payment of judgments predicated thereon, shall be applied to the earliest unpaid installment.

§ 201.1265 Amount of claim.

(a) An insured may be reimbursed for its losses on loans made in accordance with the regulations under this subpart, up to the amount of its general insurance reserve. The amount of the reimbursement is determined by following the computation steps in subparagraphs (1), (2), (3), and (4) of this paragraph as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or 90 percent of the actual purchase price of the note, whichever is the lesser.

(2) 90 percent of the uncollected interest earned up to the date of default calculated according to the actuarial method, plus 90 percent of the interest computed at 7 percent per annum on the outstanding balance, computed from the date of default:

(i) To either the date of the claim application or for a period of 9 months and 31 days following such default date, whichever period of time is the lesser, or

(ii) To the date of certification of the claim for payment in a case where an otherwise eligible claim has been held in suspense by the Secretary pending a determination of the eligibility for insurance of other claims or loans, or by an investigation of the insured's loan or claim activities.

(3) Uncollected court costs, if any, including fees paid for issuing, servicing, and filing summons.

(4) Attorney's fees, if any, actually paid, not exceeding $250.

(i) Actual costs and expenses in recording of assignments of security to the United States of America.

(b) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety; if a claim has been filed in bankruptcy, insolvency, or probate proceedings, such claims shall likewise be assigned to the United States of America.

(c) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, financing statement, security agreement, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device in event of claim:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

_____
Financial Institution
By_____
Date_____
Title_____

Provided, That if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

FLOOD INSURANCE

§ 201.1270 Flood insurance.

(a) Flood insurance coverage on the fire safety equipment is required as a condition of obtaining or refinancing a loan for the acquisition of fire safety equipment when the building to be improved is in an area that has been identified by the Secretary as an area having special flood hazards and flood insurance for such area has been made available under the Flood Disaster Protection Act of 1973, as amended (Pub. L. 93–234) and implementing regulations, 24 CFR Chapter X, Subchapter B. Flood insurance on the building, as well as on the fire safety equipment, is required in such cases where, as additional security, a recorded lien on the improved real estate is effectuated. The amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

(b) In cases where the applicant for a loan has previously received Federal financial assistance, regardless of the time interval involved or whether a security interest was retained, flood insurance both on the real estate and on the assisted personal property shall be required, when the conditions specified in the first sentence of paragraph (a) of this section are met.

(c) On or after July 1, 1975, or after one year following the date of official notification to the chief executive officer of the community of identification of special flood hazards, whichever is later, no loan shall be made or refinanced if the building is located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program, and such insurance is obtained by the borrower. The amount of flood insurance required need not exceed the principal balance of the loan and need not be required beyond the term of the loan.

INCONTESTABILITY

§ 201.1275 Incontestability of claim payments.

Any payment for loss made to an approved financial institution shall be final and incontestable after two years from the date the claim was certified for payment in the absence of fraud or misrepresentation on the part of such institution, unless a demand for repurchase of the obligation shall have been made on behalf of the United States prior to the expiration of such two-year period.

AMENDMENTS

§ 201.1280 Amendment and effect.

The regulation in this part may be amended by the Secretary at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made or in the process of being made. Unless otherwise provided, an amendment shall be applicable to any loan or the refinancing of any loan, when the loan is made pursuant to an application dated on or after the effective date of such amendment.

NOTE: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Effective date. These regulations shall be effective June 20, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77–14509 Filed 5–23–77;8:45 am]

federal register

TUESDAY, MAY 24, 1977

PART IV



CIVIL AERONAUTICS BOARD

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CERTIFICATION OF COMMUTER AIR CARRIERS

CIVIL AERONAUTICS BOARD

[14 CFR Chapter II]

[Docket 30310; EDR-325]

CERTIFICATION OF COMMUTER AIR CARRIERS

MAY 18, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: At the present time, commuter air carriers are not subject to the certification requirements of section 401 of the Federal Aviation Act, as are trunk and local service carriers. They are instead exempt from most economic regulatory requirements. In a petition to the Board, four commuter air carriers contend that larger commuter airlines have outgrown their exempt classification and that lack of certification deters growth and inhibits their ability to meet present and future demand for air travel. In addition to the establishment of a simplified certification procedure, the carriers request that they be authorized to participate in certain industry-wide arrangements, such as joint fares, and that a separate simplified procedure be established for commuter air carrier subsidy applications. In light of the growing importance of commuter air carriers in the national air transportation system, the Board has decided to solicit public views on the need for certification of these currently exempt commuter air carriers.

DATES: Comments by June 30, 1977; reply comments by July 15, 1977.

ADDRESSES: Comments should be sent to Docket 30310, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FURTHER INFORMATION CONTACT:

Gary J. Edles, Routes Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5205).

SUPPLEMENTARY INFORMATION: On January 6, 1977, four commuter airlines—Air Illinois, Cascade Airways, Golden West Airlines, and Swift Aire—filed a petition urging the Board to initiate a rulemaking proceeding to establish a simplified certification procedure for certain of the larger commuter airlines. These carriers are currently exempted by Part 298 of the Board's Economic Regulations from the certification requirements of section 401(a) of the Federal Aviation Act.[1] The Petitioners, which all provide scheduled air tranportation, contend that as a direct consequence of being classified as noncertificated air taxis they are perceived as being lesser participants in the air transportation system, and that this perception deters growth and inhibits their ability to continue to provide good service. In support of their position, the petitioners list certain problems which they contend are a direct result of their noncertificated, or exempt status. Among these problems are: (1) The inability to participate as a local service carrier in the joint fare prorate under Phase 4 of the DPFI;[2] (2) The inability to secure financing of new equipment because of ineligibility for government loan guarantees;[3] (3) Inelgibility for Federal subsidy; (4) Poor ticket counter and gate locations at airports; and (5) Payment of higher prices for fuel because suppliers consider them to be general aviation.

To resolve these problems, the petitioners propose to set up a new class of certificated commuter carriers, limited to aircraft of 10 to 56 seats with certification accomplished by means of simplified, inexpensive show cause procedures. The petitioners propose that such carriers be subject to minimal reporting requirements unless subsidized, have the ability to abandon markets without the necessity of formal hearings and be able to participate in federally guaranteed aircraft loans, joint fares, interline ticket and baggage agreements and other industry-wide arrangements. The petitioners also seek a separate simplified procedure for establishing subsidy eligibility of commuter carriers when, in the petitioners' words, "economic realities indicate that service in some areas cannot be provided without subsidy." They always seek route protection against other non-certificated carriers—a protection not now generally available to certificated carriers.

Fundamentally, the petitioners request that the Board promulgate a new regulation which would set forth criteria under which a commuter operator could qualify to become a certificated carrier. The proposal envisions that the Board would make public convenience and necessity findings applicable to the class of commuter carriers by rule. Thereafter, carriers which meet the criteria would, upon application, be awarded a certificate if they could establish, through simplified show-cause procedures, that they were fit, willing, and able. By narrowing the issues in this way, the petitioners believe that the cost of individual certification would be substantially reduced and the decisional process would be expedited. Additional adjudicatory procedures would be required for carriers seeking subsidy in a specific market. No responses to the rulemaking petition have been filed.

The Board is sensitive to the specific problems which may impinge upon a fuller participation in the air transportation system by commuter carriers. Nonetheless, several important issues are raised by the manner in which the petitioners propose to resolve these problems. The Board would like to receive comment on these issues from interested members of the public and consumer representatives, as well as from affected carriers including other commuter carriers.

An initial question is whether the problems described by the four petitioners are widespread in the commuter industry and, if so, whether certification would be an appropriate regulatory response. In formulating responses to this general question we would request that all respondents consider to what extent, if any, the perceived need for certification may be alleviated by enactment of the Board's Small Community Service Program[4] or other subsidy reform proposals now being considered by the Congress.[5] Pursuant to such program, the Board would directly subsidize noncertificated or certificated air carriers for providing a specified level of service in particular city-pair markets. During a phase-in-period, eligible communities would be limited to currently certificated points. However, after a three year period applications for subsidized service would be accepted from other small communities. Applications would be processed without formal evidentiary hearings. Carriers providing subsidized service under this program would be eligible for inclusion under the joint fare provision of the DPFI on their subsidized routes.

If it is decided that some form of simplified certification for commuter air carriers is required by the public convenience and necessity, a variety of other issues must be addressed. We expect interested persons to indicate, in detail, what specific rights should be bestowed and what specific responsibilities should be imposed on these carriers by the issuance of a certificate. In this regard,

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[1] A "Commuter air carrier" is defined in § 298.2(f) of the Board's Economic Regulations, 14 CFR 298.2(f), as an air taxi operator which (1) performs at least five round trips per week between two or more points and publish flight schedules which specify the times, days of the week and places between which such flights are performed or (2) transports mail by air pursuant to contract with the United States Postal Service.

[2] Only commuter carriers which serve as replacement carriers at small communities participate in joint fares.

[3] Under the Government Guarantee of Equipment Loans Act, 49 U.S.C. § 1324, the Secretary of Transportation may guarantee payment of principle or interest to financial institutions who issue loans to certificated carriers conducting local of feeder air service.

[4] In its testimony before the Senate Subcommittee on Aviation on March 21, 1977, the Board stated that "[W]hile there may be proper cases in which formal certifications could be appropriate to the need of particular communities, the program we propose will offer many of the service guarantees inherent in certification without so many of the administration and other burdens which may be associated with certification." A copy of the Board's testimony and draft legislation presented before the Aviation Subcommittee of the Senate Committee on Commerce on March 21, 1977, are attached as Appendices A and B.

[5] Besides the proposal submitted by the Board, the Senate Committee on Commerce, Subcommittee on Aviation, is currently considering other measures which could significantly modify the regulatory scheme and create new opportunities for commuter air carriers. Indeed, one of the bills would create a limited certification process, similar to, but not as wide-ranging as, the petitioners' proposal, for providing service to small communities. See S. 292, introduced by Senators Pearson and Baker.

the petitioners have proposed a number of elements of certification which in general terms can serve as focal points of this inquiry. The petitioners contend that certification must at a minimum accord commuter air carriers the four basic prerogatives currently conferred upon local service carriers. These, as we have discussed, are: (1) Subsidy eligibility; (2) participation in joint fares at the same division of rates as received by local service carriers; (3) qualification for government loan guarantees; and (4) participation in interline arrangements and practices relating to baggage handling, ticketing and reservations.

In addition to these traditional elements, the petitioners propose five elements which would be both novel and, presumably, unique to the simplified certification of commuter air carriers. These elements can be summarized as follows:

(1) Findings of public convenience and necessity for certification would be made through a simplified show cause procedure based upon entry standards defined by rule and apparently unrelated to particular points or markets. The petitioners suggest that the minimal entry standards for an applicant include (a) continuous operation between the two points for which certification is sought for at least two years, (b) operations conducted with aircraft of no less than 10 passengers and no greater than 56 passengers (and a payload capacity not exceeding 16,000 pounds), (c) provision of at least ten scheduled round trips per week over each of a minimum of three routes for a period of six months or more, (d) total weekly available seat miles of at least 200,000 and gross annual transportation revenues of no less than one million dollars.

(2) Mandatory certification for all carriers meeting the standards described above upon a finding by the Board that the carrier is fit, willing, and able to perform the proposed service. (The petitioners prefer that commuter certification be strictly voluntary, but "yield to various legal and economic arguments" to the contrary.)

(3) The right to expand off-line operations pursuant to Part 298 of the Board's economic regulations or its equivalent.

(4) Abandonment of points or markets upon a ninety-day notice filed by the carrier that the operation is no longer economical or in the public interest subject to the right of communities involved to file a protest.

(5) Route protection from noncertificated commuter air carriers in markets where commuters have been issued certificates.

Interested respondents should address in general terms the merits of including any or all of these elements.[6] Specifically we are interested in comments from both proponents and opponents relating to the practical need, if any, for such provisions, and in any potential legal impediments to their implementation which may exist under the Federal Aviation Act. Since our overriding concern is the provision of improved service to the traveling and shipping public, we expect that proponents of a change in current Board policy will discuss the specific service benefits which would result from certification. In this connection the petition does not specifically address the fare implications of the proposal, although reduced reporting requirements would appear to be antithetical to increased rate regulation. We would expect all interested persons to set forth their views on the pros and cons of including any new class of certificated carrier within the DPFI. Similarly, all respondents should also consider the extent to which commuter air carriers should be subject to Board requirements designed to protect the public and which are now applicable only to certificated carriers. These include, for example, denied boarding compensation under Part 250, baggage liability limits, etc. In addition, we would welcome comments which address both alternative solutions to the problems raised by the petitioners and other perceived problems within the commuter air industry amenable to Board solution.

Finally, in preparing their comments, the proponents of a certification program should bear in mind that the Board has historically pursued a policy which allows commuter air carriers to freely enter and exit from any market in response to consumer demand at fares set at the discretion of management. Indeed, the Board's 1976 and 1977 legislative proposals included a general increase in the unregulated, commuter air carrier and air taxi zone. As the Board recently pointed out in its testimony before the Subcommittees on Aviation of both the Senate and House, the commuter carrier industry operating in an essentially unregulated environment and using equipment better suited to small community service, has grown impressively in recent years.[7]

The petitioners contend that the commuter air carriers have now reached the stage where certification is necessary to insure the ability of these carriers to continue to grow and provide improved services to the public. We wish to examine that contention. The Board is concerned that there be no regulatory barriers to improving service at smaller communities where traffic demand warrants such improvements. The purpose of this advanced notice is to provide the Board with sufficient information to consider the genuine needs of the commuter carriers, and possible solutions to particular problems, in greater depth. Nonetheless, we believe it useful to state at the outset that the Board does not look with favor upon the petitioners' proposal that they be assured route protection from non-certificated carriers in markets for which they have been certificated. Therefore, proponents of route protection should understand that the burden is upon them to demonstrate that the benefits to the public from such Board sanctioned monopolics will in the long run outweigh the benefits of competition which have already been made manifest by the success of the petitioners.

[6] The matter of joint fares for commuter air carriers is currently the subject of another rulemaking proceeding in Docket 29707. Therefore respondents need not address this proposed element in detail in their comments.

[7] In this regard, the petitioners also note that the industry has made rapid strides in recent years. As the petitioners point out, in the last ten years the number of commuter air carriers has grown from less than 20 to more than 200. They also note that over the last five years, passenger boardings have increased at the rate of about ten percent a year and the industry now boards more than seven million passengers a year. Petition at 2.

Comments Requested

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

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, shall file with the Docket Section at the above address by May 30, 1977, a request to be placed on the Service List in Docket 30310. The Service List will be prepared by the Docket Section and sent to the persons named on it. Those persons are to serve each other with comments or responsive comments at the time of filing.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies.

(Secs. 204, 403, 404, and 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, and 788 as amended; 490 U.S.C. 1324, 1373, 1374, and 1482 and 5 U.S.C. 552.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

The Board's Small Community Service and Subsidy Revision Proposal

An essential and integral part of the Board's regulatory reform program is the revision of the present subsidy provisions of the Federal Aviation Act and the establishment of an improved mechanism for assuring good service to the small communities of America. Last year we had not completed our analysis of this subject and did not submit specific recommendations and legislation on these matters. Since then we have considered a number of alternative approaches, sought and received the comment and suggestions of many interested parties, and at this time offer Congress our recommendations.

The details of the program and its implementing legislation are set forth in Appendix A to this statement. Before I discuss the specifics of the Board's proposal, I would like to review the historical background and the objectives we seek to achieve.

Section 406 of the Federal Aviation Act was part of the original legislation enacted

in 1938. It authorizes the Board to pay subsidy to certificated air carriers.

By 1959 none of the trunk carriers, except Northeast Airlines, required subsidy to sustain their operations. This self-sufficiency was greatly assisted through the transfer of nearly 200 marginal trunkline points—small communities, if you will—to the local service airlines.

But changes have occurred in the air transportation industry which have required both the locals and the Board to reassess the costs of the present subsidized system against its benefits. The mail pay statute of the late 1930's is simply out of date in the mid-1970's.

First, the statute limits the payment of certificated airlines. This presents two principal drawbacks. First, the smaller certificated airlines—the local service carriers—have now turned their attention to larger planes and larger markets. While some turboprop equipment remains in the fleets of the local service airlines, this equipment is, by and large, being replaced by jet aircraft. Service to smaller points has diminished—and is likely to continue to diminish—simply because it is not economically possible to justify high-frequency service with large jet aircraft at points enplaning only 10 or 20 or 30 passengers a day.

Second, the commuter carrier segment of the industry has grown immensely in recent years. These carriers, operating in an essentially unregulated environment, and using equipment better suited to small community service, are the best hope for good service in the future. But the law says that we cannot subsidize these carriers directly unless each one goes through an expensive and time-consuming certification process. Thus, the necessity for certification limits the Board to the local service carriers as the primary source of supply for Federally assisted small community service and cuts out scores of successful, qualified, non-certificated carriers which could and would undertake to provide such service.

Furthermore, the current statute requires the Board to consider a certificated carrier's overall system need when determining the amount of subsidy. This means that if a carrier loses money on its small community service but makes money on the rest of its services, we must off-set the losses from non-profitable operations with revenues from the profitable operations. There is, therefore, a very limited incentive for a carrier to provide good service to small, unprofitable points.

Finally, the Act expressly prevents the Board from restricting an air carrier's right to adjust its equipment or schedules in any market. Such a provision is useful in encouraging carrier management to innovate where there is a competitive incentive for such innovation. And it correctly keeps the Board out of the day-to-day business of running an airline. But it is a serious drawback to the Board's ability to insure, in the interests of the taxpayer and those dependent on small community air service, that the right equipment and the right schedules are provided for service which the government subsidizes. Thus, neither the affected small community nor the Federal government has the tools to insure that presently subsidized service is economical and tailored to the needs of the community.

With these considerations in mind, we took a hard look at two questions under the presently authorized program. First, are we getting air service really suited to the special needs of small communities? Second, are the taxpayers receiving their money's worth for local air service? We believe the answer to both questions is "no."

It seemed to us that the best method for obtaining better small community service at lower subsidy was, first of all, to fold the non-certificated commuter carriers into the system. They operate the appropriate equipment and their costs are far lower than those of the certificated carriers. There are a number of communities now served on a subsidized basis by locals that can be served by commuters without any subsidy. There are many other communities which can be served by commuters at far lower Federal cost per passenger. We also concluded that Federal funds could be utilized more effectively if subsidy were based on the cost of providing a given level of service in particular city-pair markets with a specified aircraft type, rather than considerations of overall system need of the subsidized carrier as is now required. Finally, we concluded that the communities themselves should be brought more directly into the process of deciding where they want to go and what type of service they need.

We carefully considered the alternatives of certificating commuter carriers. Indeed, the Board has recently certificated a carrier for small community service and is considering hearings on other applications. We fully appreciate that communities want reliable service and that many believe certification is the only way to obtain it. While there may be proper cases in which formal certification could be appropriate to the needs of particular communities, the program we propose will offer many of the service guarantees inherent in certification without so many of the administrative and other burdens which may be associated with certification. Moreover, out proposal does not preclude formal certification in those cases where it may be appropriate.

Under our proposal, each carrier and the affected communities will know that the Board has the ability and responsibility to monitor and review the service provided on a periodic basis to insure that it remains good. Each carrier will have reasonable stability in its markets. Joint fares are contemplated by our proposal and loan guarantees, if desired, could be authorized when Congress considers extension of the current loan guarantee law. In addition, those commuter airlines not participating in the Board's small communities program could be granted joint fare privileges and also, by legislative action, loan guarantees. (We note that the Board has a pending proceeding to consider extending joint fare privileges to commuter carriers.) In short, we should be able to achieve the benefits of certification without the possible drawbacks.

We also considered variations of a contract bid approach but did not adopt it.

First, we had less confidence in a contract-bid system assuring reliable service. While such a procedure offers the prospects of the lowest cost to the government, we foresaw that prospective small community service contractors might offer unrealistically low bids because of their lack of experience in the markets. They could later be in a position of having to sustain losses or terminate their services with a consequent detrimental impact on the community and a significant administrative headache for the Board. We think our proposal will avoid these pitfalls and assure more reliable service.

Second, the Board solicited public comments on the major alternatives and the reaction was almost unanimously adverse to a contract or low-bid program. We weighed these comments heavily because any small community program will depend a great deal for its success upon support by local governments, civic groups, and the traveling public.

Having evaluated a large volume of data and opinion, the Board, with the help of its staff, formulated the Small Community Service Program. The legislation we are submitting is intentionally broad so that the details can be developed through a rulemaking process in which the views of the small communities and other interested parties will be actively sought. The key points are as follows:

(1) Eligible small communities will, at the outset, include all those which enplane 40 or fewer passengers per day and which are currently contained in the certificates of carriers, even if service is now suspended. After a three-year phase-in period, new points will be eligible to be added to the program. A place on the list of eligible communities amounts to a Federal franchise that will not be revoked except after notice and hearing. The 40-enplanement standard was chosen because our data indicate that it is the threshold at which unsubsidized service can be provided with large turboprop aircraft. This does not mean that all communities on the list will need to be subsidized. Rather, it means that each of the communities is guaranteed a reasonable level of service, although many communities will actually be served by commuter or certificated carriers without subsidy.

(2) The Board will determine the level of service, the markets, and the type of equipment for which subsidy will be paid. We will actively solicit each community's advice and assistance in this process. The community will have a lot more to say about service under our new program than it has now, but we think it desirable nevertheless to leave to the Board the judgment as to what can be justified in the light of the traffic and the cost to the Federal government.

(3) Costing methodology will utilize costs representative of the commuter industry for the aircraft type in question. Subsidy will be based on these costs and estimates of passenger revenues for the first year. For subsequent periods, we will work with actual traffic experience. This should encourage the small community operator to keep its costs in line.

(4) Carefully defined carrier qualifications will be adopted to assure that the operators are experienced, safe, and financially responsible. Selection among qualified applicants will be based upon objective criteria, but will weigh in favor of local operators.

Let me, for just a moment, try to make these ideas more concrete. Listed on the guaranteed service list are Enid and Stillwater, Oklahoma. Enid is a fairly small point, generating fewer than 12 daily passengers for its present local service carrier. Stillwater is suspended and gets no air service.

Let us assume that both communities ask for service to Oklahoma City. After consulting with the communities, the Board would then develop good service patterns for each community linking them with Oklahoma City. More than likely, the service pattern would include early morning, mid-day and evening arrivals and departures five days per week and perhaps two daily round trips on the weekend. The Board might also find that a 15-seat aircraft is the minimum size necessary to provide the required service.

The Board would then estimate the likely revenues from passenger fares, cargo and mail, the likely cost, and forecast a first year subsidy requirement of, for example, $120,000. The Board would then issue a notice that subsidy is available for the prescribed service.

Suppose five firms submit applications.

Two applicants might not be qualified because one has a poor safety record and the other has no experience in scheduled passen-

ger transportation. Of the remaining three applicants one is based in Oklahoma City and the other two are from out of state. The Oklahoma City candidate would get the route.

We would carefully watch that first year of service. Let us assume that traffic responds well, the communities are pleased, and the carrier earns a 20 percent return on its investment after subsidy. If the record is that good, some reduction in subsidy will seem warranted. Of course, if the carrier's earnings are not as high, it may be that the subsidy level will remain stable. It could even increase. At the end of the first year, the staff would study all the data and reopen the route for applications for three years at a new subsidy rate. The Board might switch the service pattern around a little to provide timing which the communities would now prefer. Let us assume that the incumbent carrier, which has kept its costs in line, reapplies for the route at the new rate. That carrier would get it and be subsidized to operate the air service for the next three years.

This new Program is designed to replace the existing method of subsidization over a seven-year period. Our legislation includes provisions to make subsidy under the current section 406 no longer available for domestic trunkline operations upon the date of enactment. We would also replace other currently subsidized operations with our Program over a seven-year period. There is one exception. In our judgment, the Board should retain the flexibility to authorize subsidy for the provision of specifically identified foreign or overseas air transportation where there are special foreign relations or defense considerations present.

Our proposed changes in the subsidy provisions of the Act will, of course, affect the way in which the subsidized segment of the industry currently operates. At present, Federal subsidy comprises only 4.2 percent of the revenues of the local service and Alaskan carriers. The local service and Alaskan carriers will, of course, be fully eligible to receive subsidy under the Board's Program. Indeed, we anticipate that some of these carriers will be applicants for subsidy. Moreover, the elimination of the obligation for serving small, unprofitable points should have a salutary effect on their overall economic prospects.

Given the seven year lead time, a growing economy, and skilled management, we believe that the road to essentially non-subsidized status can be successfully negotiated by the local service carriers.

In summary, the Board's proposed Program will allow the maintenance and expansion of service to small communities by paying Federal funds to air carriers, including non-certificated commuter air carriers, according to the actual cost of providing specified levels of service at eligible communities. The level of service, and the hub points to be served, will be established by the Board with the active cooperation of the affected small communities. The amount of subsidy will be predicated on costs representative of the commuter industry. All currently certificated points enplaning 40 or fewer passengers a day will be eligible under our proposed Program. The Program will be introduced gradually over a seven year period. As part of the revision of the statutes present subsidy provisions we also recommend that the subsidy eligibility of trunk carriers for domestic operations be terminated immediately and that local service carriers be phased out of their existing subsidy eligibility by the end of the seven-year phase-in of the new Program. It is our firm belief that the new Program will, when fully implemented, bring about great improvements in service at lower cost than the present system.

Let me emphasize, in conclusion, that the Board is committed to the principle that the Nation's smaller communities deserve reliable access to the air transportation system. We believe that the future needs of these communities can best be met by enacting the legislation we are presenting to you today.

CONCLUSION

Mr. Chairman, this concludes our prepared statement. We shall be happy to respond to any questions the Committee may have.

DRAFT LEGISLATION

1. Amend section 101(10) as follows:

"Air Transportation" means interstate, overseas or foreign air transportation, transportation conducted pursuant to Section 418 of this Act, or the transportation of mail by aircraft.

Amend section 101 by inserting the following new paragraph:

"Small Community" means a village, town, city or other locality in the United States, which is eligible for service pursuant to Section 418 of this Act.

2. Amend Section 406(b) by adding the following:

Provided however, That the Board may, when required by the needs of foreign commerce or the national defense, pay compensation for the transportation of mail in overseas or foreign air transportation between specific points without regard to the carrier's system need and revenues as otherwise required by clause (3) of this subsection: *Provided further*, That notwithstanding the provisions of section 401(e)(4) of this title, the Board may designate the schedules and equipment for which compensation shall be paid.

Amend Section 406(c) by adding the following:

Provided, That an air carrier is not eligible to receive payments pursuant to subsection (b) of this section for interstate air transportation unless that carrier was actually receiving payments pursuant to that subsection on the date of enactment. *Provided, further*, That no air carrier shall receive any payment pursuant to subsection (b) of this section after December 31, 1984.

3. Amend Section 401(a) to read as follows:

"(a) No air carrier shall engage in any air transportation unless there is in force either a certificate or license issued by the Board authorizing the air transportation: Except, That the requirements of this section shall not apply to scheduled air transportation performed pursuant to Board authorization under Section 418 of this title.

A new section 418 is added to read as follows: (a)(1) The Board is empowered and directed to fix and determine the fair and reasonable rates of compensation to be paid to air carriers for the transportation of persons, property and mail to ensure continued access of small communities to the Nation's air transportation network if it finds that this access cannot be maintained without compensation from the Federal Government. The designation of air carriers to provide the transportation and the rates of compensation may be determined with or without hearings and shall be subject to such terms and conditions as the Board may prescribe.

(2) Within 180 days of the date of enactment of this section, the Board shall publish a list of the small communities eligible for assistance under this section: *Provided*, That for three years from the date of enactment of this section, eligible small communities shall be only those points contained in certificates of public convenience and necessity as of January 1, 1977.

(3) Commencing three years from the date of enactment of this section, the Board may, by regulation of otherwise, establish criteria for including additional communities to the list of eligible communities. In determining whether a community should be added to the list, the Board shall consider, among other things, the level of traffic generated by the community and its future traffic generating potential, the cost to the Government of providing service, and the degree to which access by the community to the Nation's transportation system is otherwise available.

(4) The Board shall by regulation or otherwise establish an orderly procedure for implementing the authority granted in this section including, as necessary, the amendment of certificates of public convenience and necessity so as to delete or suspend a carrier's authority to serve eligible communities under section 401. The procedure shall be based upon the relative needs of the eligible communities for service, the relative cost of service to the Government and such other criteria as the Board may deem appropriate; *Provided*, That the authority granted in this section shall be implemented with respect to all eligible communities no later than December 31, 1984. Except, That the authority shall not be implemented with respect to any eligible community where, and for so long as, both the community and the certificated carrier request continuation of the existing certificated service without eligibility for mail payments under section 406(b)(3) of this title.

(b)(1) Compensation shall be limited to an amount required to operate a specific level of service between the small community and a point or points designated by the Board. In determining the pattern of service for which an air carrier may receive compensation, the Board shall consult with the community and in addition shall consider such other data as it deems relevant.

(2) The Board shall, by regulation or otherwise, establish the revenue and expense elements to be considered in determining rates of compensation: *Provided*, That such expense elements shall be based upon representative costs of air carriers providing comparable service with comparable equipment.

(3) The rate of compensation under this section shall be established initially for a one-year period and shall be reestablished at least every three years thereafter. The applicant selected initially shall be offered the rate of compensation established for the successive period, if any. If the applicant declines to continue to provide service at the specified rate of compensation, the Board shall select a different applicant under the provisions of this section.

(c)(1) The Board shall, by public notice, solicit applications from air carriers and other persons to perform the air transportation specified, and shall, by regulation or otherwise, establish criteria for selection of one of the qualified applicants.

(2) The Board's notice shall set forth in detail: (A) the minimum service to be performed; (B) the minimum size and any special characteristics of the aircraft to be utilized; (C) the maximum permissible fares; (D) the dollar amount of the subsidy; (E) the minimum safety, financial, and operational qualifications the Board deems necessary to assure that the applicant is qualified to perform the service; (F) such other terms and conditions as the Board deems relevant to the application process.

(d) The Board may, after notice and hearing, remove any point from the list of eligible small communities. In determining whether a community should be removed from the list, the Board shall consider, among other things, the level of traffic generated by the community and its future traffic generating potential, the cost to the Government of providing service, and the degree to which access by the community to the Nation's transportation system is otherwise available.

(e) No certificate of public convenience and necessity issued pursuant to section 401 of this title, shall be required as a condition to the provision of service and receipt of compensation pursuant to this section; and no air transportation compensated under this section shall be eligible for compensation pursuant to section 406(b)(3) of this title.

[FR Doc.77-14534 Filed 5-23-77;8:45 am]

federal register

TUESDAY, MAY 24, 1977
PART V



ENVIRONMENTAL PROTECTION AGENCY

■

POLYCHLORINATED BIPHENYLS (PCBS)

Toxic Substances Control

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 722-3; OTS-068005]

POLYCHLORINATED BIPHENYLS (PCBS)

Toxic Substances Control

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule pursuant to the authority of section 6(e)(1), The Toxic Substances Control Act (Pub. L. 94-469; 90 Stat. 2003; 15 U.S.C. 2601, et. seq., hereinafter referred to as TSCA). Provide an opportunity for Informal Hearing pursuant to the Authority of section 6(c)(2) and 6(e)(4), TSCA.

SUMMARY: These proposed regulations prescribe disposal and marking requirements for polychlorinated biphenyls (PCBs) and articles and equipment which contain PCBs. Newly manufactured PCBs, PCB articles, and PCB equipment, as well as PCBs, PCB articles, and BCB equipment presently in use, are covered by these requirements. Section 6(e) of TSCA requires the promulgation of rules prescribing marking and disposal of PCBs by July 1, 1977. The intent of these regulations is to protect the environment from further contamination by PCBs resulting from improper handling and use and from release of PCBs to the environment following disposal.

HEARING PROCEDURE AND DATES: In order to promulgate this rule as close as possible to the deadline set by TSCA, the following compressed schedule for comments and informal hearing is necessary. To the extent specific changes are not set forth below, the proposed procedures for rulemaking under section 6 of TSCA, (40 CFR Part 750) 42 FR 20640 (April 21, 1977), will govern.

Comments on these proposed regulations must be received by EPA prior to the close of business on June 22, 1977. The informal hearing on these proposed regulations will begin at 10:00 a.m. on June 24, 1977, in room 3906, EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460. Requests for participation in the informal hearing must be received by EPA prior to the close of business on June 14, 1977.

All requests for cross-examination must be received by the Hearing Clerk within two days after the completion of the legislative part of the informal hearing. Requests for cross-examination will be acted on by EPA as soon as possible and not later than the deadline in the proposed regulations of one week after receipt. The cross-examinations granted by EPA will begin as soon as possible thereafter. All reply comments must be received by EPA prior to the close of business on the fifth working day after the last day of cross-examination.

Rules on funding public participation in the hearings related to this rulemaking will be published in the FEDERAL REGISTER shortly. These rules will be based on section 6(a)(4) of TSCA.

INFORMATION CONTACT:

David E. Wagner, Office of Toxic Substances (WH-557), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-426-9000. Joni T. Repasch is the Record and Hearing Clerk for this rulemaking. The official record of rulemaking is located in Room 725 WSME, EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460, 202-426-9000. able for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday excluding holidays. Hearing transcripts and other hearing material shall be added to the record as soon as feasible after they become available.

SUPPLEMENTARY INFORMATION: A support document titled, "PCB Marking and Disposal Regulations—Support Document," is available. Mrs. Joni T. Repasch, Room 713 WSME, 401 M Street, S.W., Washington, D.C. 20460, Telephone 202-426-9000, can provide information on obtaining copies of the document. This document contains PCB background information, PCB effects information, economic analyses of regulatory action, regulatory support information, and the list of documents contained in the official record of rulemaking.

Comments on these proposed regulations must be received by EPA prior to the close of business on June 22, 1977, and should be sent to the Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, SW., Washington, D.C. 20460, Attn: Joni T. Repasch.

LEGAL AUTHORITY

Section 6(e) of TSCA states, "Polychlorinated Biphenyls

"(1) Within six months after the effective date of this Act the Administrator shall promulgate rules to

(A) Prescribe methods for the disposal of polychlorinated biphenyls, and

(B) require polychlorinated biphenyls to be marked with clear and adequate warnings and instructions with respect to their processing, distribution in commerce, use, or disposal or with respect to any combination of such activities.

Requirements prescribed by rules under this paragraph shall be consistent with the requirements of paragraphs (2) and (3).

Paragraphs (2) and (3) apply to bans on manufacturing, processing, and distributing in commerce and will be addressed at a later date. The definitions of polychlorinated biphenyls contained herein are consistent with definitions that EPA intends to use for rulemaking under paragraphs (2) and (3).

The legal authority contained in the Resource Conservation and Recovery Act (RCRA), Pub. L. 94-580, has not been used in the regulation. However, RCRA requires that by April 21, 1978, EPA identify hazardous wastes; establish a permit system for treatment, storage, and disposal of hazardous waste; and establish a manifest system for the disposition of wastes, as well as monitoring and recordkeeping requirements for hazardous waste management facilities. Thus, PCB-containing solid wastes that meet the criteria for "hazardous waste" may also be subject to broader regulations being developed under RCRA. If conflicts arise between the RCRA and TSCA approaches, the TSCA regulation could be amended or an exception to RCRA requirements could be granted.

DISCUSSION OF THE RULE:

BACKGROUND

Polychlorinated biphenyls (PCBs) are mixtures of the chemical compounds formed by the chemical bond of two benzene molecules into a biphenyl molecule with varying numbers of chlorine atoms attached to the biphenyl molecule. PCBs are among the most stable organic compounds known and exhibit other properties that render them useful as dielectric and heat transfer fluids. PCBs are currently used primarily in capacitors and transformers. They are also used in investment casting waxes and in the cooling systems of mining machinery.

Of the roughly 1.25 billion pounds of PCBs introduced into commerce in the United States since 1929, only 55 million pounds have been destroyed by incineration or by degradation in the environment. 290 million pounds are under varying degrees of control in landfills and dumps, and 150 million pounds are free in the environment. 758 million pounds are currently in service.

Of the approximately 758 million pounds currently in service, 750 million pounds are in electrical transformers and capacitors as follows:

Transformers—140,000 items totalling 300,000,000 pounds of PCBs

Large high voltage capacitors—8,000,000 items totalling 200,000,000 pounds of PCBs

Large low voltage capacitors—20,000,000 items totalling 200,000,000 pounds of PCBs

Small capacitors for highway lighting—25,000,000 items totalling 50,000,000 pounds of PCBs

Small capacitors in small appliances—50,000,000 items totalling 50,000,000 pounds of PCBs

Small capacitors in fluorescent light ballasts—800,000,000 items totalling 80,000,000 pounds of PCBs.

The transformers have a 40-year average life, and the other items have a 15- to 20-year average life. The relatively long life of these items will result in an equally long time period during which disposal of PCBs will be required.

Although PCBs have long been known to be extremely toxic, only in recent years have they been acknowledged to be a general threat to the environment. They have been found in significant concentrations in waterways and sediments throughout the world. They are a widely spread contaminant of fish and wildlife resources. Recently, they have been identified in the milk of nursing mothers throughout the United States.

PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE REGULATIONS

On December 20, 1976, a public panel meeting was held and representatives of key public and private organizations

were invited to participate in a discussion on the primary issues involved in these regulations. A notice of this meeting was published in the FEDERAL REGISTER prior to the meeting. (See 41 FR 536921, December 8, 1976). On January 24, 1977, a public meeting was held on the development of these regulations and any interested person could request time to speak on any matter related to the regulations. A FEDERAL REGISTER notice (FR 3701 January 19, 1977) was published prior to the public meeting which contains a discussion of key issues and requested public comment on those issues.

GENERAL DEFINITION

The definitions of "Administrator", "Agency", "chemical substance", "distribute in commerce", "manufacture", and "process" are identical to the definitions of these terms in TSCA. The definitions of "mixture" and "person" are taken from the definitions in the proposed regulation 40 CFR Part 700, Toxic Substances Control, General Provisions.

CHEMICAL STRUCTURES INCLUDED IN DEFINITION OF PCBS

"PCB chemical substances" are defined as chemical substances which are limited to the biphenyl molecule that has been chlorinated to varying degrees. This definition is the basic building block for defining other forms of PCBs. Any modification other than chlorination to the molecule is sufficient to remove the resultant molecule from classification as a PCB.

One option considered was to broaden the definition of PCB chemical substances by altering the definition to read "* * * any chemical substance which includes the biphenyl molecule which has been chlorinated to varying degrees * * *" Such a broadening would include substances that have been altered by chemical reactions such as bromination, ammoniation, or hydroxylation. This would include a number of chemicals widely used in industry such as dichlorobenzidine, chloroterphenyls, and chlorinated solvents. This option is not proposed at this time because additional investigation is needed to determine the complete scope of chemical substances that would be included. Additionally, a more complete understanding of health, environmental, and economic effects of an expanded definition is necessary.

PCB MIXTURES, WASTE MATERIALS, AND SLUDGES

"PCB mixture" are defined to mean mixtures, except sludges from municipal sewage treatment facilities, that contain 0.05 percent or greater of PCB chemical substances (on a dry weight basis). The definition for PCB mixtures covers mixtures that will be found in commercial applications and as waste materials. Transformer coolants and liquid dielectrics such as Askarels may be a blend of several PCB chemical substances and may contain solvents such as trichlorobenzene. The resulting mixture is then the chemical to which these regulations apply. These commercial fluids always contain a concentration of PCB chemical substances well above the 0.05 percent level. Dielectric liquids in capacitors usually contain 99 percent PCB chemical substances, and the PCB coolant fluids in transformers range from 60 to 99 percent PCB chemical substances. Other commercial chemicals such as chlorinated solvents and polychlorinated terphenyls also contain PCB chemical substances as byproducts of the manufacture of these chemicals. Polychlorinated terphenyls are reported to contain from 0.5 to 5 percent PCB chemical substances,[1] and hexachlorobenzene may have a PCB chemical substance concentration of 0.4 percent or higher. As a consequence, the disposal of these chemicals would have to meet the conditions of this regulation. Another group of PCB mixtures are waste materials. This group includes chemical substances and mixtures that become contaminated with PCB chemical substances as a result of commercial uses of PCB chemical substances and PCB mixtures, incidental exposure to PCB chemical substances and PCB mixtures during commercial activities, and environmental exposure to PCB chemical substances and PCB mixtures as a result of accidents and spills. Examples of such waste material include contaminated solvents used in cleaning operations, contaminated dielectric liquids used as substitutes in PCB electrical articles previously containing PCB mixtures, contaminated machinery and equipment used in PCB activities, contaminated rags and clothing, and contaminated soils, gravel, or paving materials.

The level of 0.05 percent or 500 parts per million was selected because it draws a line between those commercial products which are generally called PCBs and used as such and other widely used commercial products which may contain PCBs produced as a side effect of the manufacturing process. Though these latter chemicals may eventually require regulation, their commercial uses and essentiality have not been adequately reviewed at this time. Accordingly they have been omitted from this regulation without prejudice to their possible regulation at some later date. Some parties believe that wastes with very low levels of PCBs may present risks and should be regulated as PCBs. However, present knowledge of the dimensions of the waste problem is fragmented. Many of the wastes of concern are not recognized primarily as PCB wastes, but rather as waste oils (contaminated with PCBs) or industrial sludges containing PCBs. Accordingly, at the present, wastes are being regulated on the same basis as commercial products. Comments on this approach are particularly invited.

Later this year, when additional regulations are proposed limiting the manufacturing, processing, and use of PCBs, it may be possible to distinguish more clearly when an item or material becomes a waste. Additionally, regulations being developed under the Resource Conservation and Recovery Act (RCRA), Pub. L. 94-580, will also refine waste materials. A possible consequence of these later regulations may be to lower the concentration of PCBs in the definition of waste materials. In the interim care must continue to be exercised in disposal of waste materials with lowed levels of PCB concentrations to avoid violating any water or air standards. Current water discharge standards for PCBs are very stringent ranging from zero discharge for capacitor and transformer manufacturing to one part per billion for other discharges.

Some mixtures that may contain more than 500 parts per million PCB chemical substances will not be affected by these regulations until their use is altered. For example, this regulation would not require that bottom sediments in rivers and harbors be removed from the watercourses. If they are removed for any reason such as dredging or excavation, the disposal of these sediments would have to meet the disposal provisions of this regulation. Similar considerations apply to contaminated soils.

In general, municipal sewage sludges seldom have contamination levels over 500 parts per million and, therefore, will not be affected by this regulation. Environmental management of these sludges is possible under a variety of Federal and State regulatory programs, and the effective integration of these programs is considered to be the most desirable approach to control this problem.

With regard to spills, more stringent requirements may be stipulated during a spill by spill-control personnel using other legislative and regulatory authority such as the Federal Water Pollution Control Act (Pub. L. 92-500) and the Safe Drinking Water Act (Pub. L. 93-523). Later regulations under TSCA or RCRA could also lower the concentrations limits that would be applicable to spills.

PERSONS AFFECTED BY THE REGULATION

The regulation applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs. Since persons include local, state, and Federal governments, the applicability is very broad.

Some of the most common commercial enterprises and activities that will be subject to the regulations are electric power utilities which operate PCB transformers and large capacitors, owners of buildings and industrial facilities that use PCB transformers and large capacitors, highway departments and industrial facilities that use special high intensity lighting systems, service shops that repair small appliances with PCB capacitors, service shops that repair and refill PCB transformers. Other categories of affected commercial enterprises include manufacturers that produce new electrical items containing PCBs and owners and

[1] USEP-OTS, "PCBs in the United States: Industrial Use and Environmental Distribution." Feb. 25, 1976, Versar, Inc.

operators of facilities used to store or dispose of waste PCBs.

USING THE REGULATION

PCBs have been widely used, and, as a consequence, are present in a wide variety of commercial products and waste materials. This regulation has developed a set of definitions to carefully define and categorize the most significant forms of PCBs. Since PCBs are a complex chemical and many of the articles and equipment in which they are used are also complex, the resulting definitions and regulatory requirements should be carefully examined. In addition, the disposal methods for PCBs, notably incineration and chemical waste landfills, are sophisticated processes that must be designed and operated in accordance with precise specifications to insure adequate environmental protection. For these reasons, the language used is somewhat complex. However, suggestions for improvements would be especially welcome.

The regulation contains three primary parts: Definitions, requirements for disposal and marking, and annexes which provide detailed specifications concerning required actions. Later sections of the preamble discuss some of the key provisions of the regulation.

Since electrical items use the majority of PCBs, all owners or operators of buildings or industrial facilities should examine their electrical systems. If transformers are present, manufacturer's literature, old markings, or other information may be available to assist in determining whether they contain PCBs. PCB transformers are often used in indoor applications or other situations where fire is a concern. A sample of the contents might be analyzed to determine the presence of PCBs. If there is a question about the contents, it would seem prudent to assume PCBs are present and to handle the transformer accordingly. Large high voltage capacitors are used mostly by electric utilities which will probably be aware of the presence of PCBs. However, large low voltage capacitors are often used in buildings and industrial operations for power factor corrections to conserve energy by providing more efficient use of power. Many commercial building owners or operators may not be aware of the presence of these capacitors unless they consult their electricians or electric utilities.

Outdoor area lighting systems such as those maintained by highway departments, public utilities, and industrial complexes may contain PCB capacitors. Public transit systems using electrically powered rolling stock often have PCB transformers and capacitors in use at fixed facilities as well as on the rolling stock.

Electrical service operations such as appliance repair will encounter small PCB capacitors in electrical equipment such as microwave ovens, air conditioners, and certain brands of television sets. Other service operations such as transformer repair shops will have transformers and containers of liquid PCBs. Containers of liquid PCBs may also be present at public utility or public transit facilities. Waste oil handlers may have oils contaminated with PCBs, and only a competent analytical procedure will verify the concentration of PCBs present.

If PCBs are present, the definitions of PCBs in the regulation should be examined to determine the appropriate PCB category. If the PCBs are in transformers or capacitors, then they are PCB articles. If they are in containers of PCB liquids they are probably defined as PCB mixtures. Pure PCB chemical substances are rarely found in commercial applications. Therefore, PCB mixtures usually become the working definition. If the PCBs are present in air conditioners, microwave ovens, or television sets, then these items will be categorized as PCB equipment.

Having determined the appropriate categorization, the disposal and marking requirements in Subpart B and C should be consulted to determine appropriate disposal or marking action. For example, the contents of a container of liquid PCB mixture must be incinerated as stated in § 761.10(b)(1) of Disposal Requirements; the container must be marked with a warning mark as stated in § 671.20(a)(3) of Marking Requirements; and the empty container must be disposed of as stated in § 761.10(e) of Disposal Requirements. Since a PCB transformer or capacitor is defined as a "PCB article," a person disposing of them would refer to § 761.10(c) "PCB Articles" of Disposal Requirements for appropriate instructions. Likewise, if a spill of PCB's occurs, § 761.10(f) Spills would be examined for instructions. When incineration is required under the Disposal Requirements, the incinerator will have to meet the technical requirements of Annex I, § 761.40. The owner or operator of an incinerator must be familiar with Annex I in detail and obtain all of the necessary approvals. To meet the marking requirements, the person responsible for the container would have to review Annex V, § 761.44 to determine the form and size of the marking. When he obtained the proper markings, he would apply them as directed under § 761.20, Marking Requirements, and not have to refer to Annex V until he needed to procure more markings. If storage is required during the disposal phase or if chemical waste landfills are used for disposal, then Annex III, § 761.42, and Annex II, § 761.41, respectively, would have to be examined for specific information on performing those actions. Annex IV, § 761.43, must be consulted if decontamination procedures are to be performed.

Annex VI, § 761.45, Records and Monitoring, is quite broad in its application, as it affects some persons with PCBs in service and all persons who own or operate storage or disposal facilities.

SPECIAL PRECAUTIONS FOR WORKERS

This regulation requires many handling and processing steps in the marking and disposal of PCBs which may result in exposure of workers to PCBs, particularly when leaking containers, electrical articles, or spills are encountered. Special precautions should be taken to avoid skin contact and ingestion of the PCB chemicals. Proper protective clothing and protective breathing devices are essential. Personal decontamination by actions such as hand washing and removal of contaminated clothing is necessary before eating or smoking.

ARTICLES, CONTAINERS, AND EQUIPMENT

Because of the wide commercial distribution of PCBs, it is necessary to include within these regulations other articles which may have come into contact with PCB chemicals and been contaminated by them. It is also necessary to include other articles of commerce that may not be contaminated but are in integral part of commercial activity involving PCBs.

"PCB article" includes any manufactured item other than PCB containers whose surfaces have been in direct contact with PCB chemical substances or PCB mixtures. The definition includes commercial products such as electrical capacitors and transformers that have liquid PCB chemical substances and PCB mixtures contained within the internal mechanisms as a functioning part of the electrical device. Other examples of PCB articles are piping, pumps, radiators, and other components of heat transfer systems and electric motors that use PCB chemical substances and PCB mixtures as an internal coolant.

"PCB container" means any package, can, bottle, bag, barrel, drum, tank, box, or other device used to contain PCB chemical substances, PCB mixtures, or leaking PCB articles. The definition includes devices that have PCB chemical substances or PCB mixtures in direct contact with the internal or external surfaces of the device but where the PCB chemical substances or mixtures are not performing any function by being in the device. The device simply contains PCB chemical substances or mixtures. This differs from a PCB article where the PCB chemical substances or PCB mixtures are essential to the proper functioning of the article. A separate definition for containers is necessary to facilitate the incorporation of specifications for container integrity, decontamination, and marking.

"PCB article container" means any package, can, bottle, bag, barrel, drum, tank, box or other device used to contain PCB articles. This includes containers used to package or protect PCB articles that are intact and not releasing PCB chemical substances or mixtures from the internal enclosure of the article. Thus, PCB article containers do not have PCB chemical substances or PCB mixtures on the surfaces of the container and, when the PCB article is removed from the PCB article container, the container no longer requires special marking, handling, or disposal. Buildings are not considered to be article containers.

"PCB equipment" means manufactured items, other than a PCB container or a PCB article container, that contain PCB articles. PCB equipment would contain PCB articles only because the articles were performing a function in the equipment. Examples of PCB equipment are television sets, microwave ovens, high intensity lights, and fluorescent light fixtures that use a PCB article such as a capacitor containing PCBs. The distinction between PCB equipment and PCB articles is necessary to adjust the marking and disposal requirements for PCB equipment and PCB articles in a manner that provides adequate control in the least burdensome manner.

The phrases "PCB" and "PCBs" mean one or more of the following: "PCB chemical substance", "PCB mixture", "PCB article", "PCB container," and "PCB equipment." This definition is included only to provide an abbreviated reference to the different forms of PCBs.

ELECTRICAL ARTICLES AND EQUIPMENT

Several categories of electrical capacitors are defined to facilitate the application of different requirements for different categories of capacitors for marking and disposal. Large capacitors contain three pounds or more of dielectric, and small capacitors contain less than three pounds. This breakpoint was selected because freestanding capacitors used in electrical distribution systems always contain three pounds or more, and capacitors with less than three pounds are usually found as a component within some other item of electrical equipment. The State of Michigan uses the same breakpoint in its definitions. The large capacitors are further broken down between low voltage (less than 2000 volts a.c.) and high voltage (2000 volts a.c. or greater). The high voltage capacitors are used almost exclusively within the electric utility industry as a power factor correcting device in electrical distribution systems. Therefore, any regulatory control for large high voltage capacitors involves principally the electric utility industry.

Large low voltage capacitors are used as power factor correcting capacitors within many large buildings and are often owned by the building owners. The only categorization of small capacitors is for HID capacitors, which are capacitors used in a high intensity discharge lighting fixture, such as along highways and in industrial lighting systems.

Fluorescent light ballasts which contain small capacitors are specialized items of electrical equipment used in fluorescent light fixtures. Almost all of these capacitors contain PCB chemical substances or PCB mixtures as a dielectric. Approximately ninety-five percent of the 800 million fluorescent light ballasts currently in service are used in commercial and industrial buildings including apartment buildings. The remaining five percent are in private residential units.

DEFINITION OF DISPOSAL

Disposal is defined very broadly to include any action that may be related to the ultimate disposition of a substance, article, or mixture. An accidental or intentional release of PCB chemical substances or mixtures to the environment, including spills, is considered to be an act of disposal. In almost all cases, this type of disposal action would not be in compliance with the methods proposed in the regulation. As noted above, a spill would be classified as improper disposal under this regulation. This does not preclude any actions that could be taken under the provisions of the Federal Water Pollution Control Act (Pub. L. 92–500) for spills.

DEFINITION OF TRANSPORT VEHICLE

Transport vehicles are considered to be motor vehicles or railcars used to transport cargo. If this cargo contains PCBs as defined in these regulations, then special marking requirements apply. However, the marking or labeling requirements apply only when PCBs are being carried on the transport vehicle as cargo. A PCB transformer used on an electric locomotive, for example, would not result in the locomotive being considered as a transport vehicle. The application of warning placards to trucks and railcars and the operation of self-powered vessels, barges, and aircraft carrying toxic materials is under the jurisdiction of the Department of Transportation (DOT). DOT is presently considering regulations covering the transport of various environmentally hazardous materials including PCBs. Therefore, the Agency does not believe that this regulation is the appropriate instrument to initiate a totally new kind of marking requirement within the transportation industry.

METHODS OF DISPOSAL

High temperature incineration is the primary disposal method for PCBs. This disposal method is the only technique that will result in the destruction of PCBs and prevent the eventual escape of the chemical to the environment. Properly operated chemical waste landfills may provide an element of security for the containment of PCBs for long periods of time, but the ultimate fate of PCBs using this disposal method is unknown.

EPA recognizes that in some cases accidental spills and other losses to the environment from incineration operations might release more PCBs than careful chemical waste landfill operations. The proposed approach also relies on improving the incineration of PCB articles, particularly capacitors. Nevertheless, EPA proposes to rely primarily on incineration for PCB disposal. The Agency especially invites comments on this issue.

Existing disposal practices are a combination of the two methods, with some liquid PCBs being destroyed by high temperature incineration and some PCB articles and PCB mixtures being disposed of in chemical waste landfills.[1] In addition, some liquid PCBs are also being sent to chemical waste landfills, particularly in California.[2] The remaining PCBs are either being sent to municipal solid waste disposal systems or are being disposed of in industry operated facilities that are analogous to municipal solid waste systems.[2]

All PCB chemical substances, PCB mixtures, PCB articles, and PCB containers are to be disposed of by high temperature incineration with the following exceptions:

(A) PCB transformers that have had the liquid PCB chemical substances and mixtures drained from them, in such a manner that no more than two percent of the original volume of dielectric liquid measured to the manufacturers recommended fill line remains in the transformer, may be disposed of in a chemical waste landfill. This exception is necessary because of the large size of electrical transformers that makes it impossible to fit the transformer into an incinerator unless a major demolition of the transformer is first undertaken. If the transformers are carefully drained, hazards related to this disposal method should be minimal. If the transformer is not drained sufficiently to meet the criterion, then the transformer must be either incinerated or stored under the provisions of the regulation until the transformer can be successfully drained.

(B) Until July 1, 1979, approved chemical waste landfills may be used for the disposal of non-liquid PCB mixtures in the form of contaminated soil, incineration residues, sludges, dredge spoil, rags, and other contaminated debris. Approved chemical waste landfills may also be used for the disposal of PCB articles such as PCB capacitors and other PCB articles (e.g., special electric motors and hydraulic systems). This period of use for chemical waste landfills should help provide an orderly transition of disposal practices as well as allowing time for the design and the construction of adequate incineration facilities. All of the chemical waste landfills used for PCB disposal will be required to meet the landfill requirements in this regulation and any applicable RCRA regulations when they are promulgated.

(C) Small PCB capacitors that are used in private housing units and are discarded by the occupants of these housing units are exempted from the regulation in view of the practical difficulties in attempting to channel these items to incineration facilities or chemical landfills. This means that the article can be placed into the normal trash collection system used by the occupants. Usually the refuse will then be deposited in either sanitary landfills or municipal incinerators. Minimal environmental risk should result from the small quantity of PCBs that would result from the random discarding of such items by private householders.

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[2] USEPA–OTS, "Microeconomic Impacts of the Proposed Marking and Disposal Regulations for PCBs," April 1977, Versar, Inc.

SPECIAL DISPOSAL PROBLEMS FOR WIDELY DISTRIBUTED ARTICLES

An extremely difficult regulatory problem is created by the fact that one-third of the PCBs in service (250 million pounds) are distributed widely across the country in large low voltage capacitors in buildings and large electrical equipment, in small capacitors for highway lighting, in small capacitors in appliances, and in small capacitors in fluorescent light ballasts. These PCBs are in 895 million individual capacitor units, of which 800 million units alone are in the fluorescent light ballast category.

An additional 290 million pounds of PCBs are in landfills and dumps, including 110 million pounds in capacitor and transformer production wastes, 100 million pounds in miscellaneous waste papers and plastics, and 80 million pounds in discarded electrical articles.

The current problems associated with PCBs arise from the 150 million pounds now present in the environment. Some proportion of the 290 million pounds in landfills and dumps could eventually be released to the environment. Similarly, if no controls are placed on the future disposal of large low voltage and small capacitors, some amount up to an additional 250 million pounds of PCBs could be added. Thus, up to 540 million pounds of PCB could potentially be released to the environment. The rate of release of these PCBs is unknown.

With respect to 250 million pounds of PCBs in service in capacitors, EPA faces a dilemma. On the one hand, the Agency believes that there would be an environmental risk if no control is exercised on these sources, in particular the disposal of large low voltage and small capacitors. On the other hand, the control problems are extremely difficult given the wide distribution of these PCB-containing articles in our society. Additionally, controls applied through a regulatory program would be difficult to enforce. Imaginative approaches are needed to channel these capacitors, when their useful life is finished, toward proper disposal facilities. A variety of options seem possible, ranging across a spectrum of regulatory and nonregulatory approaches.

For those capacitors handled by repair shops and commercial building maintenance service firms, environmentally sound disposal might be induced by an effective education and information program. Backed by some incentive stimulus, the education and information program could be jointly developed by trade organizations and the Agency.

One innovative example of Federal stimulus could be the establishment of a "bounty" program whereby a payment could be provided for capacitors brought to special collection points. Such a program would probably require legislative authority as well as a careful study to determine potential effectiveness.

For capacitors within private homes, a strong education and information program is also a necessity. However, for these capacitors, as well as for the other small units, an effective system of collection and transfer points must be set up to assure completion of the trip from the original location of the capacitor to an approved disposal site.

If strong regulation is required, several regulatory options can be considered. By way of example, four options applicable to fluorescent light ballasts were reviewed.

One option was to require high temperature incineration for ballasts from "large" buildings defined by the square footage of the building. The option was not selected because a clear breakpoint between large and small buildings was not apparent. A series of small buildings under the control of a single management organization could establish a collection and disposal program as readily as one could be established based on building size, but a clear rationale on the appropriate size of a management organization was not apparent.

Building demolition contractors are another source of ballasts, and a second option to place controls on these contractors was also considered. This option was not adopted because of the need to categorize large and small contractors and the expected difficulty in successfully removing fixtures prior to demolition.

A third option was to require all ballasts to go to high temperature incineration except for those used in private residences. This option would reduce any confusion on applicability and would account for a substantial quantity of PCBs. However, effective enforcement would be difficult since approximately 1,000,000 persons would be affected by the requirement.

A fourth option is to exempt ballasts from any special disposal requirements, but include in the regulation a note which encourages persons to collect and dispose of ballasts in chemical waste landfills or high temperature incinerators. This option was adopted for the proposed regulation.

In summary, the proposed regulation proposes to regulate most capacitors other than fluorescent light ballasts. However, the Agency has some reservations about the practicality and enforceability of its regulatory proposals for large low voltage and small capacitors. The Agency therefore especially solicits comments on these proposals and on alternatives that could help to deal effectively with the problem of wide distribution of PCB-containing capacitors and lead toward effective control of the risks associated with capacitor disposal.

STANDARDS FOR INCINERATION OF PCB'S

Proper incineration of PSBs involves a suitable balance among combustion temperatures in the incinerator, dwell time of the waste materials and combustion products in the firing chamber, and oxygen exposure. Investigations into incineration requirements by industry and government representatives under the auspices of the American National Standards Institute (ANSI) [1] resulted in ANSI recommendations for the incineration of liquid PCB chemical substances and mixtures. These recommendations have been adopted in this regulation.

Since hydrochloric acid mist is formed in the combustion process, suitable measures must be taken to adequately remove the acid from the exhaust gases. If a water scrubber is used, its effluent may contain low levels of PCBs and can be treated using available carbon adsorption technology.

Since June 1971, the Monsanto Company has operated a liquid injection incinerator to dispose of liquid waste and contaminated PCBs. This experience tends to reinforce the soundness of the approach proposed in this regulation.

The incineration of solid forms of PCBs is currently being undertaken by EPA programs and includes the incineration of PCB capacitors and PCB equipment using both a crushing operation prior to incineration and incineration of intact articles. Early results clearly indicate the feasibility of the technique, including effective destruction. The technologies involved are well demonstrated, and the principal task is adapting them to a new use. In addition, the Agency believes that, in response to this regulation, industry will continue to push technical progress in the direction necessary for proper environmental protection. Solid residues from the incineration of PCB solids may contain residual quantities of PCBs that can range from very low levels up to several hundred parts per million. However, the EPA has not determined what disposal requirements (if any) for these residues should be established in order to provide adequate environmental protection. Public comment is especially invited on this matter.

To provide an approval process for liquid and solid waste PCB incinerators, the EPA Regional Administrator will be required to authorize an initial monitoring and review of a trial burn at the incinerator to include the sampling and analyses of at least eight basic air emission parameters. Other parameters may be required by the Regional Administrator if, in his judgment, they are needed to adequately evaluate any incinerator proposed for the incineration of PCBs.

Also, in the review and approval process for PCB incinerators, requirements may be issued by the Regional Administrator for the periodic monitoring of any parameters on a frequency that he believes appropriate. A waste feed system will have to be employed that is capable of automatically terminating the flow of waste into the combustion system in the event that the combustion temperature or excess oxygen levels are reduced below the minimum level specified in the requirements or in the EPA facility approval. Shut down will also be required whenever malfunctions occur in continuous monitoring equipment for measuring CO_2, CO and waste feed rate.

Guidance on sampling and analytical procedures will be available at the EPA Regional Offices and at EPA Headquarters in Washington, D.C. The avail-

[1] ANSI. "American National Standard Guidelines for Handling and Disposal of Capacitor- and Transformer-Grade Askarels Containing Biphenyls," ANSI-C107.1-1974.

ability and locations of guidance documents will be announced in the FEDERAL REGISTER. The technology for incinerator emission monitoring is highly complex and in a continuing state of development. However, since the number of facilities potentially eligible to qualify as incinerators for PCBs is small, the Agency will be able to render technical advice on sampling and analytical procedures to the owners or operators of these facilities on an individual basis.

STANDARDS FOR CHEMICAL WASTE LANDFILLS

The requirements proposed in this regulation for the design and operation of a chemical waste landfill are derived chiefly from the guidelines set forth by the Texas Water Quality Board (TWQB). Considering the successful performance and the degree of specificity in the TWQB guidelines, the guidelines were considered to be an acceptable basis on which to build the requirements in this regulation. The requirements will facilitate site approvals by EPA Regional Administrators and also provide a specific basis for insuring compliance.

The Agency considered the alternative of referencing the regulations that are to be developed under RCRA. However, the time period between the promulgation of this regulation and the later date when the promulgation of the RCRA regulations are expected would allow an unacceptable gap in adequate PCB disposal and lead to considerable uncertainty concerning action for which preparations must be initiated now.

In determining the integrity of chemical waste landfills from the history of those in operation, compliance with strict design criteria and the implementation of a comprehensive leachate monitoring program have been found to be the key items. In California, Illinois, New York, and Texas, facilities approved by the States are located in such secure geologic areas that they do not overlie any usable groundwater, thus guaranteeing maximum environmental protection of groundwater. The leachate collection systems which have been designed as part of these facilities provide a means for capturing any harmful constituents that may eventually migrate to the bottom of the chemical waste landfill. The leachate is pumped back to the surface for treatment in order to provide maximum environmental protection.

Testing of water samples collected from monitoring wells and leachate collection systems is necessary to determine any failures in landfills. The presence of PCBs and chlorinated organics is to be determined; such presence would represent the most acute type of failure that could occur. Specific conductance and pH are indicator parameters than can provide early warning about the migration of polluted or contaminated waters from the landfill site. These tests must be conducted by the owner or operator.

STORING PCBS PRIOR TO DISPOSAL

Most waste PCBs are expected to be stored prior to disposal. The storage may take place at the site where the waste PCBs are generated, a remote site operated by the waste PCB generator, a remote site operated by a transporter or a waste handler, or at a site operated by an incinerator or chemical waste landfill owner or operator. The storage facilities may be used as an accumulation or distribution point for transportation or as a longer term storage facility. Recognizing the need for adequate time to construct or approve new disposal facilities, an initial period of five years will be allowed for storage before disposal must be carried out. Thereafter, any item must be disposed of within one year from the time it is designated for disposal.

Long-term storage raises concerns about deterioration of PCB articles and PCB containers as a result of weather as well as age. Therefore, requirements for storing PCBs are designed to prevent rainwater from reaching the stored items. Container specifications incorporated appropriate Department of Transportation (DOT) specifications. In addition, containers and articles are to be checked at least monthly for leaks, and leaking containers or articles are to be transferred immediately to nonleaking containers meeting the required specifications. Incoming PCB articles and containers are to be dated when they arrive at the storage facility to help insure prompt disposal.

Continuous curbing is required to provide secondary containment of any spilled liquids. The secondary containment approach draws on experience with the Oil Spill Prevention regulations developed by EPA (40 CFR Part 112), but the requirement for PCBs is more rigorous because of the potential environmental impact of PCBs. Additional requirements are provided to insure that no drains, valves, or other devices exist that could circumvent the effectiveness of the containment curbing. The floor and curbing is to be constructed of smooth and impervious Portland cement to minimize the penetration of PCBs into the floor. Insufficient information is available on other floor surfaces that would provide comparable protection to concrete.

Some PCB waste generators will accumulate only small capacitors. If the volume of waste capacitors can be contained within two 55 gallon drums, then minimum storage requiremetns are considered to be adequate. These minimum requirements consist of using sound, non-leaking drums and storing the drums inside a building. There is little likelihood that the small capacitors will represent a spill threat, and the inside storage will minimize any deterioration from the weather.

If PCBs are spilled in the storage area, it may be possible to contaminate areas outside the storage area by tracking PCBs from the tires of movable equipment such as forklift trucks, unless the surfaces contacted with PCBs are decontaminated. Cleanup methods are not specified in the regulation. However, in general, wiping the affected surfaces with rags or swabs containing a solvent such as kerosene and then disposing of the contaminated rags or swabs as PCB mixtures should be adequate.

DECONTAMINATION PROCEDURES

Decontamination of selected PCB articles and containers may be desirable in order to reuse valuable containers or to reclaim recoverable metals from scrapped articles. The containers specified in the storage requirements are high quality containers that may have a useful life either for containing additional PCB waste or other commodities. Another type of high value container would be railroad tank cars or highway tank trucks used for transporting liquid PCB chemical substances or mixtures. The decontamination procedures described in the regulation for these items are based on techniques successfully used for decontaminating pesticide containers.

PCB transformers appear to be the only PCB articles with a potential salvage value. The internal electrical windings of some transformers, being copper, might be reclaimed if the internal surfaces of the transformer are adequately decontaminated to prevent secondary pollution problems from the PCBs. However, due to limited information on successful decontamination techniques for transformers, no decontamination procedure is specified in the regulation.

REQUIRED MARKINGS

The required markings are designed to contain enough information to alert someone to the presence of PCBs, provide a reference concerning disposal of the PCBs, and provide a reporting point in the event of an accident or spill. Markings must be durable enough to remain easily readable throughout the life of the article or container to which they are affixed. This requirement will probably require that some markings be made of metal and be painted. If technology does not exist for a marking which will survive for thirty or forty years, which is the useful life of many transformers, then the responsible person will be required to replace the markings from time to time.

Items which are newly manufactured or in the manufacturer's inventory and not yet distributed in commerce are required to be marked within six months. PCB containers already in use must be marked within a six-month period in view of the special risks associated with liquid PCBs.

Electric motors using PCBs as a coolant (found primarily in electrically operated mining machinery), pump fittings and lines used in hydraulic systems using PCBs as hydraulic fluids, and pumps, fittings, pipes, and other appurtenances in heat transfer systems using PCBs as a coolant, discharge some PCBs through rotating shaft seals, pump seals, and pipe fittings. These items must also

be marked within six months to provide a timely warning of possible hazards.

Because of the large number of potential transporters and the need to adequately inform them of the regulation, a nine-month period is provided for placing the large markings on transport vehicles, such as trucks and railcars.

Marking of large low voltage capacitors and high intensity discharge capacitors containing PCBs must be initiated within nine months, but the marking is required only when a servicing operation is taking place which would enable the servicing person to have ready access to the capacitor. Ready access occurs during a servicing operation, independent of the placement of the marking, and as a consequence, the servicing person can perform the marking operation without removing other accessories or articles.

Because of the large number of transformers (140,000) and large high voltage capacitors (6 million) in existence, and their geographical dispersion, the Agency is providing a twelve-month time period for marking these items. The large, high voltage capacitors have special marking requirements because of their locations. When these capacitors are located in electric substations or power generating stations, large banks of capacitors are often used. Placing a marking directly on the capacitor would require shutting off the electrical service in order to avoid hazards to workers. In normal operation, these capacitors are not deenergized for several years unless some emergency occurs. Thus, a marking approach has been proposed which would provide for the placement of a marking on the structure holding the capacitors. For each structure, a record of the location of the capacitors with PCBs would be kept with that particular structure. The vast majority of these capacitors currently use PCBs as a dielectric, but the recordkeeping function will become more important as non-PCB high voltage capacitors are put into service in the future. In order to reduce this special recordkeeping requirement, the option of placing the markings on all of the capacitors on the structure is available. A similar choice is also applicable to power poles containing PCB capacitors so that servicing personnel could place the mark on the pole at eye level, rather than climb the pole to place it or determine which capacitors contain PCBs. Thus, the marking could be read without unnecessary hazard to servicing personnel.

The requirement for marking within six months all unmarked items as they are removed from service or having the item placed immediately into a proper container that is marked should have a minimum impact on industry. Each item will be handled individually during the servicing or removal operation and the placing of a marking on the item should require little additional effort.

REQUIRED RECORDKEEPING AND REPORTS

The regulation contains requirements for recordkeeping for selected PCBs that are projected for eventual disposal. Recordkeeping is also required for owners and operators of facilities used for the disposal and storage of waste PCBs. These reporting and recordkeeping requirements will assist the Agency in determining compliance with the regulation and should also assist owners and operators in maintaining effective inventory control and insuring timely disposal. Public comment on both the impact and usefulness of these recordkeeping requirements are especially invited.

The owners or operators are required to prepare annually documents that summarize key operations in sufficient detail to indicate when specific containers were received, transferred, or disposed of. The weight of containers and transformer contents are required to be recorded in order to assist in performing a mass balance of facility operations.

Operating and monitoring data for incinerators are required to be maintained to facilitate a later review of the adequacy of the destruction process. Chemical waste landfills will retain operating data on burial coordinates and analytical results from test wells and leachate collection systems.

Documents are also to be retained on the various facility approval actions required by the regulation as well as any State or local approval actions. While the document retention requirements are fairly broad in order to insure adequate information is retained, it is not the intent of the regulation to require the retention of obviously trivial information.

Mandatory submission of the annual summaries or other reports is not considered appropriate at this time but it could be required in any approvals granted by Regional Administrators.

SUMMARY OF ECONOMIC CONSEQUENCES

The major economic impact of the proposed regulations will apply to the owners and users of currently operating PCB capacitors and transformers. These persons will be affected by increased costs due to the special marking, disposal, and recordkeeping that will be required. The capital costs associated with compliance are expected to total $9.1 million ($5 million for new incineration capacity, $0.1 million for marking, and $4 million for storage facilities). Annual operating costs are expected to total $58.3 million in 1978 ($5 million for chemical waste landfill charges, $8 million for disposal transportation, $8 million for recordkeeping, $33.3 million for marking, and $4 million for maintaining storage facilities). Total annual operating costs are likely to be approximately $61 million. However, the mix of costs will change after 1978 to $1 million for chemical waste landfill charges, $39 million for incineration charges, $8 million for disposal transportation, $4 million for recordkeeping, $5 million for marking, and $4 million for storage.

The regulations should result in an increase in small business opportunities and employment due to the development of collection and storage services to reduce storage and transportation charges from numerous small generators of PCB wastes.

This notice of proposed Rulemaking is issued under authority of section 6(e) of the Toxic Substances Control Act, 15 U.S.C. section 2605(e).

Dated: May 17, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to establish a new 40 CFR Part 761 to read as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs)

Subpart A—General

Sec.
761.1 Applicability.
761.2 Definitions.

Subpart B—Disposal of PCBs

761.10 Disposal requirements.

Subpart C—Marking of PCBs

761.20 Marking requirements.

Subpart D—[Reserved]

Subpart E—List of Annexes

ANNEX No. I

761.40 Incineration.

ANNEX No. II

761.41 Chemical waste landfills.

ANNEX No. III

761.42 Storage for disposal.

ANNEX No. IV

761.43 Decontamination.

ANNEX No. V

761.44 Marking formats.

ANNEX No. VI

761.45 Records and monitoring.

AUTHORITY: Sec. 6(e), Toxic Substances Control Act, 15 U.S.C. 2605(e).

Subpart A—General

§ 761.1 Applicability.

(a) This subpart establishes procedures, methods, and other requirements for the disposal, storage, and marking of polychlorinated biphenyls (PCBs).

(b) This subpart applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs, including mixtures and manufactured items which contain PCBs.

(c) The basic requirements of these regulations are set forth in Subpart B—Disposal of PCBs and Subpart C—Marking of PCBs. Subpart E elaborates the requirements which are referred to in the disposal and marking sections. Definitions of words used in all of these sections are found in Subpart A. In particular, § 761.2(p)-(v) of Subpart A define "PCBs" covered by these regulations.

(d) Section 15 of the Toxic Substances Control Act (TSCA) states that failure to comply with these regulations is unlawful. Section 16 imposes liability for civil penalties upon any person who violates these regulations. Section 16 also subjects a person to criminal prosecution for a violation which is knowing or willful.

§ 761.2 **Definitions.**

For the purpose of this part:

(a) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

(b) "Agency" means the United States Environmental Protection Agency.

(c) "Capacitor" means a device for accumulating and holding a charge of electricity, consisting of conducting surfaces separated by a dielectric. Types of capacitors are as follows:

(1) "Small Capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric, except for a capacitor which is defined as an "HID Capacitor."

(2) "HID Capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric and which is used as part of the ballast of a high intensity discharge lighting fixture (e.g., sodium vapor and mercury vapor arc lights).

(3) "Large High Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric and which operates at 2000 volts a.c. or above.

(4) "Large Low Voltage Capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric and which operates below 2000 volts a.c.

(d) (1) Except as provided in subparagraph (2) of this paragraph, the term "Chemical Substance" means any organic or inorganic substance of a particular molecular identity, including:

(i) Any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and

(ii) Any element or uncombined radical.

(2) Such term does not include:

(i) Any mixture,

(ii) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,

(iii) Tobacco or any tobacco product,

(iv) Any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act),

(v) Any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provisions of such Code), and

(vi) Any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

(e) "Chemical Waste Landfill" means a landfill at which protection is provided from PCBs deposited therein against risk of injury to health or the environment by locating, engineering, and operating such landfill so as to prevent migration of PCBs to land, water, or the atmosphere.

(f) "Commerce" means trade, traffic, transportation, or other commerce

(1) Between a place in a State and any place outside of such State, or

(2) Which affects trade, traffic, transportation, or commerce described in subparagraph (1) of this paragraph.

(g) "Disposal" means to intentionally or accidentally discard, throw away, or otherwise complete or terminate the useful life of an object or substance. Disposal includes actions related to containing, transporting, destroying, degrading, decontaminating, or confining those substances, mixtures, or articles that are being disposed.

(h) "Distribute in Commerce" and "Distribution in Commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture means to sell or to transfer the ownership of the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(i) "Fluorescent Light Ballast" means a device which electrically controls fluorescent light fixtures and which includes a capacitor containing 0.1 kg or less of dielectric.

(j) "Incinerator" means any installation operated for the incineration of chemical substances, mixtures, or articles.

(k) "Manufacture" means to produce, manufacture, or import into the customs territory of the United States.

(l) "Mark" means the descriptive name, instructions, cautions, or other information applied to chemical substances, mixtures, articles, containers, equipment, or other objects or activities described in these regulations.

(m) "Marked" means the permanent application of a legible mark by painting, fixation of an adhesive label, or other method.

(n) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction. Such term does include

(1) Any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(2) Any combination of chemical substances which is the result of solution or hydration; and

(3) Any combination which occurs as a consequence of a reaction which may take place if a chemical substance which functions as a stabilizer, colorant, antioxidant, filler, solvent, carrier, surfactant, or plasticizer is added to another chemical substance and performs as intended.

(o) "Municipal Solid Wastes" means garbage, refuse, sludges, wastes, and other discarded materials resulting from residential and non-industrial operations and activities.

(p) "PCB" and "PCBs" mean one or more of the following: "PCB Chemical Substance", "PCB Mixture", "PCB Article", "PCB Equipment", and "PCB Container."

(q) "PCB Article" means any manufactured item, other than a PCB container, whose surface(s) has been in direct contact with a PCB chemical substance or a PCB mixture, and includes capacitors, transformers, electric motors, pumps, and pipes.

(r) "PCB Article Container" means any package, can, bottle, bag, barrel, drum, tank or other device used to contain PCB articles or PCB equipment, and whose surface(s) has not been in direct contact with a PCB chemical substance or PCB mixture.

(s) "PCB Chemical Substance" means any chemical substance which is limited to the biphenyl molecule which has been chlorinated to varying degrees, and includes substances such as Arochlors.

(t) "PCB Container" means any package, can, bottle, bag, barrel, drum, tank, or other device used to contain a PCB chemical substance, PCB mixture, or PCB article, and whose surface(s) has been in direct contact with a PCB chemical substance or PCB mixture.

(u) "PCB Equipment" means any manufactured item, other than a PCB container or a PCB article container, which contains a PCB article or other PCB equipment, and includes microwave ovens, television sets, and fluorescent light ballasts and fixtures.

(v) "PCB Mixture" means any mixture, except municipal sewage treatment sludge, which contains 0.05 percent (on a dry weight basis) or greater of a PCB chemical substance, and includes dielectrics, contaminated solvents and oils, rags, soil, paints, and debris.

(w) "Person" means any natural or juridical person including any individual, corporation, partnership, or association, any State or political subdivision thereof, any interstate body and any department, agency, or instrumentality of the Federal government.

(x) "Process" means the preparation or use of a chemical substance or mixture, after its manufacture, for distribution in commence:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(2) As part of an article containing the chemical substance or mixture.

(y) "Municipal Sewage Treatment Sludge" means the solid residue result-

ing from the treatment of municipal sewage.

(z) "Storage for Disposal" means temporary storage of PCBs that have been designated for disposal.

(aa) "Transport Vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (e.g., trailer, railroad freight car) is a separate transport vehicle.

Subpart B—Disposal of PCBs

§ 761.10 Disposal requirements.

NOTE.—These regulations do not require removal of PCBs from service and disposal earlier than would normally be the case. However, when PCBs are removed from service and disposed of, disposal must be undertaken in accordance with these regulations. Future regulations will be directed to the manufacture, processing, distribution in commerce, and use of PCBs and may result in some cases in disposal at an earlier date than would otherwise occur.

(a) *PCB chemical substances.* (1) A PCB chemical substance shall be disposed of in an incinerator which complies with Annex I.

(2) When storage is desired prior to disposal, a PCB chemical substance shall be stored in a facility which complies with Annex III.

(b) *PCB mixtures.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, a PCB mixture shall be disposed of in an incinerator which complies with Annex I.

(2) A non-liquid PCB mixture in the form of contaminated soil, sludge, dredge spoil, rags, or other debris shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) Until July 1, 1979, in a chemical waste landfill which complies with Annex II.

(3) When storage is desired prior to disposal, a PCB mixture shall be stored in a facility which complies with Annex III.

(c) *PCB Articles*—(1) *PCB Transformers.* A PCB transformer shall be disposed of in accordance with either of the following:

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II: *Provided,* The transformer is first drained, and flushed internally if necessary, so that no more than two percent of the dielectric liquid volume measured to the fill line remains. PCB chemical substances and PCB mixtures which are removed shall be disposed of in accordance with paragraphs (a) and (b) of this section.

(2) *PCB Capacitors.* (i) The disposal of any capacitor normally used in alternating current circuits shall comply with all requirements of this subpart unless it is known from label information, manufacturer's literature, or chemical analysis that the capacitor does not contain PCB chemical substances of PCB mixtures.

(ii) Any occupant of a private housing unit may dispose of any small PCB capacitors used in the housing unit as municipal solid waste.

(iii) Any other PCB capacitor which is separate from any PCB equipment shall be disposed of in accordance with either of the following:

(*a*) Disposal in an incinerator which complies with Annex I.

(*b*) Until July 1, 1979, disposal in a chemical waste landfill which complies with Annex II.

(3) *Other PCB Articles.* Any other PCB articles shall be disposed of in an incinerator which complies with Annex I.

(4) Storage of PCB articles—except for a PCB article described in subparagraph (2)(i) of this paragraph, prior to disposal any PCB article shall be stored in a facility which complies with Annex III.

(d) *PCB Equipment.* (1) Except as provided in subparagraph (2) of this paragraph, PCB equipment shall be disposed of

(i) in an incinerator which complies with Annex I.

(ii) in a chemical waste landfill which complies with Annex II, or

(iii) as municipal solid waste.

(2) Whenever PCB equipment is serviced in a manner which provides direct access to a PCB article such as a capacitor and a decision is made to dispose of the PCB equipment, the PCB article shall be removed from the equipment and disposed of in accordance with paragraph (c) of this section.

NOTE.—Fluorescent light ballasts contain approximately ten (10) percent of all PCBs currently in use and are widely used in commercial and residential buildings. Building owners and operators are urged to establish collection systems for these PCB items and direct the items to incineration facilities or chemical waste landfills that meet the requirements of these regulations.

(e) *PCB Containers.* (1) Unless decontaminated in accordance with Annex IV, a PCB container shall be disposed of

(i) In an incinerator which complies with Annex I, or

(ii) In a chemical waste landfill which complies with Annex II: *Provided,* That the PCB container shall first be drained, and flushed internally if necessary, so that remaining PCB chemical substances and PCB mixtures constitute no more than 0.5 percent of the total volume of the container.

(2) Prior to disposal, a PCB container shall be stored in a facility which complies with Annex III.

(f) *Spills.* (1) Spills and other uncontrolled discharges of PCB chemical substances or PCB mixtures constitute the disposal of PCB chemical substances or PCB mixtures and must comply with this section.

(2) PCB chemical substances and PCB mixtures resulting from spill incidents shall be stored and disposed of in accordance with paragraphs (a) and (b), respectively of this section.

(3) This subsection does not exempt owners or operators responsible for a spill from any actions or liability under other statutory authorities, including section 311 of the Federal Water Pollution Control Act (Pub. L. 92-500) and the Resource Conservation and Recovery Act (94-580).

(g) Municipal solid wastes containing PCBs shall be disposed of as provided in applicable Federal, State, or local laws, regulations, and policies.

(h) A municipal sewage treatment sludge which contains 0.05 percent (on a dry weight basis) or greater PCB chemical substances shall be disposed of:

(1) In an incinerator which complies with Annex I, or

(2) Until July 1, 1979, in a chemical waste landfill which complies with Annex II.

Subpart C—Marking of PCBs

§ 761.20 Marking requirements.

(a) The following marking requirements shall apply:

(1) Each PCB article manufactured after January 1, 1978, shall be marked at the time of manufacture with mark M_L as described in Annex V—Sec. 761.44 (a).

(2) Each item of PCB equipment manufactured after January 1, 1978, shall be marked at the time of manufacture with mark M_L.

(3) Each PCB container, whether new or existing, shall be marked by January 1, 1978, with mark M_L.

(4) Each PCB article, except small PCB capacitors, contained in PCB equipment in inventory after January 1, 1978, shall be marked before it is distributed in commerce with mark M_L.

(5) Each PCB article container used to contain a PCB article that shall be marked under the provisions of (1) or (4) above shall be marked by January 1, 1978, with mark M_L.

(6) Each storage area used to store PCBs for disposal shall be marked by January 1, 1978, with mark M_L.

(7) Each PCB article when removed from use after January 1, 1978, shall at the time of removal either be marked with mark M_L or be placed in a PCB container marked with mark M_L, except for PCBs disposed of as municipal solid waste as provided in Sections 716.10 (c)(2), 761.10(d)(1)(c), and 761.10(g).

8. Each of the following PCB articles using PCB chemical substances or PCB mixtures as internal fluids shall be marked by January 1, 1978, with mark M_L:

(A) Electric motors using PCB coolants.

(B) Hydraulic machinery using PCB hydraulic fluid.

(C) Heat transfer systems (other than transformers) using PCB fluids.

(b) In additional to the requirements of paragraph (a) of this section, the following marking requirements shall apply:

(1) Effective March 31, 1978, each transport vehicle loaded with PCB containers with more than 45 kg of PCB chemical substances or PCB mixtures in the liquid phase or with one or more PCB transformers shall be marked with mark M_L.

(2) Each PCB large low voltage capacitor and each PCB HID capacitor that is in use after March 31, 1978, shall be marked with mark M_L as soon after the date as the capacitor is available for marking because of other servicing of the equipment. A capacitor is available for marking when other servicing operations provide the servicing person direct access to the capacitor.

(c) In addition to the requirements of paragraphs (a) and (b) of this section, the following marketing requirements shall apply:

(1) Each PCB transformer shall be marketed by July 1, 1978, with mark M_L.

(2) Each PCB large high voltage capacitor shall be identified by July 1, 1978, by at least one of the following methods:

(A) Each individual capacitor is to be marked with mark M_L, or

(B) If one or more PCB large high voltage capacitors are installed in a protected location as on a power pole or structure or behind a fence, the pole, structure, or fence is to be marked with mark M_L and a record or procedure identifying the PCB capacitors is to be maintained by the owner or operator at the protected location.

(d) Where mark M_L is specified but the PCB article or PCB equipment is too small to accommodate the smallest permissible size of mark M_L, mark M_S, as described in Annex V—Sec. 761.44(b), may be used instead of Mark M_L.

Subpart D—[Reserved]

Subpart E—List of Annexes

Annex I

§ 761.40 Incineration.

(a) *Liquid PCBs.* An incinerator used for incinerating PCB chemical substances or liquid PCB mixtures shall be approved by the Agency Regional Administrator pursuant to paragraph (d) of this section. Such incinerator shall meet all of the requirements specified in subparagraph (1) through (9) of this paragraph, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(1) Combustion criteria shall be either of the following:

(i) Maintenance of the introduced liquids for a 2-second dwell time at 1200°C (±100°C) and 3 percent excess oxygen in the stack gas, or

(ii) Maintenance of the introduced liquids for a 1½ dwell time at 1600°C (±100°C) and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99 percent computed as follows:

$$\text{Combustion efficiency} = \frac{C_{CO_2} - C_{CO}}{C_{CO_2}} \times 100.$$

where

C_{CO_2} = concentration of carbon dioxide.
C_{CO} = concentration of carbon monoxide.

(3) The rate and quantity of PCBs which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in subparagraph (1) of this paragraph.

(6) Monitoring of stack emission products shall be conducted:

(i) When an incinerator is first used for the disposal of PCBs under the provisions of this regulation, and

(ii) When an incinerator is first used for the disposal of PCBs after the incinerator has been modified in a manner which may affect the characteristics of the stack emission products.

(iii) At a minimum such monitoring shall be conducted for the following parameters: (*a*) O_2; (*b*) CO; (*c*) CO_2; (*d*) Oxides of Nitrogen (NO_x); (*e*) Hydrochloric Acid (HCl); (*f*) Total Chlorinated Organic Content (RCl); (*g*) PCB Chemical Substances; (*h*) Total Particulate Matter.

(7) At a minimum, continuous monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs: (i) O_2; (ii) CO_2; (iii) CO_2.

(8) Incinerator operations shall be immediately suspended when any one or more of the following conditions occur:

(i) Failure of monitoring operations specified in subparagraph (7) of this paragraph,

(ii) Failure of the PCB rate and quantity measuring and recording equipment specified in subparagraph (3) of this paragraph, or

(iii) Combustion temperature, dwell time, or excess oxygen fall below those specified in subparagraph (1) of this paragraph.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the Regional Administrator. Scrubber effluent shall comply with applicable water quality standards, EPA Water Quality Criteria, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator.

(b) *Non-liquid PCBs.* An incinerator used for incinerating non-liquid PCB mixtures, PCB articles, PCB equipment, or PCB containers shall be approved by the Agency Regional Administrator pursuant to paragraph (d) of this section. Such incinerator shall meet all of the requirements specified in subparagraphs (1) through (3) of this paragraph, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB chemical substances/Kg of PCB chemical substance introduced into the incinerator.

(2) Such incinerator shall comply with the provisions of §§ 761.40(a) (2), (3), (4), (6), (7), (8) (i) and (ii) and (9).

(3) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature falls below the temperatures specified in any approvals issued by the Regional Administrator pursuant to paragraph (d) of this section. Incinerator operations shall stop immediately whenever the excess oxygen measurements fall below those specified in any approvals issued by the Regional Administrator pursuant to paragraph (d) of this section.

(c) *Maintenance of data and records.* All data and records required by this section shall be maintained in accordance with Annex VI—§ 761.45, Records and Monitoring.

(d) *Approval of incinerators.* Prior to the incineration of PCBs, the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator of the Region in which the incinerator is located. Such approval shall be obtained in the following manner:

(1) *Initial report.* The owner or operator shall submit to the Regional Administrator an initial report which contains:

(i) The location of the incinerator.

(ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator.

(iii) Engineering reports or other information on the anticipated performance of the incinerator.

(iv) Sampling and monitoring equipment and facilities available.

(v) Waste volumes expected to be incinerated.

(vi) Any local, State, or Federal permits or approvals.

(vii) Schedules and plans for complying with the approved requirements of this regulation.

(2) *Trial burn.* (i) Following receipt of the report described in subparagraph (1) of this paragraph, the Regional Administrator shall notify the person who submitted the report whether a trial burn of PCBs must be conducted. The Regional Administrator may require the person who submitted the report described in subparagraph (1) of this paragraph to submit such other information as the Regional Administrator finds to be reasonably necessary to determine the need for a trial burn.

(ii) If the Regional Administrator determines that a trial burn must be held,

the person who submitted the report described in subparagraph (1) of this paragraph shall submit to the Regional Administrator a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

(a) Date trial burn is to be conducted.

(b) Quantity and type of PCBs to be incinerated.

(c) Parameters to be monitored and location of sampling points.

(d) Sampling frequency and methods and schedules for sample analyses.

(e) Name, address, and qualifications of persons who will review analytical results and other pertinent data and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in subdivision (ii) of this subparagraph, the Regional Administrator will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator will notify the person who submitted the plan of such disapproval, together with the reasons why it was disapproved. That person may thereafter submit a new plan in accordance with subdivision (ii) of this subparagraph. If the plan is approved (with any additions or modifications which the Regional Administrator may prescribe), the Regional Administrator will notify the person who submitted the plan of such approval. Thereafter the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in subparagraphs (1) and (2) of this paragraph, the Regional Administrator may require the owner or operator to submit such other information as the Regional Administrator finds to be reasonably necessary to determine whether an incinerator shall be approved.

NOTE.—The Regional Administrator will have available for review and inspection an Agency manual containing information or sampling methods and analytical procedures for the parameters required in § 761.40(a)(3), (4), (6), and (7) plus any other paramaters he may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in this Annex.

(4) *Contents of Approval.* (i) Except as provided in subparagraph (5) of this paragraph, the Regional Administrator may not approve an incinerator for the disposal of PCBs unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section, whichever is applicable.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator may include in an approval such other requirements as the Regional Administrator finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that any such requirements are not necessary to protect against such risk and may waive such requirements in any approval for that incinerator. Any such finding and waiver must be stated in writing and included as part of the approval.

(6) *Persons Approved.* An approval will designate the persons who own and who are authorized to operate the incinerator, and will apply only to such persons.

(7) *Final Approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator. The approval will state all requirements applicable to that incinerator.

ANNEX II

§ 761.41 Chemical waste landfills.

(a) *General.* A chemical waste landfill used for the disposal of PCBs shall be approved by the Agency Regional Administrator pursuant to paragraph (c) of this section. Such landfill shall meet all of the requirements specified in paragraph (b) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (c)(4) of this section. In addition, the landfill shall meet any other requirements which may be prescribed pursuant to paragraph (c)(3) of this section.

(b) *Technical requirements.* Requirements for chemical waste landfills used for the disposal of PCBs are as follows:

(1) *Soils.* The landfill site shall be located in thick, relatively impermeable formations such as large-area clay pans. Where this is not possible, the soil shall have a high clay and silt content with the following parameters:

(i) In-place soil thickness, 4', or compacted soil liner thickness, 3'.
(ii) Permeability (cm/sec), $\leq 1 \times 10^{-7}$.
(iii) Percent soil passing No. 200 Sieve, ≥30.
(iv) Liquid Limit, ≥30.
(v) Plasticity Index, ≥15.
(vi) Artificial Liner Thickness, ≥30 mil.

NOTE.—In the event that an artificial liner is used at a landfill site, special precautions shall be taken to insure that its integrity is maintained and that it is chemically compatible with PCBs. Soil underlining shall be provided as well as a soil cover.

(2) *Hydrology.* The bottom of the landfill shall be substantially above the historical high groundwater table. Floodplains, shorelands, and groundwater recharge areas shall be avoided. There shall be no hydraulic connection between the site and standing or flowing surface water. The site shall have monitoring wells and leachate collection and shall be at least fifty feet from the nearest groundwater.

(3) *Flood protection.* (i) If the landfill site is below the 100-year floodwater elevation, the operator shall provide surface water diversion dikes around the perimeter of the landfill site with a minimum height equal to two feet above the 100-year floodwater elevation.

(ii) If the landfill site is above the 100-year floodwater elevation, the operators shall provide diversion structures capable of diverting all of the surface water runoff from a 24-hour, 25-year storm.

(4) *Topography.* The landfill site shall be located in an area of low to moderate relief to minimize erosion and to help prevent landslides or slumping.

(5) *Monitoring Systems.*—(i) *Water Sampling.* (a) The ground and surface water from the disposal site area shall be sampled for use as baseline operations.

(b) Defined water sources shall be sampled at least monthly when the landfill is being used for disposal operations.

(c) Defined water sources shall be sampled indefinitely on a frequency of no less than once every six months after final closure of the disposal area.

(ii) *Groundwater Monitor Wells.* (a) If underlying earth materials are homogeneous, impermeable, and uniformly sloping in one direction, only three sampling points shall be necessary. These three points shall be equally spaced on a line through the center of the disposal area and extending from the area of highest water table elevation to the area of the lowest water table elevation on the property.

(b) All monitor wells shall be cased and the annular space between the monitor zone (zone of saturation) and the surface shall be completely backfilled or plugged with Portland cement to effectively prevent percolation of surface water into the well bore. The well opening at the surface shall have a removable cap to provide access and to prevent entrance of rainfall or stormwater runoff. The well shall be pumped to remove the volume of liquid initially contained in the well before obtaining a sample for analysis. The discharge shall be treated to meet applicable State or Federal discharge standards or recycled to the chemical waste landfill.

(iii) *Water analysis.* As a minimum, all samples shall be analyzed for the following parameters, and all data and records of the sampling and analysis shall be maintained as required in Annex VI. Sampling methods and analytical procedures for these parameters shall be as specified in 40 CFR Part 136 as amended in 41 FR 52779 of December 1, 1976.

(a) PCBs.
(b) pH.
(c) Specific Conductance.
(d) Chlorinated Organics.

(6) *Leachate Collection.* A leachate collection monitoring system shall be installed beneath the chemical waste landfill. Leachate collection systems shall be monitored monthly for quantity and quality of leachate produced. The leachate should be either treated to acceptable limits for discharge in accordance with a State or Federal permit or disposed of by another State or Federal ap-

proved method. Water analysis shall be as provided in subparagraph (5)(iii) of this paragraph. Acceptable leachate collection monitoring/collection systems shall be one of the following designs unless a waiver is obtained pursuant to paragraph (c)(4) of this section.

(i) *Simple Leachate Collection.* This system consists of a gravity flow drainfield installed under the waste disposal facility liner. This design is recommended for use when semi-solid or leachable solid wastes are placed in a lined pit excavated into a relatively thick, unsaturated, homogeneous layer of low permeability soil.

(ii) *Compound Leachate Collection.* This system consists of a gravity flow drainfield installed under the waste disposal facility liner and above a secondary installed liner. This design is recommended for use when semiliquid or leachable solid wastes are placed in a lined pit excavated into relatively permeable soil.

(iii) *Suction Manometers.* This system consists of a network of porous "stones" connected by hoses/tubing to a vacuum pump. The porous "stones" or suction manometers are installed along the sides and under the bottom of the waste disposal facility liner. This type of system works best when installed in relatively permeable unsaturated soil immediately adjacent to the disposal facility's bottom and/or sides.

(7) *Chemical Waste Landfill Operations.* (i) PCBs shall be placed in the landfill in a manner that will prevent damage to containers or articles. Other wastes placed in the landfill that are not chemically compatible with PCBs or PCB containers shall be segregated from the PCBs throughout the waste handling and disposal process.

(ii) An operations plan shall be developed and submitted to the Regional Administrator for approval as required in paragraph (c) of this section. This plan shall include detailed explanations of the procedures to be used for recordkeeping, excavation and backfilling, waste segregation burial coordinates, vehicle and equipment movement, use of roadways, leachate collection systems, sampling and monitoring procedures, monitoring wells, and security measures to protect against vandalism and unauthorized waste placements. EPA guidelines entitled "Thermal Processing and Land Disposal of Solid Waste" (39 FR 29337 of August 14, 1974) are a useful reference in preparation of this plan.

(iii) Records shall be maintained for all PCB disposal operations and shall include the three dimensional burial coordinates for PCBs. Additional records shall be developed and maintained as provided in Annex VI.

(8) *Supporting Facilities.* (i) A six foot woven mesh fence, wall, or similar device shall be provided around the site to prevent unauthorized persons and animals from entering.

(ii) Roads shall be maintained to and on the site which are adequate to operate and maintain the site without causing safety or nuisance problems or hazardous conditions.

(iii) The site shall be operated and maintained in a manner to prevent safety problems or hazardous conditions resulting from spilled liquids and windblown materials.

(c) *Approval of chemical waste landfills.* Prior to the disposal of any PCBs in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator of the Region in which the landfill is located. Such approval shall be obtained in the following manner:

(1) *Initial Report.* The owner or operator shall submit to the Regional Administrator an initial report which contains:

(i) The location of the landfill.

(ii) A detailed description of the landfill including general site plans and design drawings.

(iii) An engineering report describing the manner in which the landfill complies with the requirements for chemical waste landfills in paragraph (b) of this section.

(iv) Sampling and monitoring equipment and facilities available.

(v) Expected waste volumes of PCBs.

(vi) General description of waste materials other than PCBs that are expected to be disposed of in the landfill.

(vii) Landfill operations plan as required in paragraph (b) of this section.

(viii) Any local, State, or Federal permits or approvals.

(ix) Any schedules or plans for complying with the approval requirements of these regulations.

(2) *Other Information.* In addition to the information contained in the report described in subparagraph (1) of this section, the Regional Administrator may require the owner or operator to submit such other information as the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved.

(3) *Contents of approval.* (i) Except as provided in subparagraph (4) of this paragraph, the Regional Administrator may not approve a chemical waste landfill for the disposal of PCBs unless he finds that the landfill meets all of the requirements of subparagraph (6) of this paragraph.

(ii) In addition to the requirements of paragraph (b) of this section, the Regional Administrator may include in an approval such other requirements as the Regional Administrator finds are necessary to ensure that operation of the chemical waste landfill does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(4) *Waivers.* An owner or operator of a chemical waste landfill may submit evidence to the Regional Administrator that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraph (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that any such requirements are not necessary to protect against such risk and may waive such requirements in any approval for that landfill. Such finding and waiver will be stated in writing and included as part of the approval.

(5) *Persons Approved.* Any approval will designate the persons who own and who are authorized to operate the chemical waste landfill, and will apply only to such persons.

(6) *Final Approval.* Approval of a chemical waste landfill will be in writing and will be signed by the Regional Administrator. The approval will state all requirements applicable to that landfill.

ANNEX III

§ 761.42 Storage for disposal.

(a) Any PCB article or PCB container stored for disposal before July 1, 1981, shall be removed from storage and disposed of before July 1, 1982. Any PCB article or PCB container stored for disposal after July 1, 1981, shall be removed from storage and disposed of within one year from the date when it was first placed into storage.

(b) Except as provided in paragraph (c) of this section, after October 1, 1977, owners or operators of any facilities used for the storage of PCBs designated for disposal shall comply with the following requirements:

(1) Such facilities shall have:

(i) An adequate roof to prevent rainwater from reaching the stored PCBs.

(ii) An adequate floor which has continuous curbing with a minimum six inch high curb. Such floor and curbing must provide a containment volume equal to at least two times the internal volume of the largest PCB equipment or PCB container stored therein or twenty-five percent of the total internal volume of all PCB equipment or containers stored therein, whichever is greater.

(iii) No drain valves, floor drains, sewer lines, or other openings that would permit liquids to flow from the curbed area.

(iv) Continuous, smooth, and impervious construction for floors and curbing such as Portland cement concrete.

(c)(1) After October 1, 1977, if the only PCBs stored at a particular facility are small capacitors which have an aggregate storage volume of not greater than two 55-gallon drums, the only storage requirement is to store such capacitors in sound, non-leaking containers within a building.

(2) The storage area shall be marked as required in Subpart C—§761.20(a)(6).

(3) No items of movable equipment used for handling PCBs in the storage facilities shall be removed from the areas unless decontaminated.

(4) All PCB containers shall be checked for leaks at least once every 30 days. All leaking containers and their contents shall be transferred immediately to properly marked nonleaking containers. Any spilled or leaked mate-

rials shall be immediately cleaned up using sorbents or other adequate means, and the cleaned materials and residues shall be disposed of in accordance with Subpart B—§ 761.10(b).

(5) Any PCB container used for the storage of liquid PCB chemical substances or liquid PCB mixtures shall comply with the specifications of the Department of Transportation Materials Transportation Bureau Hazardous Materials Regulations, 49 CFR 173.346 (41 FR 42544, September 27, 1976). Any PCB container used for the storage of nonliquid PCB mixtures, PCB articles, or PCB equipment may vary from 49 CFR 173.346 by meeting DOT Spec. 5, Spec. 5B, or Spec. 17C with removable heads.

(6) PCB articles and PCB containers shall be dated when they are placed in storage. The storage shall be managed so that the PCB articles and PCB containers can be located by the date they entered storage.

(7) Owners or operators of storage facilities shall establish and maintain records as provided in Annex VI.

ANNEX IV

§ 761.43 Decontamination.

(a) Any PCB container to be decontaminated shall be decontaminated by flushing of the internal surfaces of the container three times with a solvent containing less than 0.05 percent PCB chemical substance in which the solubility of PCBs is five percent or more by weight. Each rinse shall use a volume of the normal diluent equal to approximately ten percent of the PCB container's capacity. The solvent may be reused for decontamination until it contains 0.5 percent PCB chemical substance. The solvent shall then be disposed of as a PCB mixture, in accordance with § 761.10(b).

(b) Movable equipment used in storage areas shall be decontaminated by swabbing surfaces that have contacted PCB chemical substances or PCB mixtures with a solvent meeting the criteria of paragraph (a) of this section.

ANNEX V

§ 761.44 Marking formats.

The following formats shall be used for marking:

(a) Large PCB Mark—ML—Mark ML shall be as shown in Figure 1, with black letters and striping on a white background and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the equipment or container. The size of the mark shall be at least 15.25 cm (6 inches) on each side. If the PCB equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 5 cm (2 inches) on each side.

(b) Small PCB Mark—Ms—Mark Ms shall be as shown in Figure 2, with black letters and striping on a white background, and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the equipment or container. The mark shall be a rectangle 2.5 by 5 cm (1 inch by 2 inches). If the PCB equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 1 by 2 cm (.4 by .8 inches).

CAUTION

CONTAINS

PCBs

(Polychlorinated Biphenyls)

A toxic environmental contaminant requiring special handling and disposal in accordance with U.S.Environmental Protection Agency Regulations 40 CFR 761 for Disposal Information contact the nearest U.S. E.P.A. Office.

In case of accident or spill, call toll free the U.S.Coast Guard National Response Center: 800:424-8802

CAUTION–CONTAINS
PCBs
FOR PROPER DISPOSAL
INFORMATION CONTACT
U.S. ENVIRONMENTAL
PROTECTION AGENCY

ANNEX VI

§ 761.45 Records and monitoring.

(a) *PCBs in service or projected for disposal.* By January 1, 1978, each owner or operator of a facility containing forty-five kilograms of PCB chemical substances or PCB mixtures in the liquid phase or fifty or more PCB large high voltage capacitors shall develop and maintain records on the location and disposition of the PCBs. These records shall form the basis of an annual document prepared for each facility by March 1 covering the previous calendar year. Owners or operators with more than one facility which contain PCBs may maintain the records and documents at a single location, provided the identity of this location is available at each facility containing PCBs that is normally manned for eight hours a day. The records and documents shall be maintained for at least five years after the facility ceases containing PCBs at the prescribed quantities. The following information for each facility shall be included in the annual document:

(1) The dates when PCBs are removed from service, are placed into storage for disposal, and are placed into transport for disposal. The quantities of such PCBs shall be indicated using the following breakdown:

(i) Total weight in kilograms of any PCB chemical substances or PCB mixtures in PCB containers, including the identification of container contents, such as liquids, and capacitors.

(ii) Total number of PCB transformers and total weight in kilograms of any PCB chemical substances and PCB mixtures contained in the transformers.

(iii) Total number of PCB large high voltage capacitors.

(2) For PCBs removed from service, the location of the initial disposal or

storage facility and the name of the owner or operator of the facility.

(3) Total quantities of PCBs remaining in service at the end of the calendar year using the following breakdown:

(i) Total weight in kilograms of any PCB chemical substances and PCB mixtures in PCB containers, including the identification of container contents such as liquids and capacitors.

(ii) Total number of PCB transformers and total weight in kilograms of any PCB chemical substances and PCB mixtures contained in the transformers;

(ii) Total number of PCB large high voltage capacitors.

(b) *Disposal and storage facilities.* Beginning in 1979, each owner or operator of a facility used for the storage or disposal of PCBs shall by March 1 of each year prepare and maintain a document which specifies the manner in which PCBs were handled at the facility during the previous calendar year. Such document shall be retained at each facility for at least five years after the facility is no longer used for the storage or disposal of PCBs, except that in the case of chemical waste landfills such documents shall be maintained at least twenty years after the chemical waste landfill is no longer used for the disposal of PCBs. Such documents shall be available at the facility for inspection by authorized representatives of the Environmental Protection Agency. If the facility ceases to be used for PCB storage or disposal, the owner or operator of such facility shall promptly notify the Agency Regional Administrator of the region in which the facility is located that the facility has ceased storage or disposal operations and shall specify where the documents required to be maintained by this paragraph shall be located. The following information shall be included in each document:

(1) The date when any PCBs are received by the facility during the previous calendar year for storage or disposal, and the identification of the person and facility from whom such PCBs were received.

(2) The date when any PCBs are disposed of at the disposal facility or transferred to another disposal or storage facility, including the identification of the specific types of PCB chemical substances, PCB mixtures, or PCB articles in containers; PCB transformers; and PCB equipment or PCB articles not in containers which were stored or disposed of.

(3) Total weight in kilograms of any PCB containers and the total weight in kilograms of any PCB chemical substances or PCB mixtures contained in any PCB transformers, received during the calendar year, transferred to other storage or disposal facilities during the calendar year, and remaining on the disposal or storage facility site at the end of the calendar year, respectively, including, where applicable, the identification of PCB container contents such as liquids, capacitors, etc. When PCB containers or PCB chemical substances or PCB mixtures contained in a transformer are transferred to other storage or disposal facilities, the identification of the facility to which such PCBs were transferred shall be included.

(4) Total number of any PCB articles or PCB equipment, not in PCB containers, received during the calendar year, transferred to other storage or disposal facilities during the calendar year, and remaining on the facility site at the end of the calendar year, respectively, including the identification of the specific types of PCB articles and PCB equipment received, transferred, or remaining on the facility site. When PCB articles and PCB equipment are transferred to other storage or disposal facilities, the identification of the facility to which such PCB articles and PCB equipment were transferred must be included.

NOTE: Any requirements for weights in kilograms of PCBs may be calculated values if the internal volume of containers and transformers is known and included in the reports, together with any assumptions on the density of the PCB chemical substances or PCB mixtures contained in the containers or transformers.

(c) *Incineration facilities.* For each owner or operator of a PCB incinerator facility, the following information is required in addition to the information required in paragraph (b) of this section:

(1) When PCBs are being incinerated, the following continuous and short-interval data shall be collected and maintained for a period of five years from the date of collection:

(A) Rate and quantity of PCBs fed to the combustion system, as provided in Annex I—§ 761.40(a)(3).

(B) Temperature of the combustion process, as provided in Annex I—§ 761.40 (a)(4).

(C) Stack emission products to include O_2, CO, and CO_2, as provided in Annex I—§ 761.40(a)(7).

(2) When PCBs are being incinerated, data and records resulting from the monitoring of stack emissions as required in Annex I—§ 761.40(d)(2), shall be collected and maintained for five years.

(3) Total weight in kilograms of any solid residues generated by the incineration of PCBs during the calendar year, the total weight in kilograms of any solid residues disposed of by such facility in chemical waste landfills, and the total weight in kilograms of any solid residues remaining on the facility site shall be retained for five years.

(4) When PCBs are being incinerated, additional periodic data shall be collected and maintained as specified by the Regional Administrator pursuant to Annex I—§ 761.40(d)(4).

(5) A document shall be prepared on any suspension of the operation of any incinerator by the owner or operator thereof, as required in Annex I–§ 761.40 (a)(8). The document shall, at a minimum, include the date and time of the suspension and an explanation of the circumstances causing the suspension of operation.

(d) Retention of Special Records by Storage and Disposal Facilities. In addition to the information required to be maintained by pragraphs (b) and (c) of this section, each owner or operator of a PCB storage or disposal facility shall collect and maintain for the time period required in paragraph (c) of this section the following data:

(1) All documents, correspondence, and data provided to the owner or operator by any State or local government agency that pertain to the storage or disposal of PCBs at such facility.

(2) All documents, correspondence, and data provided by the owner or operator of such facility to any State or local government agency that pertain to the storage or disposal of PCBs at such facility.

(3) Any applications and related correspondence sent by the owner or operator of such facility to any local, State, or Federal authorities in regard to wastewater discharge permits, solid waste permits, building permits, or other permits or authorizations, such as those required by Annex I–§ 761.40(d) and Annex II–§ 61.41(c).

[FR Doc.77-14663 Filed 5-23-77;8:45 am]

federal register

TUESDAY, MAY 24, 1977

PART VI



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Title 50—Wildlife and Fisheries

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

PART 661—SALMON FISHERY

Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendments to emergency regulations.

SUMMARY: This document amends the current emergency regulations by providing for changes in the opening and closing dates in designated fishing areas, changes in minimum length of chinook salmon, and adds new sections concerning Treaty Indian Rights and Test Fisheries. These amendments will conform the emergency regulations to recent changes in the fishery management plan.

DATES: Effective dates: 0001 a.m., on May 25, 1977 and shall remain in effect for 45 days; comments on or before July 8, 1977.

ADDRESS: Send comments to: Director, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Wash. 98109, phone 206-442-7575.

SUPPLEMENTARY INFORMATION: On April 20, 1977, the Secretary of Commerce approved the fishery management plan prepared by the Pacific Fishery Management Council for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California and determined that an emergency exists involving some of the salmon resources covered by the plan. The Secretary recognized that the plan met the basic needs to conserve and manage this important resource but also was concerned over the impact the plan and proposed emergency regulations had on certain segments of the industry and the treaty rights of the Makah Indian Tribe.

In response to the concerns and requests of the Secretary of Commerce, the Pacific Fishery Management Council at its meeting on May 3, 1977, reconsidered certain aspects of its plan and submitted amendments to the plan and proposed amendments to the existing emergency regulations. These amendments provide for changes in the opening and closing dates in Management Areas A through E, changes in minimum length of chinook salmon from 26 to 28 inches and to recognize the rights of the Makah Indian Tribe.

In view of the many changes in § 661.8 Commercial fishing, we feel that it would be most helpful to commercial fishermen to fully understand these changes if the section was republished in its entirety.

Therefore, under section 305(e)(2) of the Fishery Conservation and Management Act of 1976, the Secretary is authorized to amend the emergency regulations which implement the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California fishery management plan.

Dated: May 20, 1977 at Washington, D.C.

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

1. In the Table of Contents the § 661.2 should read "Relation to State Law", the term "[reserved]" is deleted in § 661.10, and a new § 661.11 is added as follows:

Sec.

* * * * *

661.11 Test fisheries.

2. Section 661.8 is revised as follows:

§ 661.8 Commercial fishing.

(a) *Open seasons and areas.* All open seasons shall begin at 0001 hours and terminate at 2400 hours on the dates specified herein. Unless otherwise specified, Pacific Daylight Time will apply. The Pacific Council Management Area is closed to commercial salmon fishing except for the following open seasons and areas.

(1) In Management Area A, the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, except coho, shall begin on May 1, 1977, and terminate on June 14, 1977.

(ii) The season for all salmon species, including coho, shall begin on July 1, 1977, and terminate on September 15, 1977.

(2) In Management Area B, the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, except coho, shall begin on May 1, 1977, and terminate on June 14, 1977.

(ii) The season for all salmon species, including coho, shall begin on July 1, 1977 and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

(3) In Management Area C, the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, except coho, shall begin on May 1, 1977, and terminate on June 14, 1977.

(ii) The season for all salmon species, including coho, shall begin on June 15, 1977, and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

(4) In Management Area D and E, the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, except coho, shall begin on April 15, 1977, and terminate on May 14, 1977.

(ii) The season for all salmon species, including coho, shall begin on May 15, 1977, and terminate on September 30, 1977.

(b) *Gear restrictions.* (1) Only troll gear shall be used for commercial salmon fishing while in the Pacific Council Management Area. However, in Management Areas D and E, troll gear need not be fixed to the vessel as specified in § 661.3(m).

(2) Only single/barbless hooks shall be used for commercial salmon fishing before July 1977, while in Management Areas A and B.

(c) *Size restrictions.* (1) No person shall take and retain any chinook salmon (*Oncorhynchus tshawytscha*) while aboard a vessel used for commercial fishing less than:

(i) Twenty-eight inches in length in Management Areas A and B; or

(ii) Twenty-six inches in length in Management Areas C, D and E.

(d) *Vessel inspection and certification.* (1) Any vessel subject to State hold inspection, fishing in Management Areas A and B between July 1 and July 10, 1977, must have on board documentation of such inspection as may be issued by the State adjacent to such Management Area.

(2) Any vessel 26 feet or longer with coho salmon on board in Management Areas D and E between May 15 and May 25, 1977, shall have on board documentation of hold inspection issued by the State adjacent to such Management Areas.

(e) No person shall take and retain any steelhead (*Salmo gairdneri*) within the Pacific Council Management Area.

3. Section 661.9(a) subparagraphs (2) and (4), and subparagraph (1) of paragraph (b) are amended as follows:

§ 661.9 Recreational fishing.

(a) * * *

(2) In Management Area C, the season shall open on April 30, 1977, and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

* * * * *

(4) In Management Area E, the season shall open on February 12, 1977, at 0001 hours Pacific Standard Time and terminate on November 13, 1977, at 2400 hours Pacific Standard Time.

(b) * * *

(1) No gear other than angling gear may be used for recreational salmon fishing, except that in Management Areas D and E, during the commercial salmon season (§ 661.8(a)(4)), closely attended rods and/or lines may be used.

* * * * *

4. New § 661.10 is added as follows:

§ 661.10 Treaty Indian rights.

(a) Persons entitled to exercise rights under the Treaty with the Makah may fish for all salmon species in that portion of Management Area A north of 48° 07'36" north latitude from May 1, 1977, to October 31, 1977. Such persons are otherwise subject to the provisions of this Part 661, the Act and any other regulation issued under the Act.

(b) The Secretary will give due consideration in promulgating emergency regulations under § 661.7 to the treaty rights of Indian tribes with usual and

accustomed fishing grounds in the area affected by such regulations.

5. New § 661.11 is added as follows:

§ 661.11 Test fisheries.

The Secretary may, upon recommendation of the Pacific Council, allow in the Pacific Council Management Area such limited test fisheries for scientific purposes as may be proposed by the Pacific Council, the Federal Government, State Governments and Treaty Indian Tribes having usual and accustomed fishing grounds in the Pacific Council Management Area.

[FR Doc.77-14845 Filed 5-23-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Approval of Amendment to the Fishery Management Plan and Requests for Comments

Pursuant to section 304 of the Fishery Conservation and Management Act of 1976, (Pub. L. 94–265, 16 U.S.C. 1801 et seq.) (the Act), the Secretary of Commerce (the Secretary) is authorized to receive, review and approve a fishery management plan (FMP) or amendment to such plan prepared by a Regional Fishery Management Council, concerning fisheries within the 200-mile fishery conservation zone (FCZ).

Pursuant to Title III of the Act, the Pacific Fishery Management Council, has prepared and submitted to the Secretary an amendment to a FMP for "Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California" (the "Plan"). In addition, it has been determined that this amendment is among the options considered in the Final Environmental Impact Statement prepared concerning the FMP.

The Secretary of Commerce, by authority of section 305 of the Act, wishes to advise the public of the approval of the above mentioned amendment to the salmon FMP and of the promulgation of amended regulations implementing the Plan as amended.

The amendment, published in its entirety below, as required by section 305(a) of the Act, is intended to improve the basis for the conservation and management of the offshore salmon fishery for the States of Washington, Oregon, and California in the FCZ created by section 101 of the Act. This amendment has the effect of promoting the conservation and management of the chinook salmon stocks by increasing of the minimum size from 26 inches to 28 inches north of Tillamook Head, Oregon. Anticipated hardship in the original Plan upon commercial fishermen engaged in this fishery is reduced by amending the original 30-day closure in June to two weeks in June. Special fishery rights accruing to certain coastal treaty Indian tribes are specifically recognized in this amendment.

This amended FMP is being implemented by amended emergency regulations (also published today in the FEDERAL REGISTER), as authorized by section 305(e) of the Act. Emergency regulations as amended were promulgated after the Secretary found and determined that an emergency exists in the coastal commercial and recreational salmon fisheries of Washington, Oregon, and California.

Publication of this amendment also constitutes the notice of publication for the approved FMP as amended and its proposed permanent regulations as required by section 305(a) of the FCMA.

Written data, views and comments concerning the Plan may be submitted to: Director, National Marine Fisheries Service, Washington, D.C. 20235. The Secretary of Commerce will consider all such data, views, and comments submitted on or prior to July 8, 1977, before final action is taken with respect to the FMP and implementing regulations pursuant to section 305(c) of the FCMA.

I am publishing this document on behalf of and at the request of the Secretary.

Dated this May 20, 1977, at Washington, D.C.

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

AN AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR "COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA"

The Pacific Fishery Management Council, in response to a request from the Secretary of Commerce to reconsider certain aspects of its plan adopted during public meetings on March 17–18, 1977, in Seattle, Washington, adopted certain amendments during public meetings on May 2–3, 1977, in Portland, Oregon.

The amendments pertain to the treaty rights of the Makah Indian Tribe and select Option 2 in place of the option which in the plan is referred to as Option CA (Council Adopted). In addition, changes in wording of regulations were adopted to conform as closely as possible to state regulations in adjacent waters.

The amendments to the plan are as follows:

I. Page 28: Amend Section 2.8.2, paragraph 1, last sentence, by adding after the word "plan," "provided, however, that in promulgating any emergency regulations, due consideration shall be given to the treaty rights of Indian tribes with usual and accustomed fishing grounds in the area affected by such regulations."

II. Page 28: Amend Section 2.8.2, paragraph 3, first sentence, by adding after the word "jurisdiction," "except for such limited test fishing by Indian treaty right tribes as may be authorized by the Council and the Secretary for purposes of scientific study of the advisability of allowing a limited ocean net fishery."

III. Pages 39–42: Section 2.9: An updated technical analysis of expected changes from the average situation prevailing during the 5-year period, 1971-1975, resulted in changes in the percentages for Options 2 and CA. Option CA is the option adopted by the Council on March 18 and Option 2 is the option adopted on May 3, 1977. The updated percentages are presented in Table 1. Accordingly, percentage figures in the text relating to Options 2 and CA are amended to reflect the updated figures.

In addition, an "Updated Technical Analysis of Predicted Effects of Option Two" is added to the bottom of page 41 to more fully describe the effects of Option 2, which the Council adopted on May 3, 1977.

TABLE 1

AN UPDATED SUMMARY OF EXPECTED CHANGES FROM THE AVERAGE SITUATION PREVAILING DURING THE 5-YEAR PERIOD, 1971-1975, REGULATORY OPTIONS 2 AND COUNCIL ADOPTED (CA)

Element	Option 2	Option CA
Chinook		
Returns to terminal areas		
Harvestable numbers of fall chinook returning to the Columbia River system	+28%	+23%
Total fall chinook run size to the Columbia River system	+17%	+14%
Commercial impact		
Early season commercial troll fishing time north of Tillamook Head prior to July 1	-40%	-60%
Numbers of chinook for troll fishery north of Tillamook Head	-36%	-23%
Pounds of chinook for troll fishery north of Tillamook Head	-25%	-19%
Catch value of chinook for troll fishery north of Tillamook Head	-21%	-18%
Average size of individual chinook for troll fishery north of Tillamook Head	+22%	+ 5%
Chinook hooking mortality losses for troll fishery north of Tillamook Head	- 5%	-21%
Sport impact		
Number of chinook for sport fishery north of Tillamook Head	-24%	-25%
Chinook hooking mortality losses for sport fishery north of Tillamook Head	+13%	+13%
Coho		
Returns to terminal areas		
Harvestable numbers of coho returning to Puget Sound	+ 6%	+ 6%
Harvestable numbers of coho returning to Washington coastal streams	+15%	+15%
Harvestable numbers of coho returning to the Columbia River system	+ 4%	+ 4%
Harvestable numbers of coho returning to Oregon coastal streams	+ 2%	+ 2%
Commercial impact		
Numbers of coho for troll fishery north of Tillamook Head	-18%	-18%
Pounds of coho for troll fishery north of Tillamook Head	-15%	-15%
Catch value of coho troll fishery north of Tillamook Head	-12%	-12%
Sport impact		
Numbers of coho for sport fishery north of Tillamook Head	+ 9%	+ 9%

Updated Technical Analysis of Predicted Effects-Option Two

A detailed technical analysis of specific regulatory proposals for 1977 indicates the following expected changes from the average situation prevailing during the 5-year period, 1971–1975.

1. Harvestable numbers of adult fall chinook returning to the Columbia River system would increase by 28%. Total run size (catch plus escapement) would increase by 17%. This would permit fulfillment of treaty Indian fishing rights and also permit the Columbia River Compact to provide a viable August non-Indian gill net fishery below Bonneville Dam on upper river chinook stocks (see management objectives in Appendix B). In-river poundage yields from lower and upper river fall runs combined would be expected to increase from the past level of 4.9 million pounds annually to a new level of 6.3 million pounds per year.

2. Run size increases of similar magnitude would also be expected for Washington coastal fall chinook runs, with treaty Indian and non-treaty commercial catches in terminal areas increasing by over 200,000 pounds annually to a new average level of nearly 1.1 million pounds per year. The ban on April fishing would protect Columbia River spring chinook in their final year and the reduction in early season commercial fishing time prior to July 1 (when most Columbia River summer chinook have entered the river) would amount to 40% less fishing time than the 2½ month troll season for 1975 and prior years (see management objectives for these runs in Appendix B). The significant reductions in early season fishing time, plus increased minimum size limits, would also benefit several currently depressed Washington coastal early-run chinook stocks. In some of the stocks noted above, the additional fish are needed to bolster spawning escapements, at least for a temporary period while they are rebuilding to harvestable levels.

3. Small reductions in ocean fishing rates on Canadian, Puget Sound, Oregon coastal and California chinook stocks would occur but these would have only a minimal effect on overall management of these resources. Any reduction in fishing rates off Washington for the latter two stocks would be counterbalanced to some extent by an expected increase in ocean fishing off Oregon and possibly California.

4. The commercial troll fishery off the Washington Coast and Columbia River mouth could sustain a reduction of up to one-quarter in the recent average for pounds of chinook landed if there is no increase in effort during remaining open fishing periods. An increase is expected but this factor is impossible to quantify in advance for a fishery lacking an "active" management history profile. In any case, the potential dollar loss would be substantially less than the poundage reduction. Progressively higher prices are traditionally paid for the larger grades of troll-caught chinook and prices within poundage grade normally increase during the season. The new regulations would largely eliminate the landing of immatures or "smalls" (less than 8 pounds dressed weight), which are the least valuable grade, and would shift the overall catch later in the season and to the larger, more valuable size categories of maturing chinook. For example, three 7-pound chinook totaling 21 pounds (dressed, heads off) would bring $42.00 at the recent New York wholesale price of $2.00 per pound. A single 14-pound chinook would bring $46.90 at their wholesale price of $3.25 per pound, or nearly $5.00 more than three small fish totaling 50% more in poundage. The average size of individual fish landed would increase by 22% and hooking mortality losses would decline by 5%. The poundage reduction could be as high as 900,000 pounds annually for the Washington coastal troll fishery (a decline from 3.4 to 2.5 million pounds), but this would amount to only about a 5% decline for the combined U.S. commercial troll landings for the States of Washington, Oregon, California, and Alaska (a decline from 16.9 to 16.0 million pounds).

5. The sport fisheries north of Tillamook Head would sustain a 24% reduction in numbers of chinook caught, but the poundage loss (estimated at 300,000 pounds annually) would be less than that percentage due to a 1½-pound increase in average size of sport chinook landed. Hooking mortality losses would increase, however, by an estimated 13%.

NOTE: These and other projections are based on continuance of the 20-inch total length minimum size limit for chinook presently in effect for U.S. marine sport fisheries in Puget Sound and Juan de Fuca Strait. Prior to 1976, there was no minimum size limit and about 50% of the fish taken were less than 20 inches in length.

6. Major coho salmon stocks contributing to ocean fishery catches in the Washington coast-Columbia River mouth area would show varying results from the 1977 regulatory controls. Harvestable numbers of Puget Sound coho reaching U.S. "inside" waters would increase by 6% with an emphasis toward later, natural spawning stocks due to

the troll closure after mid-September off northern Washington. During low-run cycles, State management would be directed toward utilizing these additional fish for spawning escapement requirements. Southern British Columbia coho runs would increase in a similar manner with some of the ocean fishery "savings" being transferred to U.S. northern Puget Sound commercial net fisheries. Washington coastal coho runs would show the largest percentage increase in returning harvestable numbers, averaging 15%, but varying by area and run timing. Late-running native stocks from Grays Harbor tributaries and Olympic Peninsula rivers would receive the most protection. Again, some potential savings would be transferred to needed spawning escapements during low-run cycles. Harvestable coho runs to the Columbia River system and Oregon coastal streams would increase by 4% and 2%, respectively. Annually coho poundage yields for treaty and non-treaty "inside" fisheries are predicted to increase by 400,000 pounds (to a 6.5 million pound total) for Puget Sound, by 200,000 pounds (to a 1.2 million pound total) for Washington coastal areas, and by 100,000 pounds (to a 2.0 million pound total) in the Columbia River system.

7. The commercial troll fishery off the Washington coast and Columbia River mouth could sustain a reduction of up to 15% from the recent average for coho poundage if effort did not increase after July 1 over past years' levels. The potential economic loss would be significantly less since coho prices traditionally increase as the season progresses and larger, better quality fish approaching maturity are landed. For example, in 1975 a major fish buyer at LaPush on the Washington coast began paying trollers $0.73 per pound for coho on June 15 and increased prices by incremental steps during the season to reach a high of $1.05 per pound on September 30. In terms of Washington State troll landings, a reduction of up to 800,000 pounds per year could be anticipated by a decline from 5.5 to 4.7 million pounds annually. In the context of U.S. coastwide troll coho catches, as reflected in total landings for the States of Washington, Oregon, California, and Alaska, this decline would be 4% or less (a decline from 19.2 to 18.4 million pounds annually).

8. The sport fisheries catch of coho salmon north of Tillamook Head would increase by 9% with the new regulations. This change would result from the combination of larger chinook minimum size limits and the greater abundance of coho available due to a delay in the troll season opening date. The coho size limit reduction would be of secondary importance. For the combined ocean sport catch of chinook and coho, little or no change in numbers of fish would be expected since the loss of small chinook would be largely counterbalanced by increased coho catches. It is expected that the overall U.S. sport catch of coho would realize an additional 500,000 pounds under the new regulations.

9. For all U.S. and Canadian fisheries harvesting salmon stocks that are present at some time off the Washington coast, the proposed ocean fishing regulatory changes north of Tillamook Head would result in a total poundage yield increase of about 1.1 million pounds annually from existing levels of chinook and coho salmon resources. This occurs primarily because chinook and coho would be caught at a larger average size. Three types of catch shifts are involved: (a) From early to later in the ocean fishing season for maturing chinook and coho; (b) from immature chinook to mature fish taken one season later in the ocean; and (c) from ocean fisheries to "inside" fisheries. Additional benefits would be derived by increasing spawning escapements to begin rebuilding currently depressed native salmon stocks. Minimum annual yield increases to U.S. fisheries would approximate net results for "gains" and "losses" predicted in No.'s 1 through 8 or about 400,000 pounds in the case of chinook and 400,000 pounds for coho.

10. The aggregate of Canadian salmon fisheries participating in the harvest of these stocks will also benefit from these increased yields to the extent of about 300,000 additional pounds annually (mainly chinook), even though one specific element, the troll fishery off the U.S. coast, will have to fish under somewhat more restrictive regulations than prevailed in the past.

IV. Page 44: A new Section, 2.11, is added to read:

2.11 *Pacific Fishery Management Council Action on Regulatory Option taken on May 3, 1977.* The Pacific Fishery Management Council reconsidered certain aspects of its plan and during public meeting on May 2-3, 1977, in Portland, Oregon, took action to amend certain portions of the plan. The major amendments adopted on May 3, 1977, decreases the mid-season closed season for commercial troll fishing north of Tillamook Head, from one month (all of June) to two weeks (June 15-30), increases the minimum size limit for chinook from 26 inches to 28 inches north of Tillamook Head, and provides for recognition of Makah Indian tribe treaty rights.

A summary of the regulatory provisions in the plan, including modifications made by the Council on May 3, 1977 is as follows:

REGULATIONS NORTH OF TILLAMOOK HEAD

COMMERCIAL TROLL

(a) An all-species commercial troll season, from July 1 through September 15.

(b) Required use of barbless, single hooks on all terminal troll gear during any early season salmon fishing prior to July 1.

(c) A 28-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho, and no minimum size limit for other salmon species.

(d) Require that any vessel subject to State hold inspection, fishing north of Tillamook Head, between July 1 and July 10 or fishing off California between May 15 and May 21, must have on board documentation of such inspection as may be issued by the State adjacent to the above stated areas.

(e) An early season for all salmon species other than coho from May 1 through June 14.

(f) A late season all-species troll fishery from September 16 through October 31, south of Point Grenville in Washington State.

(g) Unlawful to possess steelhead.

OCEAN SPORT

(a) A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.

(b) A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.

(c) A gear limitation of one rod per fisherman.

(d) Adoption of current possession limits, annual limits, and gear restrictions of the States of Oregon and Washington, respectively.

(e) A three-fish daily sport bag limit.

INDIAN TREATY FISHING

Specific troll regulations north of Sand Point, Washington, for 1977 for the Makah Indian tribe are necessary to fulfill treaty obligations to that tribe and to comply with applicable federal law involving Indian treaty fishing rights. Specific regulations should allow for an all-species Makah troll season from May 1 to October 31, 1977. All other regulations issued pursuant to this plan shall apply to Makah fishing.

The regulations promulgated for the Makahs in this plan do not constitute a waiver by either the Makah tribe or the council to determination of such treaty rights in the future.

REGULATIONS SOUTH OF TILLAMOOK HEAD

Commercial troll

	Waters off Oregon	Waters off California
Minimum size limits	26 in for chinook, 16 in for coho, none for other salmon.	26 in for chinook, 22 in for coho, none for other salmon.
All salmon except coho season	May 1 to Oct. 31	Apr. 15 to Sept. 30.
Coho season	June 15 to Oct. 31	May 15 to Sept. 30.
Vessel certification. NOTE.—See No. d of troll regulation proposals for north of Tillamook Head.	None south of Tillamook Head	Beginning May 13.
Steelhead	Unlawful to possess steelhead.	

OCEAN SPORT

Season

Oregon: April 30 through October 31.

California: North of Tomales Point—all year.

South of Tomales Point—February 12, 1977 through November 13, 1977.

Size Limits (All Species)

Oregon: No size limit.

California: 22 inches (exception, see daily limit).

Gear

Oregon: One rod.

California: In accordance with existing State regulations (including no limit on number of rods or gear during the commercial fishing season).

Daily Limit

Oregon: Three fish.

California: Three fish (two must be greater than 22 inches; one may be between 20 and 22 inches).

V. Page 44: Section 2.11, *Data on Ocean Commercial and Recreational Salmon Fisheries to be Supplied to the Secretary* is renumbered to 2.12.

VI. Page 46: Section 5.0, *Unavoidable Adverse Effects.* The updated technical analysis, mentioned previously, has resulted in some changes in the percentage effects relating to Options 2 and CA. The corrected figures are contained in Table I.

[FR Doc.77-14846 Filed 5-23-77;8:45 am]

federal register

TUESDAY, MAY 24, 1977

PART VII

FEDERAL COMMUNICATIONS COMMISSION

■

CANADIAN TELEVISION

List of Stations and Allocations Within 250 Miles of Canada–U.S. Border

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN TELEVISION

List of Stations and Allocations Within 250 Miles of the Canada-U.S.A. Border Issued by FCC

MAY 11, 1977.

The FCC has issued a list of Canadian television station assignments and channel allocations that is recapitulative and contains information supplied by the Department of Communications of Canada. It reflects all the additions, changes and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes and deletions, as coordinated between the Commission and the Canadian Department of Communications will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the list may be obtained from Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006, telephone 202-452-1422.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

CANADIAN-U.S.A. TELEVISION AGREEMENT

LIST OF ASSIGNMENTS AND ALLOCATIONS FOR VHF AND UHF TELEVISION

(Listed by Province)

CANADA

OFFSET CARRIER DESIGNATORS

Z	Zero offset frequency
+	Plus 10 kHz
-	Minus 10 kHz
L-	Limited allocation

PROVINCE ABBREVIATIONS

Alberta	AB	Ontario	ON
British Columbia	BC	Prince Edward Island	PE
Manitoba	MB	Quebec	QU
New Brunswick	NB	Saskatchewan	SA
Northwest Territories	NT	Yukon Territory	YU
Nova Scotia	NS		

PARAMETER ABBREVIATIONS

Directional Antenna	DA	Limited	LTD
Horizontal Polarization	HOR	License	LIC
Feet	FT	Commercial	CO
Kilowatt	KW		

Revised to April 12, 1977.

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	CO	BANFF	AB	51-10-00.0	51 +						751217
		ZONE 2	**USA BORDER**	115-34-00.0							
	CO	BLAIRMORE	AB	49-36-00.0	57 +						751217
		ZONE 2	**USA BORDER**	114-26-00.0							
	CO	BROOKS	AB	50-35-00.0	66 -						760512
		ZONE 2	**USA BORDER**	111-53-00.0							
	CO	BROOKS	AB	50-35-00.0	72 Z						760512
		ZONE 2	**USA BORDER**	111-53-00.0							
CJOCTV03	CO LIC	BURMIS	AB	49-31-54.0	03 Z	.409(KW)	0420(FT)	LETHBRIDGE TV LTD			751217
		ZONE 2	**USA BORDER**	114-11-37.0	DA	HOR					
CFCNTV04	CO LIC	BURMIS	AB	49-31-54.0	05 -	.23(KW)	0439(FT)	CFCN TV LDT			730401
		ZONE 2	**USA BORDER**	114-11-37.0		HOR					
CBRT08	CO LIC	BURMIS	AB	49-33-14.0	47 Z	1.7(KW)	543(FT)				770302
		ZONE 2	**USA BORDER**	114-10-37.0	DA	HOR					
CFACTV	CO LIC	CALGARY	AB	51-04-24.0	02 +	100(KW)	0989(FT)	CALGARY TV LTD			730401
		ZONE 2	**USA BORDER**	114-15-34.0		HOR					
CFCNTV	CO LIC	CALGARY	AB	51-03-37.0	04 Z	100(KW)	0669(FT)	CFCN TV LTD			751217
		ZONE 2	**USA BORDER**	114-10-13.0	DA	HOR					
	CO	CALGARY	AB	51-02-42.0	09 +						780115
		ZONE 2	**USA BORDER**	114-03-35.0							
	CO	CALGARY	AB	51-03-00.0	16 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	22 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	38 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	44 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	50 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	73 +						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CALGARY	AB	51-03-00.0	79 Z						751217
		ZONE 2	**USA BORDER**	114-05-00.0							
	CO	CAMROSE	AB	53-01-30.0	07 Z						760527
		ZONE 2		112-49-30.0							

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	CO	CARDSTON	AB	49-12-00.0	19 +						751217
		ZONE 2	**USA BORDER**	113-18-00.0							
	CO	CLARESHOLM	AB	50-02-00.0	52 Z						760512
		ZONE 2	**USA BORDER**	113-35-00.0							
CHRDTV01	CO LIC	CORONATION	AB	52-09-15.0	10 Z	17.6(KW)	0687(FT)	CHCA TV LTD			751217
		ZONE 2	**USA BORDER**	111-09-30.0	DA	HOR					
CFCNTV01	CO LIC	DRUMHELLER	AB	51-34-00.0	12 Z	20.2(KW)	0916(FT)	CFCN TV LTD			751217
		ZONE 2	**USA BORDER**	112-19-48.0	DA	HOR					
	CO	DRUMHELLER	AB	51-28-00.0	30 Z						751217
		ZONE 2	**USA BORDER**	112-42-00.0							
	CO	ETZIKOM	AB	49-33-59.0	12 +						770324
		ZONE 2	**USA BORDER**	111-07-52.0							
	CO	FORT MACLEOD	AB	49-43-00.0	74 -						751217
		ZONE 2	**USA BORDER**	113-25-00.0							
	CO	HANNA	AB	51-38-00.0	78 -						760512
		ZONE 2	**USA BORDER**	111-54-00.0							
	CO	HIGH RIVER	AB	50-35-00.0	58 Z						751217
		ZONE 2	**USA BORDER**	113-52-00.0							
	CO	INNISFAIL	AB	52-02-00.0	71 Z						760512
		ZONE 2	**USA BORDER**	113-57-00.0							
	CO	LACOMBE	AB	52-28-00.0	15 -						751217
		ZONE 2	**USA BORDER**	113-44-00.0							
CJOCTV	CO LIC	LETHBRIDGE	AB	49-42-55.0	07 Z	171(KW)	0662(FT)	LETHBRIDGE TV LTD			751217
		ZONE 2	**USA BORDER**	112-47-56.0	DA	HOR					
CBRT08	CO LIC	LETHBRIDGE	AB	49-44-26.0	10 -	222(KW)	576(FT)				770310
		ZONE 2	**USA BORDER**	112-48-06.0	DA	HOR					
CFCNTV08	CO LIC	LETHBRIDGE	AB	49-42-55.0	13 +	97.5(KW)	0593(FT)	CFCN TV LTD			751217
		ZONE 2	**USA BORDER**	112-47-58.0	DA	HOR					
	CO	LETHBRIDGE	AB	49-42-00.0	23 +						751217
		ZONE 2	**USA BORDER**	112-50-00.0							
	CO	LETHBRIDGE	AB	49-42-00.0	58 -						751217
		ZONE 2	**USA BORDER**	112-50-00.0							
	CO	LETHBRIDGE	AB	49-42-00.0	64 +						751217
		ZONE 2	**USA BORDER**	112-50-00.0							
	CO	LETHBRIDGE	AB	49-42-00.0	80 Z						751217
		ZONE 2	**USA BORDER**	112-50-00.0							

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	CO	LLOYDMINSTER ZONE 2	AB	53-17-00.0 110-00-00.0	04 -					760722
	CO	LLOYDMINSTER ZONE 2	AB	53-17-00.0 110-00-00.0	08 Z					760722
CHATTV	CO LIC	MEDICINE HAT ZONE 2 **USA BORDER**	AB	50-04-36.0 110-47-40.0	06 -	5.7(KW) HOR	0315(FT)	MONARCH BCTING CO		730401
	CO	MEDICINE HAT ZONE 2 **USA BORDER**	AB	50-02-15.0 110-40-30.0	08 Z					760115
	CO	MEDICINE HAT ZONE 2 **USA BORDER**	AB	50-03-00.0 110-40-00.0	49 Z					760512
	CO	MEDICINE HAT ZONE 2 **USA BORDER**	AB	50-03-00.0 110-40-00.0	65 +					760512
	CO	MEDICINE HAT ZONE 2 **USA BORDER**	AB	50-03-00.0 110-40-00.0	71 +					760512
	CO	OLDS ZONE 2 **USA BORDER**	AB	51-47-00.0 114-06-00.0	81 Z					760512
CFONTV01	CO LIC	OYEN ZONE 2 **USA BORDER**	AB	51-21-10.0 110-24-30.0	02 -	.71(KW) HOR	0365(FT)	OYEN DISTRICT TV ASSOC		751217
	CO	PINCHER CREEK ZONE 2 **USA BORDER**	AB	49-29-00.0 113-57-00.0	70 Z					760512
CHATTV01	CO LIC	PIVOT ZONE 2 **USA BORDER**	AB	50-24-14.0 110-03-07.0	04 + DA	4.9(KW) HOR	0623(FT)	MONARCH BCTING CO LTD		751217
	CO	PROVOST ZONE 2 **USA BORDER**	AB	52-21-00.0 110-18-00.0	24 -					751217
	CO	RAYMOND ZONE 2 **USA BORDER**	AB	49-27-00.0 112-39-00.0	36 +					760512
CKRDTV	CO LIC	RED DEER ZONE 2 **USA BORDER**	AB	52-16-15.0 113-41-30.0	08 + DA	26(KW) HOR	0714(FT)	CHCA TV LTD		760525
CFRNTV06	CO LIC	RED DEER ZONE 2 **USA BORDER**	AB	52-17-57.0 113-41-47.0	08 + DA	50(KW) HOR	0882(FT)			760525
	CO	RED DEER ZONE 2 **USA BORDER**	AB	52-16-00.0 113-48-00.0	31 -					760512
	CO	RED DEER ZONE 2 **USA BORDER**	AB	52-16-00.0 113-48-00.0	59 Z					760512
	CO	RED DEER ZONE 2 **USA BORDER**	AB	52-16-00.0 113-48-00.0	65 Z					760512

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	CO	ROCKY MTN HOUSE ZONE 2 **USA BORDER**	AB	52-22-00.0 114-55-00.0	37 Z					760512
CBRT0S	CO LIC	ROSEMARY ZONE 2 **USA BORDER**	AB	50-41-11.0 112-27-09.0	11 Z DA	227(KW) HOR	619(FT)			770324
	CO	STETTLER ZONE 2 **USA BORDER**	AB	52-19-00.0 112-43-00.0	67 Z					760512
	CO	TABER ZONE 2 **USA BORDER**	AB	49-47-00.0 112-09-00.0	42 +					760512
	CO	VULCAN ZONE 2 **USA BORDER**	AB	50-24-00.0 113-15-00.0	25 Z					760512
CBUDT0@	CO LIC	BONNINGTON ZONE 2 **USA BORDER**	BC	49-28-33.0 117-29-16.0	13 + DA	.159(KW) HOR	-1287(FT)	CANADIAN BCTING CORP.		760624
	CO	BURNS LAKE ZONE 2 **USA BORDER**	BC	54-15-25.0 125-40-36.0	04 +					770324
	CO	CAMPBELL RIVER ZONE 2 **USA BORDER**	BC	50-01-30.0 125-14-40.0	07 -					751217
	CO	CAMPBELL RIVER ZONE 2 **USA BORDER**	BC	50-01-00.0 125-15-00.0	49 +					760512
CBUBT01	CO LIC	CANAL FLATS ZONE 2 **USA BORDER**	BC	50-11-41.0 115-49-25.0	12 Z DA	95.5(KW) HOR	-805(FT)	CANADIAN BCTING CORP		751217
	CO	CASSIAR ZONE 2 **USA BORDER**	BC	59-17-12.0 129-51-00.0	07 Z					751217
	CO	CASTLEGAR ZONE 2 **USA BORDER**	BC	49-19-00.0 117-40-00.0	81 +					760512
CBUT02	CO LIC	CHILLIWACK ZONE 2 **USA BORDER**	BC	49-06-36.0 121-50-47.9	03 Z DA	1.51(KW) HOR	0702(FT)	CANADIAN BCTING CORP		751217
	CO	CHILLIWACK ZONE 2 **USA BORDER**	BC	49-10-00.0 121-57-00.0	14 +					781007
	CO	CHILLIWACK ZONE 2 **USA BORDER**	BC	49-10-00.0 121-57-00.0	36 +					751217
CFJCTV04	CO LIC	CLINTON ZONE 2 **USA BORDER**	BC	51-05-10.0 121-40-30.0	09 +	.204(KW) HOR	1800(FT)	INLAND BCTRS LTD		730401
CBUT01	CO LIC	COURTENAY ZONE 2 **USA BORDER**	BC	49-35-44.0 125-00-36.9	09 - DA	1.25(KW) HOR	0483(FT)	CANADIAN BCTING CORP		751217
CHANTV04	CO LIC	COURTENAY ZONE 2 **USA BORDER**	BC	49-44-55.0 125-14-53.0	13 Z DA	1.88(KW) HOR	1321(FT)	BC TV BCTING SYS		751217

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	CO	COURTENAY	BC	49-41-00.0	79 Z					751217
		ZONE 2	**USA BORDER**	125-00-00.0						
CBUBT07	CO LIC	CRANBROOK	BC	49-27-30.0	10 Z	2.20(KW)	3443(FT)			751217
		ZONE 2	**USA BORDER**	115-37-45.0	DA	HOR				
CBUBT	CO LIC	CRANBROOK	BC	49-32-45.0	59 +	.39(KW)	0681(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	115-47-52.0	DA	HOR				
CBUCT01	CO LIC	CRANFORD BAY	BC	49-38-54.0	05 Z	.935(KW)	-440(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	116-50-53.0	DA	HOR				
CBUCT03	CO LIC	CRESTON	BC	49-09-56.0	03 Z	.790(KW)	2011(FT)			770310
		ZONE 2	**USA BORDER**	116-40-39.0	DA	HOR				
	CO	CRESTON	BC	49-06-00.0	42 Z					760512
		ZONE 2	**USA BORDER**	116-31-00.0						
	CO	DUNCAN	BC	48-47-00.0	51 Z					751217
		ZONE 2	**USA BORDER**	123-42-00.0						
CHBCTV08	CO LIC	ENDERBY	BC	50-33-48.6	72 Z	.070(KW)	-625(FT)	OKANAGAN VALLEY TV CO		751217
		ZONE 2	**USA BORDER**	119-08-10.0	DA	HOR				
	CO	ENDERBY	BC	50-33-00.0	78 Z					760512
		ZONE 2	**USA BORDER**	119-08-00.0						
CBUBT09	CO LIC	FERNIE	BC	49-29-18.0	08 Z	1(KW)	-1804(FT)			760525
		ZONE 2	**USA BORDER**	115-03-47.0	DA	HOR				
CBUBT02	CO LIC	GOLDEN	BC	51-16-25.0	13 Z	.157(KW)	0-87(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	116-59-17.0	DA	HOR				
	CO	GOLDEN	BC	51-18-00.0	64 Z					760512
		ZONE 2	**USA BORDER**	116-58-00.0						
	CO	GRAND FORKS	BC	49-02-00.0	57 Z					760512
		ZONE 2	**USA BORDER**	118-27-00.0						
	CO	HOPE	BC	49-23-00.0	57 Z					760512
		ZONE 2	**USA BORDER**	121-26-00.0						
	CO	HOPE	BC	49-23-00.0	65 Z					751217
		ZONE 2	**USA BORDER**	121-26-00.0						
	CO	HOUSTON	BC	54-26-33.0	02 +					770324
		ZONE 2	**USA BORDER**	126-39-30.0						
CFJCTV	CO LIC	KAMLOOPS	BC	50-40-15.0	04 +	3.7(KW)	0501(FT)	INLAND BCTRS LTD		730401
		ZONE 2	**USA BORDER**	120-23-50.0		HOR				
CHKBTV08	CO LIC	KAMLOOPS	BC	50-40-15.0	06 +	4(KW)	0501(FT)	BRITISH COLUMBIA TV		730401
		ZONE 2	**USA BORDER**	120-23-50.0		HOR				

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	CO	KAMLOOPS	BC	50-40-00.0	50 +					760512
		ZONE 2	**USA BORDER**	120-20-00.0						
	CO	KAMLOOPS	BC	50-40-00.0	74 +					760512
		ZONE 2	**USA BORDER**	120-20-00.0						
	CO	KAMLOOPS	BC	50-40-00.0	80 Z					760512
		ZONE 2	**USA BORDER**	120-20-00.0						
CHBCTV	CO LIC	KELOWNA	BC	49-58-00.0	02 Z	3.7(KW)	2704(FT)	OKANAGAN VALLEY TV CO		730401
		ZONE 2	**USA BORDER**	119-31-40.0		HOR				
CHKLTV08	CO LIC	KELOWNA	BC	49-58-00.0	05 -	7(KW)	1672(FT)	BC TV BCTING SYS LTD		751217
		ZONE 2	**USA BORDER**	119-31-40.0	DA	HOR				
	CO	KELOWNA	BC	49-53-00.0	21 Z					760512
		ZONE 2	**USA BORDER**	119-29-00.0						
	CO	KELOWNA	BC	49-53-00.0	43 +					760512
		ZONE 2	**USA BORDER**	119-29-00.0						
	CO	KIMBERLEY	BC	49-41-00.0	71 -					751217
		ZONE 2	**USA BORDER**	115-59-00.0						
	CO	KINNAIRD	BC	49-17-00.0	63 +					760512
		ZONE 2	**USA BORDER**	117-39-00.0						
	CO	KITIMAT	BC	54-03-00.0	21 Z					760512
		ZONE 2	**USA BORDER**	128-39-00.0						
	CO	LAKE COWICHAN	BC	48-50-00.0	29 Z					760512
		ZONE 2	**USA BORDER**	124-03-00.0						
	CO	MERRITT	BC	50-07-00.0	20 +					751217
		ZONE 2	**USA BORDER**	120-47-00.0						
	CO	MISSION CITY	BC	49-08-00.0	81 Z					760512
		ZONE 2	**USA BORDER**	122-18-00.0						
CBUBT08	CO LIC	MORRISSEY RIDGE	BC	49-26-44.0	21 +	.32(KW)	1804(FT)	ALLOC TO FERNIE,BC		751217
		ZONE 2	**USA BORDER**	114-59-20.0	DA	HOR				
	CO	MT KOBAU	BC	49-08-15.0	03 +					770302
		ZONE 2	**USA BORDER**	119-40-10.0			ALLOCATION USED OLIVER-OSOYOOS, BC.			
CITMTV	CO LIC	MT TIMOTHY	BC	51-54-10.0	03 Z	1.3(KW)	1917(FT)	BC TV BCTING SYS LTD		751217
		ZONE 2	**USA BORDER**	121-15-37.0	DA	HOR				
CFJCTV08	CO LIC	MT TIMOTHY	BC	51-54-00.0	05 -	.99(KW)	1871(FT)	INLAND BCTRS LTD		730401
		ZONE 2	**USA BORDER**	121-15-30.0		HOR				
	CO	NANAIMO	BC	49-10-00.0	33 -					751217
		ZONE 2	**USA BORDER**	123-56-00.0						

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	CO	NANAIMO	BC	49-10-00.0	63 Z					751217
		ZONE 2	**USA BORDER**	123-56-00.0						
CBUBT10	CO LIC	NATAL	BC	49-43-28.0	11 Z	1.11(KW)	-598(FT)			751217
		ZONE 2	**USA BORDER**	114-51-48.0	DA	HOR				
CKTHTV03	CO LIC	NELSON	BC	49-29-35.0	03 +	.330(KW)	-1870(FT)			770310
		ZONE 2	**USA BORDER**	117-16-15.0	DA	HOR				
CBUCT00	CO LIC	NELSON	BC	49-31-50.0	09 Z	1.85(KW)	1377(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	117-17-58.0	DA	HOR				
	CO	NELSON	BC	49-29-00.0	14 Z					751217
		ZONE 2	**USA BORDER**	117-17-00.0						
	CO	NELSON	BC	49-29-00.0	23 Z					751217
		ZONE 2	**USA BORDER**	117-17-00.0						
CKKMTV	CO LIC	OLIVER-OSOYOOS	BC	49-08-15.0	03 +	930(KW)	3164(FT)			770302
		ZONE 2	**USA BORDER**	119-40-10.0		HOR	ALLOCATED TO MT. KOBAU, BC.			
CHBCTV03	CO LIC	OLIVER	BC	49-06-00.0	08 Z	.22(KW)	1346(FT)	OKANAGAN VALLY TV CO		751217
		ZONE 2	**USA BORDER**	119-34-45.0	DA	HOR				
	CO	OLIVER	BC	49-11-00.0	41 Z					751217
		ZONE 2	**USA BORDER**	119-33-00.0						
CHKLTV01	CO LIC	PENTICTON	BC	49-39-34.0	10 Z	1.08(KW)	1173(FT)	BC TV BCTING SYS		751217
		ZONE 2	**USA BORDER**	119-34-18.0	DA	HOR				
CHBCTV01	CO LIC	PENTICTON	BC	49-39-34.0	13 Z	.54(KW)	2717(FT)	OKANAGAN VALLEY TV CO		751217
		ZONE 2	**USA BORDER**	119-34-18.0	DA	HOR				
	CO	PENTICTON	BC	49-30-00.0	73 Z					760512
		ZONE 2	**USA BORDER**	119-35-00.0						
	CO	PENTICTON	BC	49-30-00.0	79 +					760512
		ZONE 2	**USA BORDER**	119-35-00.0						
	CO	PORT ALBERNI	BC	49-14-15.0	03 +					751217
		ZONE 2	**USA BORDER**	124-48-15.0						
	CO	PORT ALBERNI	BC	49-14-00.0	27 +					751217
		ZONE 2	**USA BORDER**	124-48-00.0						
	CO	PORT ALBERNI	BC	49-14-00.0	71 +					751217
		ZONE 2	**USA BORDER**	124-48-00.0						
	CO	PORT HARDY	BC	50-43-30.0	06 Z					760809
		ZONE 2	**USA BORDER**	127-29-30.0						
	CO	PORT HARDY	BC	50-43-30.0	08 Z					751217
		ZONE 2	**USA BORDER**	127-29-30.0						

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	CO	POWELL RIVER	BC	49-52-00.0	15 -					751217
		ZONE 2	**USA BORDER**	124-33-00.0						
	CO	POWELL RIVER	BC	49-52-00.0	43 Z					751217
		ZONE 2	**USA BORDER**	124-33-00.0						
CFTKTV01	CO LIC	PRINCE RUPERT	BC	54-17-05.0	06 +	.48(KW)	1960(FT)	SKEENA BCTRS LTD		730401
		ZONE 2	**USA BORDER**	130-18-48.0		HOR				
	CO	PRINCE RUPERT	BC	54-18-48.0	07 Z					751217
		ZONE 2	**USA BORDER**	130-19-30.0						
	CO	PRINCE RUPERT	BC	54-19-00.0	14 Z					760512
		ZONE 2	**USA BORDER**	130-19-00.0						
	CO	PRINCE RUPERT	BC	54-19-00.0	20 Z					760512
		ZONE 2	**USA BORDER**	130-19-00.0						
	CO	PRINCETON	BC	49-27-00.0	71 Z					751217
		ZONE 2	**USA BORDER**	120-30-00.0						
CBUDT05	CO LIC	RADIUM	BC	50-37-08.0	77 Z	1.56(KW)	-1488(FT)	CANADIAN BCTING CORP.		760624
		ZONE 2	**USA BORDER**	116-04-47.0	DA	HOR				
	CO	REVELSTOKE	BC	51-00-00.0	66 +					751217
		ZONE 2	**USA BORDER**	118-12-00.0						
	CO	ROSSLAND	BC	49-05-00.0	19 Z					751217
		ZONE 2	**USA BORDER**	117-48-00.0						
CHBCTV04	CO LIC	SALMON ARM	BC	50-45-20.0	09 -	.486(KW)	-155(FT)	OKANAGAN VALLEY TV CO		751217
		ZONE 2	**USA BORDER**	119-19-45.0	DA	HOR				
	CO	SALMON ARM	BC	50-42-00.0	56 +					760512
		ZONE 2	**USA BORDER**	119-16-00.0						
	CO	SALT SPRINGS ISLAND	BC	48-45-06.0	21 -					761210
		ZONE 2	**USA BORDER**	123-29-26.0			ALLOCATION USED VANCOUVER, BC.			
	CO	SMITHERS	BC	54-44-28.0	05 +					770324
		ZONE 2	**USA BORDER**	126-58-50.0						
	CO	SMITHERS	BC	54-47-00.0	28 Z					760512
		ZONE 2	**USA BORDER**	127-10-00.0						
	CO	SOOKE	BC	48-23-00.0	33 Z					760512
		ZONE 2	**USA BORDER**	123-43-00.0						
CBUBT06	CO LIC	SPILLIMACHEN	BC	50-53-59.0	69 Z	1.84(KW)	-1377(FT)	CANADIAN BCSTG CORP		760624
		ZONE 2	**USA BORDER**	116-20-35.0	DA	HOR				
	CO	SQUAMISH	BC	49-42-00.0	35 +					760512
		ZONE 2	**USA BORDER**	123-09-00.0						

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	CO	SUMMERLAND	BC	49-36-00.0	49 Z						760512
		ZONE 2	**USA BORDER**	119-41-00.0							
CFTKTV	CO LIC	TERRACE	BC	54-31-05.0	03 Z	4.1(KW)	1783(FT)	SKEENA BCTRS LTD			730401
		ZONE 2	**USA BORDER**	128-28-15.0		HOR					
	CO	TERRACE	BC	54-31-00.0	19 Z						760512
		ZONE 2	**USA BORDER**	128-35-00.0							
CKTNTV	CO LIC	TRAIL	BC	49-05-30.0	06 +	10(KW)	1544(FT)				770310
		ZONE 2	**USA BORDER**	117-49-10.0	DA	HOR					
CBUAT	CO LIC	TRAIL	BC	49-05-27.0	11 Z	5.85(KW)	0762(FT)	CANADIAN BCTING CORP			751217
		ZONE 2	**USA BORDER**	117-47-55.0	DA	HOR					
	CO	TRAIL	BC	49-06-00.0	36 Z						751217
		ZONE 2	**USA BORDER**	117-42-00.0							
	CO	TRAIL	BC	49-06-00.0	52 +						760414
		ZONE 2	**USA BORDER**	117-42-00.0							
CBUT	CO LIC	VANCOUVER	BC	49-21-12.0	02 +	89.4(KW)	2400(FT)	CANADIAN BCTING CORP			751217
		ZONE 2	**USA BORDER**	122-57-18.0	DA	HOR					
CHANTV	CO LIC	VANCOUVER	BC	49-18-31.0	08 +	164(KW)	1171(FT)	BC BCTING SYS LTD			770302
		ZONE 2	**USA BORDER**	122-54-49.0	DA	HOR					
CKVUTV	CO CP	VANCOUVER	BC	48-45-06.0	21 -	2440(KW)	2187(FT)				781210
		ZONE 2	**USA BORDER**	123-29-26.0	DA	BT HOR	ALLOCATED TO SALT SPRINGS ISLAND, BC.				
CBUFT	CO LIC	VANCOUVER-NEW W	BC	49-21-12.0	26 Z	257(KW)	2011(FT)				780921
		ZONE 2	**USA BORDER**	122-57-18.0	DA	BT HOR					
	CO	VANCOUVER-NEW W	BC	49-16-00.0	32 Z						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
	CO	VANCOUVER-NEW W	BC	49-16-00.0	45 Z						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
	CO	VANCOUVER-NEW W	BC	49-16-00.0	55 Z						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
	CO	VANCOUVER-NEW W	BC	49-16-00.0	61 Z						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
	CO	VANCOUVER-NEW W	BC	49-16-00.0	72 +						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
	CO	VANCOUVER-NEW W	BC	49-16-00.0	83 Z						760512
		ZONE 2	**USA BORDER**	123-07-00.0							
CHBCTV02	CO LIC	VERNON	BC	50-16-58.0	07 -	.62(KW)	0868(FT)	OKANAGAN VALLEY TV CO			751217
		ZONE 2	**USA BORDER**	119-19-09.0	DA	HOR					

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CHKLTV02	CO LIC	VERNON	BC	50-16-58.0	12 Z	.546(KW)	0578(FT)	BC TV BCTING SYS LTD			760414
		ZONE 2	**USA BORDER**	119-19-09.0	DA	HOR					
	CO	VERNON	BC	50-16-00.0	18 Z						751217
		ZONE 2	**USA BORDER**	119-16-00.0							
	CO	VERNON	BC	50-16-00.0	27 Z						751217
		ZONE 2	**USA BORDER**	119-16-00.0							
CHEKTV	CO LIC	VICTORIA	BC	48-46-28.0	06 Z	100(KW)	1555(FT)	CHEK TV LTD			730401
		ZONE 2	**USA BORDER**	123-10-10.0		HOR					
	CO	VICTORIA	BC	48-26-05.0	10 +						751217
		ZONE 2	**USA BORDER**	123-21-00.0							
	CO	VICTORIA	BC	48-25-00.0	43 Z						751217
		ZONE 2	**USA BORDER**	123-22-00.0							
	CO	VICTORIA	BC	48-25-00.0	53 Z						760512
		ZONE 2	**USA BORDER**	123-22-00.0							
	CO	VICTORIA	BC	48-25-00.0	74 Z						760512
		ZONE 2	**USA BORDER**	123-22-00.0							
	CO	VICTORIA	BC	48-25-00.0	80 +						760512
		ZONE 2	**USA BORDER**	123-22-00.0							
	CO	MARFIELD	BC	49-06-00.0	25 +						760512
		ZONE 2	**USA BORDER**	117-45-00.0							
	CO	MOSS CAMP	BC	50-10-10.0	12 Z						760809
		ZONE 2	**USA BORDER**	126-34-08.0							
	CO	WILLIAMS LAKE	BC	52-08-00.0	21 +						760722
		ZONE 2	**USA BORDER**	122-09-00.0							
	CO	ALONSA	MB	50-48-00.0	11 -						760512
		ZONE 2	**USA BORDER**	98-58-00.0							
	CO	ALONSA	MB	50-48-00.0	27 Z						760512
		ZONE 2	**USA BORDER**	98-58-00.0							
	CO	ALONSA	MB	50-48-00.0	39 Z						760512
		ZONE 2	**USA BORDER**	98-58-00.0							
	CO	ALONSA	MB	50-48-00.0	49 Z						760512
		ZONE 2	**USA BORDER**	98-58-00.0							
	CO	ALONSA	MB	50-48-00.0	55 Z						760512
		ZONE 2	**USA BORDER**	98-58-00.0							
	CO	ALTONA	MB	49-06-00.0	58 Z						760512
		ZONE 2	**USA BORDER**	97-33-00.0							

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	CO	BALDY MOUNTAIN ZONE 2 **USA BORDER**	MB	51-28-14.0 100-43-10.0	47 +					761111
	CO	BEAUSEJOUR ZONE 2 **USA BORDER**	MB	50-04-00.0 96-33-00.0	44 Z					760512
	CO	BIRCH RIVER ZONE 2 **USA BORDER**	MB	52-22-15.0 101-59-30.0	02 Z					751217
	CO	BIRCH RIVER ZONE 2 **USA BORDER**	MB	52-22-15.0 101-59-30.0	04 -					751217
	CO	BOISSEVAIN ZONE 2 **USA BORDER**	MB	49-14-00.0 100-03-00.0	53 -					751217
	CO	BRANDON ZONE 2 **USA BORDER**	MB	49-53-00.0 99-59-00.0	03 -					751217
CJAYTV	CO LIC	BRANDON ZONE 2 **USA BORDER**	MB	49-40-05.0 100-00-40.0	04 + DA	100(KW) HOR	1200(FT)	RELAY COMM LTD		751217
CKXTV	CO LIC	BRANDON ZONE 2 **USA BORDER**	MB	49-40-05.0 100-00-40.0	05 + DA	83(KW) HOR	1363(FT)	WESTERN MA BCTRS LTD		751217
	CO	BRANDON ZONE 2 **USA BORDER**	MB	49-50-00.0 99-57-00.0	21 +					760512
	CO	BRANDON ZONE 2 **USA BORDER**	MB	49-50-00.0 99-57-00.0	37 +					760512
	CO	BRANDON ZONE 2 **USA BORDER**	MB	49-50-00.0 99-57-00.0	63 Z					760512
	CO	CARBERRY ZONE 2 **USA BORDER**	MB	49-52-00.0 99-20-00.0	61 Z					760512
	CO	CARMAN ZONE 2 **USA BORDER**	MB	49-32-00.0 98-00-00.0	60 Z					760512
	CO	CHURCHILL ZONE 2	MB	58-46-49.0 94-11-16.0	04 Z					760722
	CO	CHURCHILL ZONE 2	MB	58-46-49.0 94-11-16.0	08 Z					760722
	CO	DAUPHIN ZONE 2 **USA BORDER**	MB	51-28-15.0 100-43-00.0	06 -					751217
CBWST	CO LIC	DAUPHIN ZONE 2 **USA BORDER**	MB	51-28-14.0 100-43-10.0	08 Z DA	300(KW) HOR	1147(FT)	YORKTON TV CO LTD		751217
	CO	DAUPHIN ZONE 2 **USA BORDER**	MB	51-09-00.0 100-03-00.0	12 -					751217

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	CO	DAUPHIN ZONE 2 **USA BORDER**	MB	51-09-00.0 100-03-00.0	18 -					751217
	CO	DAUPHIN ZONE 2 **USA BORDER**	MB	51-09-00.0 100-03-00.0	57 Z					751217
	CO	DAWSON BAY ZONE 2	MB	52-54-00.0 101-01-00.0	35 Z					760722
	CO	DAWSON BAY ZONE 2	MB	52-54-00.0 101-01-00.0	41 +					751217
	CO	DAWSON BAY ZONE 2	MB	52-54-00.0 101-01-00.0	53 +					751217
	CO	DAWSON BAY ZONE 2	MB	52-54-00.0 101-01-00.0	63 +					751217
	CO	FAIRFORD ZONE 2 **USA BORDER**	MB	51-36-00.0 98-41-00.0	07 -					760809
	CO	FISHER BRANCH ZONE 2 **USA BORDER**	MB	51-05-00.0 97-39-00.0	08 -					760319
CBWQT00	CO LIC	FISHER BRANCH ZONE 2 **USA BORDER**	MB	51-04-50.0 97-38-55.0	10 + DA	50.6(KW) HOR	0659(FT)	CANADIAN BCTING CORP		751217
	CO	FISHER BRANCH ZONE 2 **USA BORDER**	MB	51-05-00.0 97-39-00.0	33 -					760527
	CO	FISHER BRANCH ZONE 2 **USA BORDER**	MB	51-05-00.0 97-39-00.0	45 +					751217
	CO	FLIN FLON ZONE 2	MB	54-46-00.0 101-52-00.0	03 -					760722
	CO	FLIN FLON ZONE 2	MB	54-47-30.0 101-52-00.0	05 +					760722
	CO	FLIN FLON ZONE 2	MB	54-47-30.0 101-52-00.0	13 -					760722
	CO	FORWARREN ZONE 2 **USA BORDER**	MB	50-31-14.0 101-04-23.0	09 Z					751217
CKXTV01	CO LIC	FORWARREN ZONE 2 **USA BORDER**	MB	50-31-14.0 101-04-23.0	11 Z DA	13.2(KW) HOR	0270(FT)	WESTERN MA BCTRS LTD		751217
	CO	FORWARREN ZONE 2 **USA BORDER**	MB	50-31-14.0 101-04-23.0	28 +					751217
	CO	FORWARREN ZONE 2 **USA BORDER**	MB	50-31-14.0 101-04-23.0	34 -					751217

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	CO	FORWARREN ZONE 2 **USA BORDER**	MB	50-31-14.0 101-04-23.0	58 +				751217
	CO	GIMLI ZONE 2 **USA BORDER**	MB	50-38-00.0 97-00-00.0	65 Z				760512
	CO	GODS LAKE ZONE 2	MB	54-40-00.0 94-09-00.0	12 Z				760722
	CO	ISLAND LAKE ZONE 2	MB	53-52-00.0 94-46-00.0	07 Z				760722
	CO	ISLAND LAKE ZONE 2	MB	53-52-00.0 94-40-00.0	09 Z				760722
	CO	ISLAND LAKE ZONE 2	MB	53-52-00.0 94-40-00.0	11 +				760722
	CO	ISLAND LAKE ZONE 2	MB	53-22-00.0 94-40-00.0	13 -				760722
	CO	JACK HEAD ZONE 2 **USA BORDER**	MB	51-53-27.0 97-18-50.0	65 Z				760730
	CO	KILLARNEY ZONE 2 **USA BORDER**	MB	49-12-00.0 99-42-00.0	43 Z				760512
CBWT02	CO LIC	LAC DU BONNET ZONE 2 **USA BORDER**	MB	50-15-30.0 95-57-20.0	04 Z DA	19.2(KW) HOR	0442(FT)	CANADIAN BCTING CORP	751217
	CO	LAC DU BONNET ZONE 2 **USA BORDER**	MB	50-18-00.0 96-04-00.0	15 +				760512
	CO	LAC DU BONNET ZONE 2 **USA BORDER**	MB	50-18-00.0 96-04-00.0	24 -				760512
	CO	LAC DU BONNET ZONE 2 **USA BORDER**	MB	50-18-00.0 96-04-00.0	46 Z				760512
	CO	LAC DU BONNET ZONE 2 **USA BORDER**	MB	50-18-00.0 96-04-00.0	52 Z				760512
	CO	LEAF RAPIDS ZONE 2	MB	56-30-00.0 99-59-00.0	03 Z				760722
	CO	LEAF RAPIDS ZONE 2	MB	56-30-00.0 99-59-00.0	06 -				760722
	CO	LEAF RAPIDS ZONE 2	MB	56-30-00.0 99-59-00.0	11 Z				760722
	CO	MATHESON ISLAND ZONE 2 **USA BORDER**	MB	51-44-00.0 96-56-00.0	35 Z				760512

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	CO	MATHESON ISLAND ZONE 2 **USA BORDER**	MB	51-44-00.0 96-56-00.0	41 Z				760512
	CO	MATHESON ISLAND ZONE 2 **USA BORDER**	MB	51-44-00.0 96-56-00.0	53 Z				760512
	CO	MATHESON ISLAND ZONE 2 **USA BORDER**	MB	51-44-00.0 96-56-00.0	62 -				760512
	CO	MCCUSKER LAKE ZONE 2	MB	56-05-00.0 95-45-00.0	02 Z				760722
	CO	MCCUSKER LAKE ZONE 2	MB	56-05-00.0 95-45-00.0	06 Z				760722
	CO	MCCUSKER LAKE ZONE 2	MB	56-05-00.0 95-45-00.0	13 +				760722
CKXTV02	CO LIC	MELITA ZONE 2 **USA BORDER**	MB	49-16-50.0 100-59-12.0	09 +	.1BW(KW) HOR	0212(FT)	W MANITOBA BCTRS LTD	730401
	CO	MELITA ZONE 2 **USA BORDER**	MB	49-16-00.0 100-00-00.0	45 Z				751217
	CO	MINNEDOSA ZONE 2 **USA BORDER**	MB	50-14-00.0 99-51-00.0	59 Z				760512
	CO	MORDEN-WINKLER ZONE 2 **USA BORDER**	MB	49-11-00.0 98-05-00.0	25 Z				760809
	CO	NEEPAWA ZONE 2 **USA BORDER**	MB	50-13-00.0 99-29-00.0	29 Z				760512
	CO	OXFORD HOUSE ZONE 2	MB	54-56-00.0 95-18-00.0	08 Z				760722
	CO	PEMBINA VALLEY ZONE 2 **USA BORDER**	MB	49-08-00.0 98-37-00.0	19 +				760512
	CO	PEMBINA VALLEY ZONE 2 **USA BORDER**	MB	49-08-00.0 98-37-00.0	35 -				760512
	CO	PEMBINA VALLEY ZONE 2 **USA BORDER**	MB	49-08-00.0 98-37-00.0	41 -				760512
	CO	PEMBINA VALLEY ZONE 2 **USA BORDER**	MB	49-08-00.0 98-37-00.0	64 Z				760512
	CO	PORTAGE PRAIRIE ZONE 2 **USA BORDER**	MB	49-57-00.0 98-25-00.0	17 Z				760512
	CO	PORTAGE PRAIRIE ZONE 2 **USA BORDER**	MB	49-57-00.0 98-25-00.0	38 Z				760512

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	CO	ROBLIN	MB	51-17-00.0	52 +					760512
		ZONE 2 **USA BORDER**		101-28-00.0						
	CO	RUSSEL	MB	50-47-00.0	22 Z					760512
		ZONE 2 **USA BORDER**		101-15-00.0						
	CO	SELKIRK	MB	50-09-00.0	54 Z					751217
		ZONE 2 **USA BORDER**		96-52-00.0						
	CO	SHERRIDON	MB	55-08-00.0	07 -					760722
		ZONE 2		101-05-00.0						
	CO	SHERRIDON	MB	55-08-00.0	21 Z					751217
		ZONE 2		101-05-00.0						
	CO	SHERRIDON	MB	55-08-00.0	27 Z					751217
		ZONE 2		101-05-00.0						
	CO	SHERRIDON	MB	55-08-00.0	33 Z					751217
		ZONE 2		101-05-00.0						
CBMFT04	CO LIC	STE ROSE DU LAC	MB	51-04-15.0	03 +	.392(KW)	120(FT)			770310
		ZONE 2 **USA BORDER**		99-31-16.0	DA	HOR				
	CO	STEINBACH	MB	49-32-00.0	18 Z					751217
		ZONE 2 **USA BORDER**		96-41-00.0						
	CO	SWAN RIVER	MB	52-06-00.0	14 Z					760512
		ZONE 2 **USA BORDER**		101-16-00.0						
	CO	THE PASS	MB	53-50-00.0	02 -					760722
		ZONE 2		101-15-20.0						
	CO	THE PASS	MB	53-50-00.0	06 +					760722
		ZONE 2		101-15-20.0						
	CO	THE PASS	MB	53-50-00.0	12 Z					760722
		ZONE 2		101-15-20.0						
	CO	THOMPSON	MB	55-43-45.0	04 Z					760730
		ZONE 2		97-52-00.0						
	CO	THOMPSON	MB	55-43-45.0	05 Z					760722
		ZONE 2		97-52-00.0						
	CO	THOMPSON	MB	55-43-45.0	09 +					760722
		ZONE 2		97-52-00.0						
	CO	VASSAR	MB	49-06-00.0	16 Z					760512
		ZONE 2 **USA BORDER**		95-50-00.0						
	CO	VASSAR	MB	49-06-00.0	28 Z					760512
		ZONE 2 **USA BORDER**		95-50-00.0						

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	CO	VASSAR	MB	49-06-00.0	37 Z					760512
		ZONE 2 **USA BORDER**		95-50-00.0						
	CO	VASSAR	MB	49-06-00.0	63 +					760512
		ZONE 2 **USA BORDER**		95-50-00.0						
	CO	VASSAR	MB	49-06-00.0	62 Z					760512
		ZONE 2 **USA BORDER**		95-50-00.0						
	CO	VIRDEN	MB	49-51-00.0	32 Z					760512
		ZONE 2 **USA BORDER**		100-55-00.0						
	CO	WEST HAWK	MB	49-44-00.0	34 Z					751217
		ZONE 2 **USA BORDER**		95-14-00.0						
	CO	WEST HAWK	MB	49-44-00.0	40 +					751217
		ZONE 2 **USA BORDER**		95-14-00.0						
	CO	WEST HAWK	MB	49-44-00.0	50 Z					770324
		ZONE 2 **USA BORDER**		95-14-00.0						
	CO	WEST HAWK	MB	49-44-00.0	56 Z					770324
		ZONE 2 **USA BORDER**		95-14-00.0						
CBWFT	CO LIC	WINNIPEG	MB	49-46-15.0	03 -	59(KW)	930(FT)	CANADIAN BCTING CORP		760624
		ZONE 2 **USA BORDER**		97-30-35.0		HOR				
CBWT	CO LIC	WINNIPEG	MB	49-46-15.0	06 -	100(KW)	1010(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		97-30-35.0		HOR				
CKYTV	CO LIC	WINNIPEG	MB	49-34-48.0	07 +	325(KW)	0933(FT)	CHANNEL 7 TV LTD		740828
		ZONE 2 **USA BORDER**		97-10-04.0		HOR				
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	09 +					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	13 +					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	20 +					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	28 Z					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	36 Z					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	42 Z					761111
		ZONE 2 **USA BORDER**		97-09-30.0						
	CO	WINNIPEG-ST BONIFACE MB		49-53-00.0	48 Z					761111
		ZONE 2 **USA BORDER**		97-09-30.0						

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	CO	WINNIPEG-ST BONIFACE MB ZONE 2 **USA BORDER**	49-53-00.0 97-09-30.0	71 Z						761111
	CO	WINNIPEG-ST BONIFACE MB ZONE 2 **USA BORDER**	49-53-00.0 97-09-30.0	77 +						761111
	CO	WINNIPEG-ST BONIFACE MB ZONE 2 **USA BORDER**	49-53-00.0 97-09-30.0	83 Z						761118
	CO	BATHURST NB ZONE 2 **USA BORDER**	47-36-00.0 65-39-00.0	54 +						751217
	CO	BATHURST NB ZONE 2 **USA BORDER**	47-36-00.0 65-39-00.0	82 Z						751217
CHSJTV01	CO LIC	BON ACCORD NB ZONE 2 **USA BORDER**	46-38-57.0 67-35-35.0	06 - DA	100(KW) HOR	1000(FT)	NEW BRUNSWICK BCTING CO			751217
	CO	BUCTOUCHE NB ZONE 2 **USA BORDER**	46-28-00.0 64-43-00.0	27 Z						760512
CKCDTV00	CO LIC	CAMPBELLTON NB ZONE 2 **USA BORDER**	48-04-57.0 66-34-54.0	07 - DA	2(KW) HOR	0640(FT)	MONCTON BCTING LTD			751217
	CO	CAMPBELLTON NB ZONE 2 **USA BORDER**	48-00-00.0 66-40-00.0	38 Z						760512
	CO	CAMPBELLTON NB ZONE 2 **USA BORDER**	48-00-00.0 66-40-00.0	78 +						760512
	CO	CARAQUET NB ZONE 2 **USA BORDER**	47-48-00.0 64-57-00.0	64 Z						760512
	CO	CHATHAM NB ZONE 2 **USA BORDER**	47-02-00.0 65-28-00.0	06 Z			ALLOCATION USED NEWCASTLE-CHATHAM, NB.			770408
	CO	CHATHAM NB ZONE 2 **USA BORDER**	47-02-00.0 65-28-00.0	52 +						751217
	CO	CHIPMAN NB ZONE 2 **USA BORDER**	46-11-00.0 65-53-00.0	67 +						760512
	CO	DALHOUSIE NB ZONE 2 **USA BORDER**	48-04-00.0 66-23-00.0	80 Z						751217
	CO	DORCHESTER NB ZONE 2 **USA BORDER**	45-54-00.0 64-31-00.0	18 +						760512
CJBRTV01	CO LIC	EDMUNDSTON NB ZONE 2 **USA BORDER**	47-23-25.0 68-18-59.0	13 Z DA	2.6(KW) HOR	0856(FT)				751217
	CO	EDMUNDSTON NB ZONE 2 **USA BORDER**	47-22-00.0 68-20-00.0	18 Z						760512

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	CO	EDMUNDSTON NB ZONE 2 **USA BORDER**	47-22-00.0 68-20-00.0	68 Z						760512
CKLTTV01	CO LIC	FLORENCVLE-WOODSTOCK NB ZONE 2 **USA BORDER**	46-25-12.0 67-33-34.0	03 Z DA	35(KW) HOR	4329(FT) ALLOCATED TO WOODSTOCK, NB.				770324
CBAFT01	CO LIC	FREDERICTON-ST JOHN NB ZONE 2 **USA BORDER**	45-34-57.0 65-47-41.0	05 - DA	60(KW) HOR	0840(FT)				761111
	CO	FREDERICTON-ST JOHN NB ZONE 2 **USA BORDER**	45-58-00.0 66-39-00.0	15 Z						761111
	CO	FREDERICTON-ST JOHN NB ZONE 2 **USA BORDER**	45-58-00.0 66-39-00.0	45 +						761111
	CO	FREDERICTON-ST JOHN NB ZONE 2 **USA BORDER**	45-58-00.0 66-39-00.0	61 Z						761111
	CO	GRAND FALLS NB ZONE 2 **USA BORDER**	47-02-45.0 67-44-42.0	04 Z						751217
	CO	GRAND FALLS NB ZONE 2 **USA BORDER**	47-03-00.0 67-44-00.0	20 Z						760512
	CO	MCADAM NB ZONE 2 **USA BORDER**	45-36-00.0 67-20-00.0	71 -						760512
	CO	MCADAM NB ZONE 2 **USA BORDER**	45-36-00.0 67-20-00.0	77 -						760512
	CO	MILLTOWN NB ZONE 2 **USA BORDER**	45-10-00.0 67-18-00.0	33 Z						760512
CKCWTV	CO LIC	MONCTON NB ZONE 2 **USA BORDER**	46-51-06.0 64-48-47.0	02 Z	25(KW) HOR	0990(FT)	MONCTON BCTING LTD			751217
CHMTTV	CO LIC	MONCTON NB ZONE 2 **USA BORDER**	45-48-32.0 64-45-11.0	07 Z DA	325(KW) HOR	1128(FT)	NB BCTING CO LTD			751217
CBAFT	CO LIC	MONCTON NB ZONE 2 **USA BORDER**	46-08-41.0 64-54-14.0	11 Z DA	325(KW) HOR	0781(FT)	CANADIAN BCTING CORP			751217
	CO	MONCTON NB ZONE 2 **USA BORDER**	46-06-00.0 64-47-00.0	34 +						760512
	CO	MONCTON NB ZONE 2 **USA BORDER**	46-06-00.0 64-47-00.0	30 Z						760512
	CO	MONCTON NB ZONE 2 **USA BORDER**	46-06-00.0 64-47-00.0	70 Z						760512
	CO	MONCTON NB ZONE 2 **USA BORDER**	46-06-00.0 64-47-00.0	83 Z						760512

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CBAFT03	CO LIC	NEGUAC ZONE 2 **USA BORDER**	NB	47-15-40.0 65-06-24.0	03 Z DA	1(KW) HOR	0557(FT)			751217
CHQNTV	CO LIC	NEWCASTLE-CHATHAM ZONE 2 **USA BORDER**	NB	47-03-32.0 65-34-38.0	06 Z DA	12.8(KW) HOR	348(FT) ALLOCATED TO CHATHAM, NB.			770408
	CO	NEWCASTLE ZONE 2 **USA BORDER**	NB	47-00-00.0 65-34-00.0	35 Z					751217
	CO	ORONOCTO ZONE 2 **USA BORDER**	NB	45-51-00.0 66-29-00.0	31 -					760512
	CO	ORONOCTO ZONE 2 **USA BORDER**	NB	45-51-00.0 66-29-00.0	51 -					761111
	CO	PERTH ZONE 2 **USA BORDER**	NB	46-44-00.0 67-42-00.0	37 +					760512
	CO	RICHIBUCTO ZONE 2 **USA BORDER**	NB	46-41-00.0 64-52-00.0	40 -					760512
	CO	SACKVILLE ZONE 2 **USA BORDER**	NB	45-54-00.0 64-22-00.0	53 Z					751217
	CO	SAINT ANDREWS ZONE 2 **USA BORDER**	NB	45-05-00.0 67-03-00.0	82 +					781111
CHSJTV	CO LIC	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-20-39.0 66-14-02.0	04 + DA	100(KW) HOR	1263(FT)	NEW BRUNSWICK BCTING CO		781111
CKLTTV	CO LIC	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-20-39.0 66-14-02.0	09 + DA	325(KW) HOR	1361(FT)	MONCTON BCTING LTD		781111
	CO	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-16-00.0 66-03-00.0	17 Z					751217
	CO	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-16-00.0 66-03-00.0	23 Z					751217
	CO	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-16-00.0 66-03-00.0	39 Z					751217
	CO	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-16-00.0 66-03-00.0	69 Z					751217
	CO	SAINT JOHN ZONE 2 **USA BORDER**	NB	45-16-00.0 66-03-00.0	78 Z					751217
	CO	SAINT LEONARD ZONE 2 **USA BORDER**	NB	47-10-00.0 67-56-00.0	50 +					781111
	CO	SAINT QUENTIN ZONE 2 **USA BORDER**	NB	47-30-00.0 67-23-00.0	42 -					781111

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	CO	SAINT STEPHENS ZONE 2 **USA BORDER**	NB	45-12-00.0 67-17-00.0	49 -					781111
	CO	SALISBURY ZONE 2 **USA BORDER**	NB	46-02-00.0 65-03-00.0	14 Z					760512
	CO	SHEDIAC ZONE 2 **USA BORDER**	NB	46-13-00.0 64-32-00.0	36 Z					760512
	CO	SHIPPEGAN ZONE 2 **USA BORDER**	NB	47-45-00.0 64-42-00.0	46 Z					760512
	CO	SUSSEX ZONE 2 **USA BORDER**	NB	45-43-00.0 65-31-00.0	48 Z					751217
	CO	TRACADIE ZONE 2 **USA BORDER**	NB	47-31-00.0 64-54-00.0	52 Z					760512
CKAMTV	CO LIC	UPSALQUITCH LAKE ZONE 2 **USA BORDER**	NB	47-27-19.0 66-25-07.0	12 Z DA	280(KW) HOR	1331(FT)	MONCTON BCTING LTD		761111
	CO	WOODSTOCK ZONE 2 **USA BORDER**	NB	46-08-59.0 67-34-45.0	03 +		ALLOCATION USED FLORENCEVILLE-WOODSTOCK, NB.			770302
	CO	WOODSTOCK ZONE 2 **USA BORDER**	NB	46-09-00.0 67-34-00.0	19 +					760512
	CO	BAKER LAKE ZONE 2	NT	64-19-00.0 96-02-00.0	09 +					760722
	CO	ESKIMO POINT ZONE 2	NT	61-06-00.0 94-04-00.0	09 Z					760722
	CO	FORT MCPHERSON ZONE 2 **USA BORDER**	NT	67-25-42.0 134-51-45.0	13 Z					751217
	CO	FORT SIMPSON ZONE 2	NT	61-52-18.0 121-22-45.0	09 Z					760722
	CO	FORT SMITH ZONE 2	NT	60-00-19.0 111-52-32.0	08 -					760722
	CO	IGLOOLIK ZONE 2	NT	69-23-00.0 81-48-00.0	09 Z					760722
CHAKTV	CO LIC	INUVIK ZONE 2 **USA BORDER**	NT	68-21-46.0 133-41-43.0	06 Z DA	5.8(KW) HOR	0384(FT)	CANADIAN BCTING CORP		751217
	CO	NORMAN WELLS ZONE 2	NT	65-16-40.0 126-47-00.0	09 Z					760722
	CO	RANKIN INLET ZONE 2	NT	62-48-26.0 93-04-35.0	09 Z					760722

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	CO	RESOLUTE	NT	74-41-00.0	09	Z					761007
		ZONE 2		94-54-00.0							
	CO	AMHERST	NS	45-50-00.0	47	Z					751217
		ZONE 2 **USA BORDER**		64-12-00.0							
	CO	AMHERST	NS	45-50-00.0	79	Z					751217
		ZONE 2 **USA BORDER**		64-12-00.0							
	CO	ANNAPOLIS ROYAL	NS	44-45-00.0	42	Z					760512
		ZONE 2 **USA BORDER**		65-31-00.0							
CJCBTV02	CO LIC	ANTIGONISH	NS	45-32-45.0	09	Z	260(KW)	0902(FT)	CAPE BRETON BCTRS LTD		751217
		ZONE 2 **USA BORDER**		62-15-39.0	DA		HOR				
	CO	ANTIGONISH	NS	45-37-00.0	23	-					760512
		ZONE 2 **USA BORDER**		61-59-00.0							
	CO	BRIDGETOWN	NS	44-50-00.0	29	Z					760512
		ZONE 2 **USA BORDER**		65-18-00.0							
	CO	BRIDGEWATER	NS	44-22-42.0	09	-					751217
		ZONE 2 **USA BORDER**		64-31-12.0							
	CO	BRIDGEWATER	NS	44-23-00.0	54	Z					751217
		ZONE 2 **USA BORDER**		64-31-00.0							
CJCHTV08	CO LIC	CALEDONIA	NS	44-20-26.0	08	+	100(KW)	0633(FT)	CJCH LTD		751217
		ZONE 2 **USA BORDER**		65-06-34.0	DA		HOR				
CJCHTV01	CO LIC	CANNING	NS	45-12-12.0	10	Z	18.1(KW)	0886(FT)	CJCH LTD		751217
		ZONE 2 **USA BORDER**		64-24-06.0	DA		HOR				
	CO	DIGBY	NS	44-37-00.0	52	-					760512
		ZONE 2 **USA BORDER**		65-46-00.0							
CBHT	CO LIC	HALIFAX	NS	44-39-03.0	03	Z	100(KW)	0868(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		63-39-28.0	DA		HOR				
CJCHTV	CO LIC	HALIFAX	NS	44-39-03.0	05	Z	100(KW)	0822(FT)	CJCH LTD		751217
		ZONE 2 **USA BORDER**		63-39-28.0	DA		HOR				
CBHFT00	CO LIC	HALIFAX	NS	44-39-03.0	13	Z	.410(KW)	0771(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		63-39-28.0	DA		HOR				
	CO	HALIFAX	NS	44-39-00.0	22	Z					751217
		ZONE 2 **USA BORDER**		63-36-00.0							
	CO	HALIFAX	NS	44-39-00.0	32	Z					751217
		ZONE 2 **USA BORDER**		63-36-00.0							
	CO	HALIFAX	NS	44-39-00.0	38	+					751217
		ZONE 2 **USA BORDER**		63-36-00.0							

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	CO	HALIFAX	NS	44-39-00.0	44	+					751217
		ZONE 2 **USA BORDER**		63-36-00.0							
	CO	HALIFAX	NS	44-39-00.0	63	Z					751217
		ZONE 2 **USA BORDER**		63-36-00.0							
	CO	HALIFAX	NS	44-39-00.0	74	Z					751217
		ZONE 2 **USA BORDER**		63-36-00.0							
	CO	KENTVILLE	NS	45-05-00.0	76	Z					760512
		ZONE 2 **USA BORDER**		64-30-00.0							
CBHT01	CO LIC	LIVERPOOL	NS	44-03-59.0	12	Z	1.87(KW)	0647(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		64-43-00.0	DA		HOR				
	CO	LIVERPOOL	NS	44-02-00.0	62	Z					751217
		ZONE 2 **USA BORDER**		64-43-00.0							
	CO	LUNENBURG	NS	44-23-00.0	41	Z					751217
		ZONE 2 **USA BORDER**		64-19-00.0							
	CO	MIDDLETON	NS	44-57-00.0	60	+					760512
		ZONE 2 **USA BORDER**		65-04-00.0							
CBHT05	CO LIC	NEW GLASGOW	NS	45-32-00.0	04	-	1.10(KW)	0432(FT)	CANADIAN BCTING CORP		761111
		ZONE 2 **USA BORDER**		62-38-14.0	DA		HOR				
	CO	NEW GLASGOW	NS	45-35-00.0	15	-					761111
		ZONE 2 **USA BORDER**		62-39-00.0							
	CO	NEW GLASGOW	NS	45-35-00.0	43	Z					761111
		ZONE 2 **USA BORDER**		62-39-00.0							
	CO	NEW GLASGOW	NS	45-35-00.0	65	Z					761111
		ZONE 2 **USA BORDER**		62-39-00.0							
	CO	PARRSBORO	NS	45-24-00.0	20	+					760512
		ZONE 2 **USA BORDER**		64-19-00.0							
	CO	PICTOU	NS	45-41-00.0	25	Z					760512
		ZONE 2 **USA BORDER**		62-43-00.0							
CBHT04	CO LIC	SHEET HARBOR	NS	44-55-29.0	11	+	17.8(KW)	0368(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		62-29-55.0	DA		HOR				
	CO	SHEET HARBOUR	NS	44-55-00.0	35	+					760512
		ZONE 2 **USA BORDER**		62-32-00.0							
CBHT02	CO LIC	SHELBURNE	NS	43-46-35.0	08	Z	.753(KW)	0449(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		65-18-29.0	DA		HOR				
	CO	SHELBURNE	NS	43-46-00.0	75	Z					760512
		ZONE 2 **USA BORDER**		65-20-00.0							

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	CO	SPRINGHILL	NS	45-39-00.0	26 Z					751217
		ZONE 2	**USA BORDER**	64-03-00.0						
	CO	TATAMAGOUCHE	NS	45-43-00.0	48 Z					760513
		ZONE 2	**USA BORDER**	63-18-00.0						
	CO	TATAMAGOUCHE	NS	45-43-00.0	77 Z					760512
		ZONE 2	**USA BORDER**	63-18-00.0						
	CO	TRURO	NS	45-22-00.0	55 Z					760512
		ZONE 2	**USA BORDER**	63-16-00.0						
	CO	TRURO	NS	45-22-00.0	71 Z					760512
		ZONE 2	**USA BORDER**	63-16-00.0						
	CO	WINDSOR	NS	44-59-00.0	16 +					760512
		ZONE 2	**USA BORDER**	64-08-00.0						
	CO	WOLFVILLE	NS	45-05-00.0	50 Z					751217
		ZONE 2	**USA BORDER**	64-22-00.0						
CBHFT01	CO LIC	YARMOUTH	NS	43-55-55.0	03 -	5.6(KW)	0558(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	66-06-10.0	DA	HOR				
CBHT03	CO LIC	YARMOUTH	NS	43-55-55.0	11 -	38.4(KW)	0620(FT)	CANADIAN BCTING CORP		751217
		ZONE 2	**USA BORDER**	66-06-10.0	DA	HOR				
	CO	YARMOUTH	NS	43-50-00.0	40 Z					751217
		ZONE 2	**USA BORDER**	66-07-00.0						
	CO	ARMSTRONG	ON	50-17-40.0	10 Z					760525
		ZONE 2	**USA BORDER**	89-03-00.0						
	CO	ARNPRIOR	ON	45-26-00.0	20 Z					760512
		ZONE 1	**USA BORDER**	76-21-00.0						
CBWCT01	CO LIC	ATIKOKAN	ON	48-46-18.0	07 -	1.00(KW)	0385(FT)	CANADIAN BCTING CO		751217
		ZONE 2	**USA BORDER**	91-36-50.0	DA	HOR				
	CO	ATIKOKAN	ON	48-45-00.0	39 Z					760512
		ZONE 2	**USA BORDER**	91-37-00.0						
	CO	AYR	ON	43-15-35.0	28 Z					761210
		ZONE 1	**USA BORDER**	80-26-39.0			ALLOCATION USED PARIS-KITCHENER, ON.			
CKGNTV02	CO LIC	BANCROFT	ON	45-03-34.0	02 +	100(KW)	0949(FT)			751217
		ZONE 1	**USA BORDER**	77-12-00.0	DA	HOR				
CKVRTV	CO LIC	BARRIE	ON	44-21-05.0	03 +	100(KW)	1118(FT)	RALGH SNELGROVE TV LTD		740828
		ZONE 1	**USA BORDER**	79-41-55.0		HOR				
CBLFT07	CO LIC	BARRIE	ON	44-21-05.0	55 +	14.7(KW)	630(FT)			770310
		ZONE 1	**USA BORDER**	79-41-55.0	DA BT	HOR				

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	CO	BARRIE	ON	44-24-00.0	74 Z					760512
		ZONE 1	**USA BORDER**	79-40-00.0						
	CO	BARRIE	ON	44-24-00.0	83 +					760512
		ZONE 1	**USA BORDER**	79-40-00.0						
	CO	BELLEVILLE	ON	44-10-00.0	15 -					760513
		ZONE 1	**USA BORDER**	77-22-00.0						
	CO	BELLEVILLE	ON	44-10-00.0	28 Z					760722
		ZONE 1	**USA BORDER**	77-22-00.0						
	CO	BLIND RIVER	ON	46-11-00.0	40 +					751217
		ZONE 2	**USA BORDER**	82-57-00.0						
	CO	BRANTFORD	ON	43-08-00.0	63 Z					760512
		ZONE 1	**USA BORDER**	80-16-00.0						
	CO	BROCKVILLE	ON	44-36-00.0	27 +					751217
		ZONE 1	**USA BORDER**	75-41-00.0						
	CO	BROCKVILLE	ON	44-36-00.0	75 Z					751217
		ZONE 1	**USA BORDER**	75-41-00.0						
CFCLTV08	CO LIC	CHAPLEAU	ON	47-51-15.0	07 +	.322(KW)	0420(FT)	J CONRAD LAVIGNE		751217
		ZONE 2	**USA BORDER**	83-25-08.0	DA	HOR				
	CO	CHAPLEAU	ON	47-50-00.0	33 +					760512
		ZONE 2	**USA BORDER**	83-24-00.0						
CBLFT3	CO LIC	CHATHAM	ON	42-27-00.0	48 Z	40.6(KW)	634(FT)			761129
		ZONE 1	**USA BORDER**	82-05-00.0	DA BT	HOR				
CICOTV59	CO LIC	CHATHAM	ON	42-27-00.0	59 Z	20.6(KW)	715(FT)			761129
		ZONE 1	**USA BORDER**	82-05-00.0	BT	HOR				
	CO	CHATHAM	ON	42-24-00.0	81 -					751217
		ZONE 1	**USA BORDER**	82-11-00.0						
	CO	COBOURG-PORT HOPE	ON	43-58-00.0	67 +					761116
		ZONE 1	**USA BORDER**	78-10-00.0						
	CO	COBOURG-PORT HOPE	ON	43-58-00.0	80 Z					761116
		ZONE 1	**USA BORDER**	78-10-00.0						
	CO	COLLINGWOOD	ON	44-29-00.0	78 +					760512
		ZONE 1	**USA BORDER**	80-13-00.0						
CJOHTV08	CO LIC	CORNWALL	ON	45-10-35.0	08 +	260(KW)	0815(FT)	CORNWALL BCTING LTD		751217
		ZONE 1	**USA BORDER**	74-31-38.0	DA	HOR				
	CO	CORNWALL	ON	45-02-00.0	36 +					760513
		ZONE 1	**USA BORDER**	74-44-00.0						

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	CO	CORNWALL ON ZONE 1 **USA BORDER**	45-02-00.0 74-44-00.0	77 Z						760512
	CO	CORNWALL ON ZONE 1 **USA BORDER**	45-02-00.0 74-44-00.0	83 Z						760512
CKGNTV01	CO LIC	COLTAM-WINDSOR ON ZONE 1 **USA BORDER**	42-08-00.0 83-45-42.0	22 -	210(KW) HOR	0396(FT)				760115
	CO	DEEP RIVER ON ZONE 2 **USA BORDER**	46-06-00.0 77-29-00.0	25 -						760512
CJONTV01	CO LIC	DESERONTO ON ZONE 1 **USA BORDER**	44-08-30.0 77-04-34.0	06 - DA	100(KW) HOR	0671(FT)	OTTAWA-CORNWALL BCTING			760115
	CO	DRIFTWOOD ON ZONE 2 **USA BORDER**	48-55-30.0 81-48-00.0	74 -						760512
	CO	DRYDEN ON ZONE 2 **USA BORDER**	49-47-00.0 92-49-30.0	04 +						751217
	CO	DRYDEN ON ZONE 2 **USA BORDER**	49-45-49.0 92-40-52.0	06 Z						781105
CBWDT00	CO LIC	DRYDEN ON ZONE 2 **USA BORDER**	49-45-52.0 92-41-01.0	09 - DA	16(KW) HOR	0569(FT)	CANADIAN BCTING CORP			751217
	CO	DRYDEN ON ZONE 2 **USA BORDER**	49-47-00.0 92-49-00.0	20 Z						760512
CKSDTV01	CO LIC	ELLIOT LAKE ON ZONE 2 **USA BORDER**	46-25-50.0 82-40-21.0	03 Z	19(KW) HOR	0532(FT)	CAMBRIAN BCTING LTD			751217
CKNCTV01	CO LIC	ELLIOT LAKE ON ZONE 2 **USA BORDER**	46-23-21.0 82-37-06.0	07 - DA	34.8(KW) HOR	0577(FT)				751217
CBFBT03	CO LIC	ELLIOT LAKE ON ZONE 2 **USA BORDER**	46-23-21.0 82-37-06.0	12 + DA	37(KW) HOR	0532(FT)	CANADIAN BCTING CORP			751217
	CO	ELLIOT LAKE ON ZONE 2 **USA BORDER**	46-23-00.0 82-39-00.0	18 -						751217
	CO	ESPANOLA ON ZONE 2 **USA BORDER**	46-15-00.0 81-46-00.0	77 Z						760512
	CO	EXETER ON ZONE 1 **USA BORDER**	43-21-00.0 81-28-48.0	52 -						760512
	CO	FOREST ON ZONE 1 **USA BORDER**	43-06-00.0 82-00-00.0	21 +						760512
CBWCT	CO LIC	FORT FRANCES ON ZONE 2 **USA BORDER**	48-48-18.0 93-53-24.0	05 Z DA	38.3(KW) HOR	0660(FT)	CANADIAN BCTING CORP			751217

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	CO	FORT FRANCES ON ZONE 2 **USA BORDER**	48-37-00.0 93-24-00.0	25 Z						751217
	CO	FT WILLIAM-PT ARTHUR ON ZONE 2 **USA BORDER**	48-23-00.0 89-15-00.0	20 -						781118
	CO	FT WILLIAM-PT ARTHUR ON ZONE 2 **USA BORDER**	48-23-00.0 89-15-00.0	28 Z						781118
	CO	FT WILLIAM-PT ARTHUR ON ZONE 2 **USA BORDER**	48-23-00.0 89-15-00.0	33 Z						781118
	CO	FT WILLIAM-PT ARTHUR ON ZONE 2 **USA BORDER**	48-23-00.0 89-15-00.0	38 Z						781118
	CO	FT WILLIAM-PT ARTHUR ON ZONE 2 **USA BORDER**	48-23-00.0 89-15-00.0	44 Z						781118
	CO	GANANOQUE ON ZONE 1 **USA BORDER**	44-20-00.0 76-10-00.0	19 +						760512
CBLAT	CO LIC	GERALDTON ON ZONE 2 **USA BORDER**	49-43-50.0 86-43-21.0	13 + DA	43(KW) HOR	0598(FT)	CANADIAN BCTING CORP			751217
	CO	GODERICH ON ZONE 1 **USA BORDER**	43-45-00.0 81-43-00.0	39 Z						760512
	CO	GUELPH ON ZONE 1 **USA BORDER**	43-33-00.0 80-15-00.0	29 Z						751217
CKVRTV03	CO LIC	HALIBURTON ON ZONE 1 **USA BORDER**	45-02-35.0 78-29-56.0	05 Z DA	.31(KW) HOR	0149(FT)	RALPH SHELGROVE TV			751217
CHCHTV00	CO LIC	HAMILTON ON ZONE 1 **USA BORDER**	43-12-27.0 79-46-28.0	11 + DA	325(KW) HOR	1173(FT)	NIAGARA TV LTD			751217
	CO	HAMILTON ON ZONE 1 **USA BORDER**	43-15-00.0 79-51-00.0	41 -						760512
	CO	HAMILTON ON ZONE 1 **USA BORDER**	43-15-00.0 79-51-00.0	47 -						760512
	CO	HAMILTON ON ZONE 1 **USA BORDER**	43-15-00.0 79-51-00.0	53 Z						760512
	CO	HANOVER ON ZONE 1 **USA BORDER**	44-09-00.0 81-02-00.0	36 Z						760512
CFCLTV04	CO LIC	HEARST ON ZONE 2 **USA BORDER**	49-42-56.0 83-38-49.0	04 - DA	.402(KW) HOR	0200(FT)	J CONRAD LAVIGNE LTD			751217
CBFDT02	CO LIC	HEARST ON ZONE 2 **USA BORDER**	49-38-50.0 83-38-50.0	07 Z DA	16.8(KW) HOR	0611(FT)	CANADIAN BCTING CORP			751217

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CKVRTV02	CO	LIC	HUNTSVILLE ZONE 2	ON **USA BORDER**	45-24-38.0 79-15-22.0	08 +	.115(KW) HOR	0481(FT)	RALPH SNELGROVE LTD		730401
	CO		HUNTSVILLE ZONE 2	ON **USA BORDER**	45-19-30.0 79-13-30.0	11 -					751217
CFCLTV03	CO	LIC	KAPUSKASING ZONE 2	ON **USA BORDER**	49-23-32.0 82-21-35.0	03 + DA	.42(KW) HOR	0363(FT)	J CONRAD LAVIGNE LTD		751217
CKQSTV04	CO	LIC	KAPUSKASING ZONE 2	ON **USA BORDER**	49-24-51.0 82-25-26.0	10 Z DA	2.2(KW) HOR	0155(FT)			751217
CBFOT01	CO	LIC	KAPUSKASING ZONE 2	ON **USA BORDER**	49-17-48.0 82-11-19.0	12 Z DA	30(KW) HOR	0438(FT)	CANADIAN BCTING CORP		751217
	CO		KAPUSKASING ZONE 2	ON **USA BORDER**	49-25-00.0 82-26-00.0	77 -					751217
	CO		KAPUSKASING ZONE 2	ON **USA BORDER**	49-25-00.0 82-26-00.0	83 Z					751217
CKSOTV03	CO	LIC	KEARNS ZONE 2	ON **USA BORDER**	48-08-12.0 79-33-12.0	11 Z DA	325(KW) HOR	0734(FT)	ALLOC TO KIRKLAND LK		751217
	CO		KENORA ZONE 2	ON **USA BORDER**	49-46-13.0 94-30-13.0	02 +					761105
CBWAT	CO	LIC	KENORA ZONE 2	ON **USA BORDER**	49-46-13.0 94-30-13.0	08 Z DA	16.4(KW) HOR	0340(FT)	CANADIAN BCTING CORP		751217
	CO		KENORA ZONE 2	ON **USA BORDER**	49-46-00.0 94-29-00.0	21 Z					751217
	CO		KENORA ZONE 2	ON **USA BORDER**	49-46-00.0 94-29-00.0	32 +					751217
CKMSTV	CO	LIC	KINGSTON ZONE 1	ON **USA BORDER**	44-10-02.0 76-25-40.0	11 - DA	325(KW) HOR	0842(FT)	FRONTENAC BCTING LTD		751217
	CO		KINGSTON ZONE 1	ON **USA BORDER**	44-14-00.0 76-30-00.0	38 -					751217
	CO		KINGSTON ZONE 1	ON **USA BORDER**	44-14-00.0 76-30-00.0	58 -					751217
	CO		KINGSTON ZONE 1	ON **USA BORDER**	44-14-00.0 76-30-00.0	73 Z					751217
CFCLTV02	CO	LIC	KIRKLAND LAKE ZONE 2	ON **USA BORDER**	48-08-12.0 79-33-12.0	02 Z DA	26.5(KW) HOR	0722(FT)	J CONRAD LAVIGNE LTD		761118
CKCOTV	CO	LIC	KITCHENER ZONE 1	ON **USA BORDER**	43-24-15.0 80-38-05.0	13 +	325(KW) HOR	0954(FT)	CENTRAL ONTARIO TV		730401

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CBLFT1	CO	LIC	KITCHENER-WATERLOO ZONE 1	ON **USA BORDER**	43-27-00.0 80-36-08.0	76 Z DA BT	299(KW) HOR	750(FT)			761129
	CO		KITCHENER-WATERLOO ZONE 1	ON **USA BORDER**	43-27-00.0 80-29-00.0	82 Z					761118
	CO		LEAMINGTON ZONE 1	ON **USA BORDER**	42-03-00.0 82-36-00.0	72 Z					760512
CFPLTV	CO	LIC	LONDON ZONE 1	ON **USA BORDER**	42-57-15.0 81-15-58.9	10 Z	325(KW) HOR	1000(FT)	CFPL BCTING LTD		730401
	CO		LONDON ZONE 1	ON **USA BORDER**	42-57-20.0 81-21-20.0	18 Z					760512
CBLFT2	CO	LIC	LONDON ZONE 1	ON **USA BORDER**	42-57-20.0 81-21-20.0	40 Z DA BT	70.6(KW) HOR	953(FT)			761118
CBLAT01	CO	LIC	MANITOUWADGE ZONE 2	ON **USA BORDER**	49-08-21.0 85-49-24.0	08 + DA	40(KW) HOR	0599(FT)	CANADIAN BCTING CORP		751217
CBLAT04	CO	LIC	MARATHON ZONE 2	ON **USA BORDER**	48-44-50.0 86-34-00.0	11 - DA	10.7(KW) HOR	0832(FT)	CANADIAN BCTING CORP		751217
	CO		MIDLAND ZONE 1	ON **USA BORDER**	44-45-00.0 79-53-00.0	58 +					760513
	CO		MOOSONEE ZONE 2	ON	51-17-00.0 80-39-00.0	09 Z					760722
	CO		NIAGRA FALLS ZONE 1	ON **USA BORDER**	43-06-00.0 79-04-00.0	81 Z					760513
CHNBTV00	CO	LIC	NORTH BAY ZONE 2	ON **USA BORDER**	46-03-46.0 79-26-05.0	04 - DA	100(KW) HOR	0730(FT)	J CONRAD LAVIGNE LTD		751217
	CO		NORTH BAY ZONE 2	ON **USA BORDER**	46-19-00.0 79-28-00.0	06 +					760210
CKNYTV	CO	LIC	NORTH BAY ZONE 2	ON **USA BORDER**	46-12-15.0 79-21-05.0	10 - DA	214(KW) HOR	0420(FT)	TEL-AD CO LTD		751217
	CO		NORTH BAY ZONE 2	ON **USA BORDER**	46-19-00.0 79-28-00.0	48 +					751217
	CO		NORTH BAY ZONE 2	ON **USA BORDER**	46-19-00.0 79-28-00.0	70 Z					751217
	CO		NORTH BAY ZONE 2	ON **USA BORDER**	46-19-00.0 79-28-00.0	76 +					751217
	CO		OAKVILLE ZONE 1	ON **USA BORDER**	43-27-00.0 79-41-00.0	73 +					751217

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	CO	OIL SPRINGS	ON	42-43-21.0	42 -						760512
		ZONE 1	**USA BORDER**	82-10-00.0							
	CO	OPASATIKA	ON	49-32-00.0	71 Z						760512
		ZONE 2	**USA BORDER**	82-52-00.0							
	CO	ORILLIA	ON	44-37-00.0	24 -						760512
		ZONE 1	**USA BORDER**	79-25-00.0							
	CO	ORILLIA	ON	44-37-00.0	46 -						760512
		ZONE 1	**USA BORDER**	79-25-00.0							
	CO	OSHAWA	ON	43-54-00.0	16 +						760512
		ZONE 1	**USA BORDER**	78-51-00.0							
	CO	OSHAWA	ON	43-54-00.0	77 -						760512
		ZONE 1	**USA BORDER**	78-51-00.0							
CBOT	CO LIC	OTTAWA	ON	45-30-11.0	04 +	100(KW)	1304(FT)	CANADIAN BCTING CORP			751217
		ZONE 1	**USA BORDER**	75-51-02.0		HOR					
CKGNTV08	CO LIC	OTTAWA	ON	45-31-05.0	06 Z	12.6(KW)	0149(FT)				751217
		ZONE 1	**USA BORDER**	75-44-48.0	DA	HOR					
CBOFT	CO LIC	OTTAWA	ON	45-30-11.0	09 +	252(KW)	1304(FT)	CANADIAN BCTING CORP			751217
		ZONE 1	**USA BORDER**	75-51-02.0	DA	HOR					
CJOHTV08	CO LIC	OTTAWA	ON	45-30-11.0	13 +	325(KW)	1225(FT)	BUSHNELL COMM LTD			760525
		ZONE 1	**USA BORDER**	75-51-02.0	DA	HOR					
	CO	OTTAWA-HULL	ON	45-25-00.0	14 Z						760115
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OTTAWA-HULL	ON	45-25-00.0	24 Z						760512
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OTTAWA-HULL	ON	45-25-00.0	40 Z						760512
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OTTAWA-HULL	ON	45-25-00.0	48 Z						760512
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OTTAWA-HULL	ON	45-25-00.0	52 -						760512
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OTTAWA-HULL	ON	45-25-00.0	58 Z						760512
		ZONE 1	**USA BORDER**	75-42-00.0							
	CO	OWEN SOUND	ON	44-34-00.0	26 Z						760512
		ZONE 1	**USA BORDER**	80-56-00.0							
	CO	OWEN SOUND	ON	44-34-00.0	32 Z						760512
		ZONE 1	**USA BORDER**	80-56-00.0							

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CKGNTV	CO LIC	PARIS	ON	43-15-39.0	08 +	100(KW)	1037(FT)				740322
		ZONE 1	**USA BORDER**	80-26-39.0		HOR					
CICOTV28	CO CP	PARIS-KITCHENER	ON	43-15-35.0	28 Z	210(KW)	972(FT)				761210
		ZONE 1	**USA BORDER**	80-26-39.0	DA BT	HOR	ALLOCATED TO AYR, ON.				
	CO	PARRY SOUND	ON	45-21-00.0	62 -						751217
		ZONE 2	**USA BORDER**	80-02-00.0							
CHOVTV	CO LIC	PEMBROKE	ON	45-50-02.0	05 +	36.8(KW)	0496(FT)	OTTAWA VALLEY TV CO			751217
		ZONE 1	**USA BORDER**	77-09-50.0	DA	HOR					
	CO	PEMBROKE	ON	45-49-00.0	41 Z						751217
		ZONE 1	**USA BORDER**	77-07-00.0							
	CO	PEMBROKE	ON	45-49-00.0	47 Z						751217
		ZONE 1	**USA BORDER**	77-07-00.0							
	CO	PEMBROKE	ON	45-49-16.0	53 -						760512
		ZONE 1	**USA BORDER**	77-07-01.0							
	CO	PENETANGUISHENE	ON	44-46-00.0	34 -						760512
		ZONE 1	**USA BORDER**	79-56-00.0							
CHEXTV	CO LIC	PETERBOROUGH	ON	44-19-45.0	12 +	325(KW)	771(FT)	KAWARTHA BCTING CO			760825
		ZONE 1	**USA BORDER**	78-18-03.0	DA	HOR					
	CO	PETERBOROUGH	ON	44-18-00.0	33 +						760512
		ZONE 1	**USA BORDER**	78-19-00.0							
	CO	PETERBOROUGH	ON	44-18-00.0	44 Z						760512
		ZONE 1	**USA BORDER**	78-19-00.0							
	CO	PETERBOROUGH	ON	44-18-00.0	54 Z						760513
		ZONE 1	**USA BORDER**	78-19-00.0							
	CO	PICKLE LAKE	ON	51-30-00.0	09 Z						760525
		ZONE 2	**USA BORDER**	90-03-20.0							
	CO	PICTON	ON	44-00-00.0	56 Z						760512
		ZONE 1	**USA BORDER**	77-08-00.0							
	CO	PRESCOTT	ON	44-43-00.0	48 Z						760512
		ZONE 1	**USA BORDER**	75-31-00.0							
CBWET	CO LIC	RED LAKE	ON	51-01-35.0	10 -	1.14(KW)	0288(FT)	CANADIAN BCTING CORP			751217
		ZONE 2	**USA BORDER**	93-49-44.0	DA	HOR					
	CO	RENFREW	ON	45-28-00.0	69 Z						760512
		ZONE 1	**USA BORDER**	76-41-00.0							
	CO	ST CATHERINES	ON	43-10-00.0	69 +						760512
		ZONE 1	**USA BORDER**	79-15-00.0							

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	CO		ST THOMAS	ON	42-47-00.0	65 Z					760512
			ZONE 1	**USA BORDER**	81-12-00.0						
CKGNTV12	CO	LIC	SARINA	ON	42-43-21.0	29 +	370(KW)	0605(FT)	ALLOC TO OIL SPRINGS ON.		751217
			ZONE 1	**USA BORDER**	82-10-00.0	DA	HOR				
	CO		SARINA	ON	42-58-00.0	68 Z					760512
			ZONE 1	**USA BORDER**	82-23-00.0						
	CO		SARNIA	ON	42-58-00.0	79 -					760512
			ZONE 1	**USA BORDER**	82-23-00.0						
CJICTV	CO	LIC	SAULT STE MARIE	ON	46-30-32.0	02 -	45(KW)	0-18(FT)	HYLAND RADIO-TV LTD		751217
			ZONE 2	**USA BORDER**	84-19-36.0	DA	HOR				
	CO		SAULT STE MARIE	ON	46-30-30.0	05 Z					751217
			ZONE 2	**USA BORDER**	84-19-40.0						
	CO		SAULT STE MARIE	ON	46-31-00.0	20 Z					760512
			ZONE 2	**USA BORDER**	84-20-00.0						
	CO		SAULT STE MARIE	ON	46-31-00.0	26 -					760512
			ZONE 2	**USA BORDER**	84-20-00.0						
	CO		SAULT STE MARIE	ON	46-31-00.0	48 Z					760512
			ZONE 2	**USA BORDER**	84-20-00.0						
	CO		SAULT STE MARIE	ON	46-31-00.0	54 Z					760512
			ZONE 2	**USA BORDER**	84-20-00.0						
	CO		SAULT STE MARIE	ON	46-31-00.0	83 +					760512
			ZONE 2	**USA BORDER**	84-20-00.0						
	CO		SIOUX LOOKOUT	ON	50-04-31.0	12 +	-				770303
			ZONE 2	**USA BORDER**	92-01-40.0						
	CO		SMITHS FALLS	ON	44-54-00.0	71 Z					760512
			ZONE 1	**USA BORDER**	76-01-00.0						
	CO		SMITHS FALLS	ON	44-54-00.0	81 +					760512
			ZONE 1	**USA BORDER**	76-01-00.0						
	CO		STRATFORD	ON	43-22-00.0	30 -					760512
			ZONE 1	**USA BORDER**	80-57-00.0						
CBFST	CO	LIC	STURGEON FALLS	ON	46-25-10.0	07 Z	17.5(KW)	0617(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	79-56-04.0	DA	HOR				
	CO		STURGEON FALLS	ON	46-22-00.0	82 +					751217
			ZONE 2	**USA BORDER**	79-56-00.0						
CKSOTV	CO	LIC	SUDBURY	ON	46-30-02.0	05 Z	100(KW)	1049(FT)	CAMBRIAN BCTING LTD		730401
			ZONE 2	**USA BORDER**	81-01-16.0		HOR				

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CKNCTV00	CO	LIC	SUDBURY	ON	46-30-44.0	09 +	293(KW)	0627(FT)	J CONRAD LAVIGNE LTD		751217
			ZONE 2	**USA BORDER**	81-00-19.0	DA	HOR				
CBFST01	CO	LIC	SUDBURY	ON	46-30-14.0	13 -	17.1(KW)	0478(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	80-58-04.0	DA	HOR				
	CO		SUDBURY	ON	46-30-00.0	19 Z					760512
			ZONE 2	**USA BORDER**	81-00-00.0						
	CO		SUDBURY	ON	46-30-00.0	25 +					760512
			ZONE 2	**USA BORDER**	81-00-00.0						
	CO		SUDBURY	ON	46-30-00.0	41 +					760512
			ZONE 2	**USA BORDER**	81-00-00.0						
	CO		SUDBURY	ON	46-30-00.0	47 +					760512
			ZONE 2	**USA BORDER**	81-00-00.0						
	CO		SUDBURY	ON	46-30-00.0	69 -					760512
			ZONE 2	**USA BORDER**	81-00-00.0						
	CO		THESSALON	ON	46-15-00.0	70 +					760512
			ZONE 2	**USA BORDER**	83-33-00.0						
CKPRTV00	CO	LIC	THUNDER BAY	ON	48-31-30.0	02 Z	56(KW)	1202(FT)	THUNDER BAY ELECTRONICS		750708
			ZONE 2	**USA BORDER**	89-06-50.0		HOR				
CHFDTV00	CO	LIC	THUNDER BAY	ON	48-31-30.0	04 -	56(KW)	1202(FT)			740322
			ZONE 2	**USA BORDER**	89-06-50.0		HOR				
	CO		THUNDER BAY	ON	48-22-52.0	09 Z					760525
			ZONE 2	**USA BORDER**	89-15-07.0						
	CO		THUNDER BAY	ON	48-22-52.0	12 Z					760525
			ZONE 2	**USA BORDER**	89-15-07.0						
CKSOTV02	CO	LIC	TIMMINS	ON	48-29-30.0	03 -	100(KW)	0544(FT)	CAMBRIAN BCTING LTD		751217
			ZONE 2	**USA BORDER**	81-19-45.0	DA	HOR				
CFCLTV	CO	LIC	TIMMINS	ON	48-29-30.0	06 Z	100(KW)	0562(FT)	J CONRAD LAVIGNE		730401
			ZONE 2	**USA BORDER**	81-19-45.0		HOR				
	CO		TIMMINS	ON	48-28-34.0	07 -					751217
			ZONE 2	**USA BORDER**	81-20-00.0						
CBFDT	CO	LIC	TIMMINS	ON	48-28-00.0	09 -	30(KW)	0706(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	81-17-50.0	DA	HOR				
	CO		TIMMINS	ON	48-28-00.0	62 Z					751217
			ZONE 2	**USA BORDER**	81-20-00.0						
	CO		TIMMINS	ON	48-28-00.0	68 +					751217
			ZONE 2	**USA BORDER**	81-20-00.0						

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	CO		TIMMINS	ON	48-28-00.0	78 Z					751217
			ZONE 2	**USA BORDER**	81-20-00.0						
CBLT	CO	LIC	TORONTO	ON	43-38-33.0	05 Z	100(KW)	1520(FT)	CANADIAN BCTING CORP		770302
			ZONE 1	**USA BORDER**	79-23-15.0	DA	HOR				
CFTOTV	CO	LIC	TORONTO	ON	43-38-33.0	09 Z	325(KW)	1532(FT)	BATON BCTING LTD		770302
			ZONE 1	**USA BORDER**	79-23-15.0	DA BT	HOR				
CICATV	CO	LIC	TORONTO	ON	43-38-33.0	19 -	1000(KW)	1640(FT)	CANADIAN BCTING CORP		770302
			ZONE 1	**USA BORDER**	79-23-15.0		HOR				
CBLFT	CO	LIC	TORONTO	ON	43-38-33.0	25 Z	2140(KW)	1640(FT)	CANADIAN BCTING CORP		770302
			ZONE 1	**USA BORDER**	79-23-15.0		HOR				
	CO		TORONTO	ON	43-39-00.0	45 Z					760512
			ZONE 1	**USA BORDER**	79-23-00.0						
	CO		TORONTO	ON	43-39-00.0	51 Z					760512
			ZONE 1	**USA BORDER**	79-23-00.0						
	CO		TORONTO	ON	43-39-00.0	57 Z					760512
			ZONE 1	**USA BORDER**	79-23-00.0						
CITYTV	CO	LIC	TORONTO	ON	43-38-33.0	79 Z	323(KW)	1690(FT)	CHANNEL SEVENTY NINE		770302
			ZONE 1	**USA BORDER**	79-23-15.0	DA BT	HOR				
CKGNTV22	CO	LIC	UXBRIDGE	ON	44-01-54.0	22 +	5000(KW)	0598(FT)	ALLOC TO OSHAWA ON		751217
			ZONE 1	**USA BORDER**	78-08-13.0	DA	HOR				
CBLAT03	CO	LIC	WAWA	ON	48-01-13.0	09 +	32(KW)	0581(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	84-44-08.0	DA	HOR				
	CO		WELLAND	ON	42-59-00.0	75 +					751217
			ZONE 1	**USA BORDER**	79-15-00.0						
CBLAT02	CO	LIC	WHITE RIVER	ON	48-37-45.0	12 -	.94(KW)	0761(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	85-11-24.0	DA	HOR				
CKCOTV02	CO	LIC	WIARTON	ON	44-56-41.0	02 -	100(KW)	0943(FT)	CARL A POLLOCK ESQ		730401
			ZONE 2	**USA BORDER**	81-07-55.0		HOR				
CBET	CO	LIC	WINDSOR	ON	42-18-59.0	09 -	316(KW)	0631(FT)	W ONTARIO BCTING CO		751217
			ZONE 1	**USA BORDER**	83-02-58.0	DA	HOR				
	CO		WINDSOR	ON	42-17-42.0	26 -					760512
			ZONE 1	**USA BORDER**	83-05-00.0						
CICOTV32	CO	LIC	WINDSOR	ON	42-09-09.0	32 +	217(KW)	703(FT)			781129
			ZONE 1	**USA BORDER**	82-57-05.0	BT	HOR				
CBEFT	CO	LIC	WINDSOR	ON	42-09-09.0	78 Z	147(KW)	635(FT)			781129
			ZONE 1	**USA BORDER**	82-57-05.0	DA BT	HOR				

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CKNXTV	CO	LIC	WINGHAM	ON	44-05-26.0	08 -	160(KW)	0802(FT)	RADIO STA CKNX LTD		751217
			ZONE 1	**USA BORDER**	81-12-26.0	DA	HOR				
	CO		WINGHAM	ON	43-53-00.0	60 Z					751217
			ZONE 1	**USA BORDER**	81-19-00.0						
	CO		WOODSTOCK	ON	43-08-00.0	71 Z					751217
			ZONE 1	**USA BORDER**	80-45-00.0						
CKCWTV01	CO	LIC	CHARLOTTETOWN	PE	46-16-05.0	08 +	29(KW)	0489(FT)			751217
			ZONE 2	**USA BORDER**	63-20-30.0	DA	HOR				
CBCT	CO	LIC	CHARLOTTETOWN	PE	46-12-44.0	13 +	113(KW)	0918(FT)	CANADIAN BCTING CORP		751217
			ZONE 2	**USA BORDER**	63-20-32.0	DA	HOR				
	CO		CHARLOTTETOWN	PE	46-14-00.0	31 Z					751217
			ZONE 2	**USA BORDER**	63-08-00.0						
	CO		CHARLOTTETOWN	PE	46-14-00.0	37 Z					751217
			ZONE 2	**USA BORDER**	63-08-00.0						
	CO		CHARLOTTETOWN	PE	46-14-00.0	81 Z					751217
			ZONE 2	**USA BORDER**	63-08-00.0						
	CO		SUMMERSIDE	PE	46-24-00.0	57 Z					751217
			ZONE 2	**USA BORDER**	63-47-00.0						
	CO		SUMMERSIDE	PE	46-24-00.0	75 +					751217
			ZONE 2	**USA BORDER**	63-47-00.0						
	CO		ALMA	QU	48-33-00.0	48 +					751217
			ZONE 3	**USA BORDER**	71-39-00.0						
	CO		ALMA	QU	48-33-00.0	74 +					751217
			ZONE 3	**USA BORDER**	71-39-00.0						
	CO		ALMA	QU	48-33-00.0	80 -					751217
			ZONE 3	**USA BORDER**	71-39-00.0						
	CO		ASBESTOS	QU	45-46-00.0	53 Z					751217
			ZONE 1	**USA BORDER**	71-57-00.0						
	CO		BAIE COMEAU-HAUTERIV	QU	49-13-00.0	05 +					761118
			ZONE 2	**USA BORDER**	68-10-00.0						
	CO		BAIE COMEAU-HAUTERIV	QU	49-13-00.0	28 Z					761118
			ZONE 2	**USA BORDER**	68-10-00.0						
	CO		BAIE COMEAU-HAUTERIV	QU	49-13-00.0	57 +					761118
			ZONE 2	**USA BORDER**	68-10-00.0						
	CO		BAIE COMEAU-HAUTERIV	QU	49-13-00.0	79 +					761118
			ZONE 2	**USA BORDER**	68-10-00.0						

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	CO	BAIE ST PAUL	QU	47-27-00.0	75 Z					751217
		ZONE 2 **USA BORDER**		70-30-00.0						
	CO	BEARN FABRE	QU	47-15-16.0	03 Z					760525
		ZONE 2 **USA BORDER**		79-22-38.0						
	CO	BUCKINGHAM	QU	45-35-00.0	80 +					760512
		ZONE 1 **USA BORDER**		75-25-00.0						
	CO	CABANO	QU	47-41-00.0	63 +					760512
		ZONE 2 **USA BORDER**		68-54-00.0						
	CO	CARLETON	QU	48-07-00.0	64 -					760525
		ZONE 2 **USA BORDER**		66-08-00.0						
CHAUTV00	CO LIC	CARLETON	QU	48-08-07.0	05 Z	100(KW)	1543(FT)	TV D LA BAIE D CHALEURS		751217
		ZONE 2 **USA BORDER**		66-07-00.0	DA	HOR				
	CO	CHAPAIS	QU	49-47-00.0	02 Z					760722
		ZONE 2		74-52-00.0						
CBOFT01	CO LIC	CHAPEAU	QU	45-55-15.0	11 +	4.75(KW)	0374(FT)			751217
		ZONE 1 **USA BORDER**		77-04-10.0	DA	HOR				
CHRSTV02	CO LIC	CHICOUTIMI	QU	48-26-09.0	02 +	.04(KW)	80(FT)	RADIO SAGUENAY LTD		760624
		ZONE 2 **USA BORDER**		71-02-34.0		HOR				
CJPMTV	CO LIC	CHICOUTIMI	QU	48-24-27.0	08 Z	100(KW)	0440(FT)	CJPMTV INC		751217
		ZONE 2 **USA BORDER**		71-05-08.0	DA	HOR				
	CO	CHICOUTIMI-ARVIDA	QU	48-26-00.0	36 Z					761118
		ZONE 2 **USA BORDER**		71-04-00.0						
CBJET	CO LIC	CHICOUTIMI-ARVIDA	QU	48-25-29.0	58 Z	12(KW)	525(FT)			770324
		ZONE 2 **USA BORDER**		71-06-32.0	DA	HOR				
	CO	CHICOUTIMI-ARVIDA	QU	48-26-00.0	70 Z					761118
		ZONE 2 **USA BORDER**		71-04-00.0						
	CO	CHICOUTIMI-ARVIDA	QU	48-26-00.0	78 -					761118
		ZONE 2 **USA BORDER**		71-04-00.0						
	CO	CHICOUTIMI-ARVIDA	QU	48-26-00.0	82 -					761118
		ZONE 2 **USA BORDER**		71-04-00.0						
	CO	CLERMONT CITY	QU	47-42-00.0	31 Z					760809
		ZONE 2 **USA BORDER**		70-14-00.0						
	CO	COATICOOK	QU	45-08-00.0	75 -					760512
		ZONE 1 **USA BORDER**		71-48-00.0						
	CO	COWANVILLE	QU	45-12-00.0	79 Z					760512
		ZONE 1 **USA BORDER**		72-45-00.0						

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	CO	DOLBEAU	QU	48-53-00.0	78 -					760512
		ZONE 2 **USA BORDER**		72-14-00.0						
	CO	DONNACONA	QU	46-40-00.0	24 +					751217
		ZONE 1 **USA BORDER**		71-44-00.0						
	CO	DORCHESTER COUNTY	QU	46-15-58.0	06 Z					761118
		ZONE 1 **USA BORDER**		70-15-11.0						
	CO	DRUMMONDVILLE	QU	45-53-00.0	19 -					760512
		ZONE 1 **USA BORDER**		72-30-00.0						
	CO	DRUMMONDVILLE	QU	45-53-00.0	41 +					760512
		ZONE 1 **USA BORDER**		72-30-00.0						
	CO	ESTCOURT	QU	47-30-14.0	43 -					751217
		ZONE 2 **USA BORDER**		69-17-56.0						
	CO	FORESTVILLE	QU	48-45-00.0	77 Z					760512
		ZONE 2 **USA BORDER**		69-06-00.0						
	CO	FORT CHIMO	QU	58-06-31.0	02 Z					760722
		ZONE 2		68-24-33.0						
	CO	FORT GEORGE	QU	53-49-41.0	09 +					760722
		ZONE 2		79-00-13.0						
	CO	FORT RUPERT	QU	51-29-14.0	09 -					760722
		ZONE 2		78-44-50.0						
CHAUTV00	CO LIC	GASPE	QU	48-50-15.0	13 -	157(KW)	242(FT)			761129
		ZONE 2 **USA BORDER**		64-29-35.0		HOR				
	CO	GRANBY	QU	45-24-00.0	73 -					760512
		ZONE 1 **USA BORDER**		72-43-00.0						
CFVOTV	CO LIC	HULL	QU	45-30-11.0	30 +	2654(KW)	1184(FT)	ALLOC TO OTTAWA-HULL		751217
		ZONE 1 **USA BORDER**		75-51-02.0	DA	HOR				
	CO	INUCDJOUAC	QU	58-27-00.0	09 +					760722
		ZONE 2		78-10-00.0						
	CO	JOLLIETTE	QU	46-01-26.0	65 +					760512
		ZONE 1 **USA BORDER**		73-26-20.0						
CKRSTV	CO LIC	JONQUIERE	QU	48-24-29.0	12 +	41(KW)	0312(FT)	RADIO SAGUENAY LTD		751217
		ZONE 2 **USA BORDER**		71-14-52.0	DA	HOR				
	CO	JONQUIERE-KENOGAMI	QU	48-25-00.0	14 Z					761118
		ZONE 2 **USA BORDER**		71-15-00.0						
	CO	JONQUIERE-KENOGAMI	QU	48-25-00.0	20 -					761118
		ZONE 2 **USA BORDER**		71-15-00.0						

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	CO	JONQUIERE-KENOGAMI QU ZONE 2 **USA BORDER**	48-25-00.0 71-15-00.0	30 -						781118
	CO	JONQUIERE-KENOGAMI QU ZONE 2 **USA BORDER**	48-25-00.0 71-15-00.0	42 Z						781118
	CO	JOUTEL QU ZONE 2	49-27-30.0 78-19-52.0	12 +						760722
	CO	LA POCATIERE QU ZONE 2 **USA BORDER**	47-22-00.0 70-02-00.0	65 Z						760809
	CO	LA SARRE QU ZONE 2	48-48-00.0 79-12-00.0	13 +						760722
CBVT02	CO LIC	LA TUQUE QU ZONE 2 **USA BORDER**	47-25-25.0 72-45-48.0	03 - DA	28(KW) HOR	0407(FT)	CANADIAN BCTING CORP			751217
	CO	LA TUQUE QU ZONE 2 **USA BORDER**	47-27-00.0 72-47-00.0	09 -						760210
	CO	LA TUQUE QU ZONE 2 **USA BORDER**	47-27-00.0 72-47-00.0	34 Z						751217
	CO	LA TUQUE QU ZONE 2 **USA BORDER**	47-27-00.0 72-47-00.0	66 Z						751217
CBVT04	CO LIC	LAC ETCHEMIN QU ZONE 2 **USA BORDER**	46-24-42.0 70-35-37.0	55 + DA	2.47(KW) HOR	0800(FT)				751217
	CO	LAC MEGANTIC QU ZONE 2 **USA BORDER**	45-35-00.0 70-53-00.0	42 +						760512
	CO	MAGOG QU ZONE 2 **USA BORDER**	45-16-00.0 72-09-00.0	81 Z						760512
CKMQTV01	CO LIC	MANICOUAGAN QU ZONE 2 **USA BORDER**	50-38-45.0 68-44-22.0	10 Z DA	.092(KW) HOR	71(FT)	NE SOCIAL CLUB			760624
CBGAT08	CO LIC	MATANE QU ZONE 2 **USA BORDER**	48-49-34.0 67-32-34.0	08 + DA	.422(KW) HOR	0134(FT)	RADIO DIFFUSION D MATANE			730401
CBGAT	CO LIC	MATANE QU ZONE 2 **USA BORDER**	48-53-25.0 66-38-25.0	09 - DA	303(KW) HOR	2336(FT)	RADIO DIFFUSION D MATANE			751217
	CO	MATANE QU ZONE 2 **USA BORDER**	48-51-00.0 67-32-00.0	24 Z						760512
	CO	MATANE QU ZONE 2 **USA BORDER**	48-51-00.0 67-32-00.0	49 +						760512
CBGAT01	CO LIC	MONT CLIMONT QU ZONE 2 **USA BORDER**	48-23-50.0 67-19-27.0	11 Z DA	1.33(KW) HOR	0732(FT)	RADIO DIFFUSION D MATANE			751217

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	CO	MONT JOLI QU ZONE 2 **USA BORDER**	48-35-00.0 68-11-00.0	22 Z						751217
CBFT02	CO LIC	MONT LAURIER QU ZONE 2 **USA BORDER**	46-33-37.0 75-42-20.0	03 + DA	11.3(KW) HOR	0513(FT)	CANADIAN BCTING CORP			751217
	CO	MONT LAURIER QU ZONE 2 **USA BORDER**	46-33-00.0 75-30-00.0	60 Z						760512
CBFT01	CO LIC	MONT TREMBLANT QU ZONE 2 **USA BORDER**	46-13-10.0 74-33-11.0	11 Z DA	1.20(KW) HOR	1779(FT)	CANADIAN BCTING CORP			751217
	CO	MONTMAGNY QU ZONE 2 **USA BORDER**	46-59-00.0 70-33-00.0	49 Z						760512
	CO	MONTMAGNY QU ZONE 2 **USA BORDER**	46-59-00.0 70-33-00.0	67 Z						760512
CBFT	CO LIC	MONTREAL QU ZONE 1 **USA BORDER**	45-30-20.0 73-35-32.0	02 Z	100(KW) HOR	0912(FT)	CANADIAN BCTING CORP			751217
CBMT	CO LIC	MONTREAL QU ZONE 1 **USA BORDER**	45-30-20.0 73-35-32.0	06 +	100(KW) HOR	0828(FT)	CANADIAN BCTING CORP			751217
CFTMTV	CO LIC	MONTREAL QU ZONE 1 **USA BORDER**	45-30-20.0 73-35-32.0	10 Z	325(KW) HOR	0972(FT)	TELEMETROPOLE CORP			730401
CFCFTV	CO LIC	MONTREAL QU ZONE 1 **USA BORDER**	45-30-20.0 73-35-32.0	12 Z	325(KW) HOR	0970(FT)	CANADIAN MARCONI CO			730401
CIVMTV	CO LIC	MONTREAL QU ZONE 1 **USA BORDER**	45-30-20.0 73-35-32.0	17 Z	1359(KW) HOR	0628(FT)				751217
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	23 Z						760512
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	29 Z						781118
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	35 +						760512
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	60 Z						760512
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	76 Z						760512
	CO	MONTREAL-VERDUN QU ZONE 1 **USA BORDER**	45-31-00.0 73-34-00.0	82 Z						760512
	CO	MT LOUIS EN HAUT QU ZONE 2 **USA BORDER**	49-13-20.0 65-45-36.0	19 Z						770324

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	CO	NEW CARLISLE	QU	48-01-00.0	17 +						760512
		ZONE 2	**USA BORDER**	65-20-00.0							
CHAUTV05	CO LIC	PERCE	QU	48-31-38.0	02 +	.845(KW)	1215(FT)	TV D LA BAIE D CHALEURS			751217
		ZONE 2	**USA BORDER**	64-14-40.0	DA	HOR					
	CO	PERCE	QU	48-31-00.0	15 +						760512
		ZONE 2	**USA BORDER**	64-13-00.0							
	CO	PLESSISVILLE	QU	46-13-00.0	61 +						760512
		ZONE 1	**USA BORDER**	71-47-00.0							
CKRSTV01	CO LIC	PORT ALFRED	QU	48-19-20.0	09 +	.030(KW)	0081(FT)	RADIO SAGUENAY LTD			751217
		ZONE 2	**USA BORDER**	70-49-48.0	DA	HOR					
	CO	PT ALFRED-BAGOTVILLE	QU	48-30-00.0	52 +						761118
		ZONE 2	**USA BORDER**	70-53-00.0							
	CO	PT ALFRED-BAGOTVILLE	QU	48-30-00.0	64 +						761118
		ZONE 2	**USA BORDER**	70-53-00.0							
CFCMTV	CO LIC	QUEBEC	QU	46-47-04.0	04 Z	100(KW)	0460(FT)	TV DE QUEBEC LTD			730401
		ZONE 1	**USA BORDER**	71-15-54.0		HOR					
CKMITV	CO LIC	QUEBEC	QU	46-47-04.0	05 -	13.9(KW)	0460(FT)	TV DE QUEBEC			730401
		ZONE 1	**USA BORDER**	71-15-54.0		HOR					
CBVT	CO LIC	QUEBEC	QU	46-51-40.4	11 +	316(KW)	0641(FT)	CANADIAN BCTING CORP			751217
		ZONE 1	**USA BORDER**	71-04-46.2	DA	HOR					
CIVQTV	CO LIC	QUEBEC	QU	46-48-27.0	15 -	1455(KW)	0628(FT)				751217
		ZONE 1	**USA BORDER**	71-13-02.0		HOR					
	CO	QUEBEC-LEVIS	QU	46-49-00.0	02 +						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	31 Z						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	37 Z						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	45 Z						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	51 +						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	77 +						760512
		ZONE 1	**USA BORDER**	71-13-00.0							
	CO	QUEBEC-LEVIS	QU	46-49-00.0	83 +						760512
		ZONE 1	**USA BORDER**	71-13-00.0							

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	CO	RAPIDES DES JOUCHIMS	QU	46-11-58.0	08 -						761118
		ZONE 2	**USA BORDER**	77-42-40.0							
CJBRTV	CO LIC	RIMOUSKI	QU	48-19-40.0	03 -	100(KW)	0986(FT)	LOWER ST LAWRENCE RADIO			751217
		ZONE 2	**USA BORDER**	68-50-09.0	DA	HOR					
	CO	RIMOUSKI	QU	48-27-00.0	16 Z						760512
		ZONE 2	**USA BORDER**	68-32-00.0							
	CO	RIMOUSKI	QU	48-27-00.0	51 Z						760512
		ZONE 2	**USA BORDER**	68-32-00.0							
CKRTTV	CO LIC	RIVIERE DU LOUP	QU	47-35-03.0	07 +	49(KW)	1156(FT)	CKRTTV LTEE			730401
		ZONE 2	**USA BORDER**	69-22-10.0		HOR					
	CO	RIVIERE DU LOUP	QU	47-50-00.0	35 -						751217
		ZONE 2	**USA BORDER**	69-32-00.0							
	CO	RIVIERE DU LOUP	QU	47-50-00.0	71 Z						751217
		ZONE 2	**USA BORDER**	69-32-00.0							
CHAUTV07	CO LIC	RIVIERE-RENARD	QU	48-59-52.0	07 Z	.098(KW)	0708(FT)	TV D LA BAIE D CHALEURS			751217
		ZONE 2	**USA BORDER**	64-25-55.0		HOR					
CKRSTV03	CO LIC	ROBERVAL	QU	48-24-05.0	08 +	4.12(KW)	0532(FT)	RADIO SAGUENAY LTD			751217
		ZONE 2	**USA BORDER**	72-05-23.0	DA	HOR					
	CO	ROBERVAL	QU	48-31-00.0	10 Z						760921
		ZONE 2	**USA BORDER**	72-13-00.0							
	CO	ROBERVAL	QU	48-31-00.0	26 +						751217
		ZONE 2	**USA BORDER**	72-13-00.0							
	CO	STE ADELE	QU	45-56-38.0	56 +						751217
		ZONE 1	**USA BORDER**	74-08-10.0							
	CO	ST FABIEN DE PANET	QU	46-39-23.0	13 Z						761118
		ZONE 2	**USA BORDER**	70-08-51.0							
	CO	ST FILICIEN	QU	48-39-00.0	72 +						760512
		ZONE 2	**USA BORDER**	72-27-00.0							
	CO	ST GEORGES DE BEAUCE	QU	46-07-00.0	72 Z						761118
		ZONE 1	**USA BORDER**	70-40-00.0							
	CO	ST HYACINTHE	QU	45-38-00.0	47 +						760512
		ZONE 1	**USA BORDER**	72-57-00.0							
	CO	ST JEAN-IBERVILLE	QU	45-19-00.0	70 -						761118
		ZONE 1	**USA BORDER**	73-14-00.0							
	CO	ST JEROME	QU	45-46-41.0	04 Z						751217
		ZONE 1	**USA BORDER**	74-00-11.0							

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	CO	ST JEROME	QU	45-47-00.0	78 Z					751217
		ZONE 1 **USA BORDER**		74-00-00.0						
CHAUTV01	CO LIC	STE MARGUERITE-MARIE	QU	48-18-40.0	02 -	8.15(KW)	0700(FT)	TV D LA BAIE D CHALEURS		761118
		ZONE 2 **USA BORDER**		67-05-06.0	DA	HOR				
CBVAT	CO LIC	ST PAMPHILE	QU	48-55-53.0	03 +	.370(KW)	399(FT)			760825
		ZONE 2 **USA BORDER**		69-49-20.0	DA	HOR				
	CO	ST PROSPER	QU	46-13-00.0	23 +					760809
		ZONE 2 **USA BORDER**		70-29-00.0						
	CO	SEPT ILES	QU	50-12-00.0	03 +					751217
		ZONE 2 **USA BORDER**		66-23-00.0						
	CO	SEPT ILES	QU	50-12-00.0	11 -					751217
		ZONE 2 **USA BORDER**		66-23-00.0						
CBST	CO LIC	SEPT ILES	QU	50-08-56.0	13 +	20(KW)	0903(FT)			751217
		ZONE 2 **USA BORDER**		66-28-12.0	DA	HOR				
	CO	SEPT ILES	QU	50-12-00.0	14 Z					751217
		ZONE 2 **USA BORDER**		66-23-00.0						
	CO	SEPT ILES	QU	50-12-00.0	20 +					751217
		ZONE 2 **USA BORDER**		66-23-00.0						
	CO	SHAWINIGAN FALL	QU	46-33-00.0	18 +					760512
		ZONE 1 **USA BORDER**		72-45-00.0						
	CO	SHAWINIGAN FALL	QU	46-33-00.0	63 Z					760512
		ZONE 1 **USA BORDER**		72-45-00.0						
CHLTTV	CO LIC	SHERBROOKE	QU	45-18-43.0	07 Z	300(KW)	1920(FT)	RADIO TV SHERBROOKE INC		751217
		ZONE 1 **USA BORDER**		72-14-32.0	DA	HOR				
CKSHTV00	CO LIC	SHERBROOKE	QU	45-18-43.0	09 Z	325(KW)	2026(FT)			751217
		ZONE 1 **USA BORDER**		72-14-32.0	DA	HOR				
	CO	SHERBROOKE	QU	45-24-00.0	14 -					751217
		ZONE 1 **USA BORDER**		71-54-00.0						
	CO	SHERBROOKE	QU	45-24-00.0	30 Z					751217
		ZONE 1 **USA BORDER**		71-54-00.0						
	CO	SHERBROOKE	QU	45-24-00.0	50 Z					751217
		ZONE 1 **USA BORDER**		71-54-00.0						
	CO	SOREL-TRACY	QU	46-03-00.0	25 Z					760512
		ZONE 1 **USA BORDER**		73-07-00.0						
	CO	THETFORD MINES	QU	46-05-00.0	32 Z					760512
		ZONE 1 **USA BORDER**		71-18-00.0						

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	CO	THETFORD MINES	QU	46-05-00.0	74 Z					760512
		ZONE 1 **USA BORDER**		71-18-00.0						
	CO	THETFORD MINES	QU	46-05-00.0	88 Z					760512
		ZONE 1 **USA BORDER**		71-18-00.0						
CBFST02	CO LIC	TIMISKAMING	QU	46-38-28.0	12 -	14.2(KW)	0860(FT)	CANADIAN BCTING CORP		760115
		ZONE 2 **USA BORDER**		79-04-24.0	DA	HOR				
	CO	TROIS PISTOLES	QU	48-07-00.0	73 Z					760512
		ZONE 2 **USA BORDER**		69-11-00.0						
CHEMTV	CO LIC	TROIS RIVIERES	QU	46-30-10.0	08 Z	12.5(KW)	626(FT)			770310
		ZONE 2 **USA BORDER**		72-38-15.0	DA	HOR				
CKTMTV	CO LIC	TROIS RIVIERES	QU	46-29-27.0	13 -	325(KW)	1323(FT)	TV ST MAURICE INC		751217
		ZONE 1 **USA BORDER**		72-39-00.0	DA	HOR				
	CO	TROIS RIVIERES	QU	46-21-00.0	28 Z					770324
		ZONE 1 **USA BORDER**		72-33-00.0						
	CO	TROIS RIVIERES	QU	46-21-00.0	37 Z					751217
		ZONE 1 **USA BORDER**		72-33-00.0						
	CO	TROIS RIVIERES	QU	46-21-00.0	69 +					751217
		ZONE 1 **USA BORDER**		72-33-00.0						
	CO	VALLEYFIELD	QU	45-15-00.0	26 Z					760512
		ZONE 1 **USA BORDER**		74-08-00.0						
	CO	VALLEYFIELD	QU	45-15-00.0	66 +					760512
		ZONE 1 **USA BORDER**		74-08-00.0						
	CO	VICTORIAVILLE	QU	46-03-00.0	71 +					760512
		ZONE 1 **USA BORDER**		71-58-00.0						
	CO	ASSINIBOIA	SA	49-38-00.0	61 Z					760512
		ZONE 2 **USA BORDER**		105-59-00.0						
	CO	BEAUVAL	SA	55-09-00.0	07 +					760722
		ZONE 2		107-36-00.0						
	CO	BIGGAR	SA	52-04-00.0	41 -					760512
		ZONE 2 **USA BORDER**		108-00-00.0						
	CO	BROADVIEW	SA	50-20-00.0	62 Z					760512
		ZONE 2 **USA BORDER**		102-30-00.0						
	CO	BUFFALO NARROWS	SA	55-51-00.0	11 Z					760722
		ZONE 2		108-30-00.0						
	CO	CANORA	SA	51-37-00.0	64 -					760512
		ZONE 2 **USA BORDER**		102-26-00.0						

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CFSSTV00	CO	LIC	CARLYLE LAKE ZONE 2	SA **USA BORDER**	49-44-22.0 102-16-38.0	07 + DA	100(KW) HOR	0880(FT)	YORKTOWN TV CO LTD		751217
CKCKTV01	CO	LIC	COLGATE ZONE 2	SA **USA BORDER**	49-26-16.0 103-47-53.0	12 Z DA	27.5(KW) HOR	0532(FT)	TRANSCANADA COMM LTD		751217
	CO		ESTEVAZY ZONE 2	SA **USA BORDER**	50-40-00.0 102-08-00.0	83 +					760512
	CO		ESTEVAN ZONE 2	SA **USA BORDER**	49-08-00.0 102-59-00.0	40 Z					760512
	CO		ESTON ZONE 2	SA **USA BORDER**	51-10-00.0 108-46-00.0	32 Z					760512
	CO		FT QU'APPELLE ZONE 2	SA **USA BORDER**	50-46-00.0 103-48-00.0	41 Z					761118
	CO		GRAVELBOURG ZONE 2	SA **USA BORDER**	49-53-00.0 106-34-00.0	39 -					760512
CKBITV03	CO	LIC	GREENWATER LAKE ZONE 2	SA **USA BORDER**	52-28-03.0 103-30-15.0	04 Z	3(KW) HOR	0718(FT)	CENTRAL BCTING CO		730401
	CO		HUMBOLT ZONE 2	SA **USA BORDER**	52-12-00.0 105-07-00.0	25 Z					760512
	CO		ILE A LA CROSSE ZONE 2	SA	55-27-00.0 107-53-00.0	09 +					760722
	CO		INDIAN HEAD ZONE 2	SA **USA BORDER**	50-31-00.0 103-40-00.0	75 +					751217
	CO		KAMSACK ZONE 2	SA **USA BORDER**	51-34-00.0 101-54-00.0	42 +					760512
	CO		KINDERSLEY ZONE 2	SA **USA BORDER**	51-27-00.0 109-10-00.0	38 +					760512
	CO		LA LOCHE ZONE 2	SA	56-29-00.0 109-38-00.0	13 -					760722
	CO		LA RONGE ZONE 2	SA	55-06-30.0 105-19-00.0	12 Z					760722
	CO		LEOVILLE ZONE 2	SA	53-37-00.0 107-35-00.0	12 +					760722
	CO		MAPLE CREEK ZONE 2	SA **USA BORDER**	49-55-00.0 109-27-00.0	53 +					760512
	CO		MELVILLE ZONE 2	SA **USA BORDER**	50-55-00.0 102-48-00.0	46 +					760512

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	CO		MICHEL ZONE 2	SA	55-59-00.0 109-05-00.0	08 +					760722
CBAMT	CO	LIC	MOOSE JAW ZONE 2	SA **USA BORDER**	50-23-25.0 105-55-38.0	04 - DA	100(KW) HOR	0793(FT)	CANADIAN BCTING CORP		751217
CKMJTV	CO	LIC	MOOSE JAW ZONE 2	SA **USA BORDER**	50-38-43.0 105-46-06.0	07 - DA	98(KW) HOR	0768(FT)	TRANSCANADA COMM LTD		751217
	CO		MOOSE JAW ZONE 2	SA **USA BORDER**	50-23-00.0 105-32-00.0	16 Z					760512
	CO		MOOSE JAW ZONE 2	SA **USA BORDER**	50-23-00.0 105-32-00.0	26 Z					760512
	CO		MOOSE JAW ZONE 2	SA **USA BORDER**	50-23-00.0 105-32-00.0	55 Z					760512
	CO		MOOSOMIN ZONE 2	SA **USA BORDER**	50-07-00.0 101-40-00.0	54 +					760512
CICCTV2	CO	LIC	NORQUAY ZONE 2	SA **USA BORDER**	52-03-00.0 102-03-18.0	07 - DA	13(KW) HOR	353(FT)			781129
CKOSTV1	CO	LIC	NORQUAY ZONE 2	SA **USA BORDER**	52-03-00.0 102-03-18.0	13 Z DA	25(KW) HOR	374(FT)			781129
	CO		OXBOW ZONE 2	SA **USA BORDER**	49-14-00.0 102-11-00.0	56 +					760512
	CO		PRINCE ALBERT ZONE 2	SA	53-12-06.0 105-45-12.0	03 +					760722
	CO		PRINCE ALBERT ZONE 2	SA	53-12-06.0 105-45-12.0	09 +					751217
CKCKTV	CO	LIC	REGINA ZONE 2	SA **USA BORDER**	50-26-52.0 104-30-00.0	02 Z	100(KW) HOR	0568(FT)	TRANSCANADA COMM LTD		730401
CBKAT	CO	LIC	REGINA ZONE 2	SA **USA BORDER**	50-28-58.0 104-36-20.0	09 - DA	250(KW) HOR	0580(FT)	CANADIAN BCTING CORP		751217
	CO		REGINA ZONE 2	SA **USA BORDER**	50-27-00.0 104-36-36.0	13 -					760525
	CO		REGINA ZONE 2	SA **USA BORDER**	50-25-00.0 104-39-00.0	18 +					760512
	CO		REGINA ZONE 2	SA **USA BORDER**	50-25-00.0 104-39-00.0	24 +					760512
	CO		REGINA ZONE 2	SA **USA BORDER**	50-25-00.0 104-39-00.0	47 Z					760512

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	CO	REGINA	SA	50-25-00.0	53	Z					760512
		ZONE 2 **USA BORDER**		104-39-00.0							
	CO	REGINA	SA	50-25-00.0	71	Z					760512
		ZONE 2 **USA BORDER**		104-39-00.0							
	CO	REGINA	SA	50-25-00.0	77	-					760512
		ZONE 2 **USA BORDER**		104-39-00.0							
CJFBTV03	CO LIC	RIVERHURST	SA	50-44-25.0	10	-	.71(KW)	0776(FT)	SWIFT CURRENT BCTING		751217
		ZONE 2 **USA BORDER**		106-54-34.0	DA		HOR				
	CO	ROSETOWN	SA	51-33-00.0	83	Z					751217
		ZONE 2 **USA BORDER**		108-00-00.0							
CFQCTV	CO LIC	SASKATOON	SA	52-11-30.0	08	+	325(KW)	0868(FT)	A A MURPHY & SONS		760414
		ZONE 2 **USA BORDER**		108-23-01.0	DA		HOR				
CBKST	CO LIC	SASKATOON	SA	52-10-25.0	11	Z	325(KW)	0786(FT)	CANADIAN BCTING CORP		730401
		ZONE 2 **USA BORDER**		106-25-42.0			HOR				
	CO	SASKATOON	SA	52-11-00.0	13	Z					751217
		ZONE 2 **USA BORDER**		106-26-00.0							
	CO	SASKATOON	SA	52-07-00.0	17	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
	CO	SASKATOON	SA	52-07-00.0	23	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
	CO	SASKATOON	SA	52-07-00.0	33	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
	CO	SASKATOON	SA	52-07-00.0	54	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
	CO	SASKATOON	SA	52-07-00.0	70	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
	CO	SASKATOON	SA	52-07-00.0	76	Z					760512
		ZONE 2 **USA BORDER**		106-38-00.0							
CBCPTV01	CO LIC	SHAUNAVON	SA	49-28-05.0	07	+	2.65(KW)	0560(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		108-26-04.0	DA		HOR				
	CO	SHAUNAVON	SA	49-40-00.0	78	Z					760512
		ZONE 2 **USA BORDER**		108-25-00.0							
CFQCTV01	CO LIC	STRANRAER	SA	51-40-55.0	03	-	10.3(KW)	0930(FT)	A.A. MURPHY & SONS LTD		751217
		ZONE 2 **USA BORDER**		108-30-15.0	DA		HOR				
CBKST01	CO LIC	STRANRAER	SA	51-40-25.0	09	Z	55(KW)	0765(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		108-29-54.0	DA		HOR				

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FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
NOTICE UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION ***NOTICE***

CJFBTV	CO LIC	SWIFT CURRENT	SA	50-20-20.0	05	-	13.3(KW)	0511(FT)	SWIFT CURRENT BCTING CO		730401
		ZONE 2 **USA BORDER**		107-47-17.0			HOR				
CKMCTV	CO LIC	SWIFT CURRENT	SA	50-18-31.0	12	-	25(KW)	949(FT)			770310
		ZONE 2 **USA BORDER**		107-52-35.0	DA		HOR				
	CO	SWIFT CURRENT	SA	52-17-00.0	40	+					751217
		ZONE 2 **USA BORDER**		107-50-00.0							
	CO	SWIFT CURRENT	SA	50-17-00.0	56	Z					760512
		ZONE 2 **USA BORDER**		107-50-00.0							
	CO	UNITY	SA	52-27-00.0	80	-					760512
		ZONE 2 **USA BORDER**		109-10-00.0							
	CO	WATROUS	SA	51-40-00.0	78	+					751217
		ZONE 2 **USA BORDER**		105-28-00.0							
	CO	WEYBURN	SA	49-41-00.0	48	+					760512
		ZONE 2 **USA BORDER**		103-52-00.0							
	CO	WILKIE	SA	52-25-00.0	31	Z					751217
		ZONE 2 **USA BORDER**		108-43-00.0							
CKCKTV02	CO LIC	WILLOW BUNCH	SA	49-20-58.0	06	-	17.5(KW)	0664(FT)	TRANSCANADA COMM LTD		751217
		ZONE 2 **USA BORDER**		105-38-08.0	DA		HOR				
CBWMT01	CO LIC	WILLOW BUNCH	SA	49-23-10.0	10	+	65.8(KW)	0839(FT)	CANADIAN BCTING CORP		751217
		ZONE 2 **USA BORDER**		105-40-17.0	DA		HOR				
CHSSTV	CO LIC	WYNYARD	SA	51-42-30.0	08	Z	11(KW)	0614(FT)	YORKTOWN TV CO LTD		781129
		ZONE 2 **USA BORDER**		104-17-55.0			HOR				
CICCTV01	CO LIC	WYNYARD	SA	51-42-30.0	12	+	61(KW)	0560(FT)			781129
		ZONE 2 **USA BORDER**		104-17-55.0	DA		HOR				
	CO	WYNYARD	SA	51-47-00.0	31	+					781129
		ZONE 2 **USA BORDER**		104-10-00.0							
CKOSTV	CO LIC	YORKTON	SA	51-12-33.0	03	Z	15(KW)	0534(FT)	YORKTOWN TV CO LTD		751217
		ZONE 2 **USA BORDER**		102-43-59.0			HOR				
CICCTV	CO LIC	YORKTON	SA	51-12-33.0	10	Z	39.2(KW)	0444(FT)			750708
		ZONE 2 **USA BORDER**		102-43-59.0			HOR				
	CO	YORKTON	SA	51-13-00.0	20	Z					751217
		ZONE 2 **USA BORDER**		102-28-00.0							
	CO	YORKTON	SA	51-13-00.0	33	+					751217
		ZONE 2 **USA BORDER**		102-28-00.0							
	CO	CLINTON CREEK	YU	64-24-07.0	08	Z					751217
		ZONE 2 **USA BORDER**		140-36-50.0							

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FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
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	CO	DAWSON	YU	64-04-00.0	03 Z					751217
		ZONE 2 **USA BORDER**		139-25-30.0						
	CO	DAWSON	YU	64-35-00.0	10 Z					751217
		ZONE 2 **USA BORDER**		139-25-30.0						
	CO	DAWSON	YU	64-03-00.0	14 Z					751217
		ZONE 2 **USA BORDER**		139-25-00.0						
	CO	DAWSON	YU	64-03-00.0	20 Z					751217
		ZONE 2 **USA BORDER**		139-25-00.0						
	CO	ELSA	YU	63-53-48.0	09 Z					751217
		ZONE 2 **USA BORDER**		138-34-00.0						
	CO	FARO	YU	62-13-47.0	08 Z					751217
		ZONE 2 **USA BORDER**		133-20-00.0						
CBXHT	CO LIC	KENO HILL	YU	63-54-55.0	13 Z	2.52(KW)	1590(FT)			760414
		ZONE 2 **USA BORDER**		135-23-50.0	DA	HOR				
	CO	MAYO	YU	63-40-00.0	07 Z					751217
		ZONE 2 **USA BORDER**		135-51-30.0						
CBDAT	CO LIC	WATSON LAKE	YU	60-03-52.0	08 +	.19(KW)	0-29(FT)	CANADIAN BCTING CORP		760414
		ZONE 2 **USA BORDER**		128-42-52.0	DA	HOR				
	CO	WHITEHORSE	YU	60-42-00.0	03 +					751217
		ZONE 2 **USA BORDER**		135-05-30.0						
CFWHTV	CO LIC	WHITEHORSE	YU	60-39-35.0	08 Z	.3(KW)	1248(FT)	CANADIAN BCTING CORP		730401
		ZONE 2 **USA BORDER**		134-52-56.0		HOR				
	CO	WHITEHORSE	YU	60-44-00.0	14 Z					751217
		ZONE 2 **USA BORDER**		135-05-30.0						
	CO	WHITEHORSE	YU	60-44-00.0	20 Z					751217
		ZONE 2 **USA BORDER**		135-05-30.0						

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[FR Doc.77-14535 Filed 5-23-77;8:45 am]

federal register

TUESDAY, MAY 24, 1977

PART VIII

CIVIL AERONAUTICS BOARD

■

DISCOUNT FARE POLICY

Statements of General Policy

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR-47; Docket 30891; Dated May 16, 1977]

STATEMENTS OF GENERAL POLICY

Discount Fare Policy

MAY 16, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: At the present time, the Board evaluates discount fares proposed by the airlines for trips within the 48 contiguous States on the basis of a profit-impact test. If the airline convinces the Board that the net revenues from the fare offset the added costs of carrying the new passengers generated by the fare, the Board permits the fare to become effective without investigation. It is often difficult, however, to determine in advance whether a particular fare will meet this test. Accordingly, the Board has decided to solicit public views on whether it should change the test for evaluating discount fares, and, if so, what standards should be used instead.

DATES: Comments by July 25, 1977.

ADDRESSES: Comments should be sent to Docket 30891, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5436.

SUPPLEMENTARY INFORMATION: In Phase 5 of the *Domestic Passenger-Fare Investigation*, Docket 21866-5,[1] the Board concluded that, in the long run, discount fares which are not based on cost savings are uneconomic. However, the Board also found that, in the short run, such discount fares may be useful in periods of excess capacity, in developing new routes and markets, and in stimulating traffic in thin markets served at low load factors with a minimum service pattern. The Board therefore determined for purposes of passenger fares in the 48 States, to allow the carriers to offer discount fares subject to polices designed to protect normal-fare traffic from the revenue dilution from discount fares, and to assure that the discount fares produce favorable results in the short run. In the latter regard, the Board adopted a profit-impact test to measure the short term economics of a discount fare, and a policy that discount-fare tariffs should be marked to expire after an eighteen-month period to assure that the fares continue to be warranted. These policies were codified in § 399.33(f) of our Statements of General Policy (14 CFR 399.33(f)),[2] as follows:

(f) With respect to discount fares not based on cost savings:

(1) Carriers should be free to utilize discount fares within their managerial discretion, subject to the conditions that such fares are not unjustly discriminatory and meet the profit-impact test (i.e., that they generate sufficient traffic to more than offset the diversion of full-fare traffic and the added noncapacity costs associated with the generated traffic less any savings in cost attributable to the nature of the service provided to the discount traffic); and

(2) Promotional-fare tariffs should contain expiration dates not to exceed 18 months from the effective date;

As these policies are applied, carriers proposing to initiate new discount fares must include a showing of profit impact in their justification. This requires estimates of the amount of traffic that will be newly generated by the fare, how much traffic will instead be diverted from other fares, and the net added costs attributable to carrying the newly generated traffic. If carriers wish to renew the fares after their initial expiry date, they must include an analysis of profit impact based on the actual results of the fare.

While there has been no general opposition to the concept of the profit-impact test, as a practical matter the test has been difficult to administer. This is due both to the nature of the test and to the procedural framework in which it most often comes into play. With respect to newly proposed discount fares, the analysis of traffic generation and diversion is a prediction of future behavior which cannot be reduced to mathematical certainty. Furthermore, estimating the added costs attributable to the newly generated traffic necessarily involves some degree of judgment. Even in the context of the renewal of a discount fare, an evaluation of the actual results achieved with the fare still presents the problem of ascertaining how many passengers who used the fares were passengers who would have flown in any event, and leaves room for dispute as to the added costs attributable to the generated traffic. Moreover, the profit-impact analysis is most frequently utilized in connection with carrier tariff filings—i.e., the decision whether or not to institute a formal investigation. In this procedural framework, the Board must reach its determination in a very short period of time on the basis of written pleadings of the interested parties with no opportunity for an in-depth examination of the assumptions and judgments underlying the parties' analyses.[3]

While the profit-impact test was adopted in Phase 5 more than four years ago, the experience gained by the Board and the carriers with the use of this test has not narrowed the areas of dispute. Thus the Board is frequently called upon to referee disputes among competing carriers as to whether particular discount fares should be permitted to take effect. The Board recognizes the undesirable consequences which can flow from imprudent use of discount fares. At the same time, however, the suspension of a discount fare can be viewed as a determination of the Board that a carrier needs to be protected from its own managerial decision; suspension further means that the public will be deprived of the potential benefits of the discount fare. The Board is troubled by having to use such an imprecise test as the profit-impact analysis for the basis of such determinations.

For these reasons, the Board has decided to explore whether the profit-impact test and 18-month expiry period should be reevaluated. The Board has not concluded that there necessarily should be a change in the way in which it evaluates discount fares; it may well be that with all its imperfections, the profit-impact test does perform a useful function in a reasonably reliable manner overall. Nonetheless, the issue is of sufficient concern to the Board that the Board believes it is desirable to explore the merits of the present standards and possible alternatives to those standards. Thus the Board is interested in receiving comments whether a change in the present policies regarding the evaluation of discount fares is warranted, and if so, what policies or procedures should be used instead. To stimulate response on these issues, we have listed below a number of possible alternatives. However, this list should not be regarded as exhaustive. On the contrary, the Board is receptive to other suggestions and would be particularly interested in any forms of analysis that the carriers may use for their own evaluation of discount fares.

ALTERNATIVES TO PRESENT PHASE 5 POLICIES

A. Eliminate the profit-impact test as a standard for determining the reasonableness of discount fares, and allow the carriers to offer any type of discount fare unless it is predatory or unjustly discriminatory. The requirement that discount tariffs be marked to expire within 18 months would also be eliminated. This is essentially the approach we adopted for the mainland-Hawaii markets in our recent decision in the *Hawaii Fares Investigation*, Order 76-10-37, October 8, 1976.[4] This approach would give carrier management significant flexibility in pricing discount fares, as well as the responsibility for the consequences which may flow from the exercise of that flexibility. Since the Board would continue to remove the impact of discount fares from computations of the normal-fare level, carrier management would be discouraged from introducing discount fares which were uneconomic. Presumably carrier management would monitor the profita-

[1] Order 72-12-18; see, also, the opinion and order on reconsideration, Order 73-5-2.

[2] PS-63, February 7, 1975.

[3] Even in formal investigations of discount fares, the reliability of evidence on generation, diversion, and added costs has been highly disputed.

[4] Petitions for reconsideration of that decision are pending before the Board.

ability of discount fares and discontinue those which were unprofitable and/or ceased to meet the goals for which they were designed.

B. Eliminate the profit-impact test, but require the carriers to show that the discount fare would not result in a material deterioration in service for normal-fare passengers. With this as a standard, the carrier would need to demonstrate that the discount fare is not likely to impinge on the availability of seats for normal-fare traffic. This could result in more reliance on standby fares, capacity-control restrictions, or peak-period blackouts than is now the case. This standard could also be accompanied by an expiry requirement to allow periodic reevaluation of the fare.

C. Allow any new promotional fare to go into effect for a limited period of time, such as twelve months, regardless of profit impact. Upon application for renewal of a discount fare, a carrier would be required to demonstrate that the fare met the profit-impact test. This approach recognizes the difficulties inherent in deriving reliable generation/diversion ratios without the benefit of actual experience. The carriers would be expected to accumulate a body of data sufficient to provide a realistic basis for assessing the profit impact of the experimental fare. In order to avoid subjecting discount-fare filings to the profit-impact test required for renewal, however, carriers could try to turn an existing discount fare into a "new" proposal by making only minor changes to an existing discount.

D. Limit C above to promotional fares accompanying an award of new route authority. This approach would provide the wide pricing latitude needed to encourage rapid development of a traffic base for a new service. It also recognizes that meaningful generation/diversion ratios for particularly difficult to estimate when there is no prior experience in the market.

E. Retain the profit-impact test, and require discount tariffs to contain an expiration date, but shift the burden of proof in an initial filing to the complainant. The proponent carrier would have the burden of satisfying the profit-impact test if it wished to renew the fare. In administering the profit-impact test the Board would still be faced with the task of evaluating the reliability of the generation/diversion ratios and cost analyses submitted by the complainant.

F. Allow certain types of discount fares to be maintained without a showing that they meet the profit-impact test. The various discount fares would need to be categorized within a comprehensive consistent framework, and the Board would need to conduct a broad study of previous discounts to determine which ones were economic. While the establishment of a clearly defined discount-fare structure would alleviate public confusion and assure carrier management that tariffs matching the Board-approved design would not be suspended or investigated, the existence of a rigid structure might discourage innovative pricing. Also, discount fares which were profitable in one time period might not be profitable in a later period characterized by different economic conditions.

G. Retain the profit-impact test, but standardize the type of market research necessary to prove the generation/diversion ratio and provide guidelines on cost analyses. Specific comments on the types of analysis which prompt management to introduce or extend discount fares will be very useful to the Board in evaluating this alternative. Clear guidelines as to what constitutes adequate justification in support of discount tariff filings can minimize carrier burden, as well as simplify the Board's task of administering the profit-impact test. However, since discount fares are designed to meet a variety of market conditions it could be very difficult to determine a set of standards and guidelines which would be appropriate in all cases. Clearly defined standards could be adopted in conjunction with the approach outlined in C above. In this case only renewal filings would have to make a showing of favorable profit impact. The supporting data and the analytical effort required could be tailored to particular discount-fare proposals. A carrier would have been on notice since the fare went into effect that certain data would be required upon application for renewal.

H. Eliminate all noncost-based discount fares, and move instead toward greater use of peak and off-peak pricing. A basic problem with any standard for evaluating the effects of the discount fares offered at the present time is that those discount fares are uneconomic in the long run; the problem is one of differentiating between "good" below-cost fares and "bad" below-cost fares. The replacement of that kind of fare structure by greater use of peak and off-peak pricing, including seasonal and day-of-week pricing differentials, would tend to encourage more efficient operations in the long run and would direct price reductions at specific periods of excess capacity much more effectively than in alternative B. However, it may be difficult for a carrier to move in this direction so long as the noncost-based discounts, such as excurison, tour-basing, and group fares continue to be permitted. In connection with this alternative, the Bureau of Economics has recently completed a staff study into the relationship between peak and off-peak pricing and load factors. We are attaching this study as an appendix and invite comments on the study as well.

The Board wishes to reiterate that the foregoing list of alternatives is not intended to be exhaustive. Moreover, it is recognized that there are a number of possible variations in the alternatives depending on such factors as whether or not there should be an expiry requirement and how long such a requirement should be. The Board, after receiving comments from interested persons, will decide whether further proceedings in this matter are necessary and, if so, what further procedures should be utilized.

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

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

(Sec. 204, 403, 404, and 1002, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, and 788, as amended; 49 U.S.C. 1324, 1373, 1374, and 1482; and 5 U.S.C. 552.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

DEMAND-PEAKING PROBLEM

A STAFF STUDY BY THE BUREAU OF ECONOMICS

I. *Background.* In Phase 6B of the DPFI, the Board determined that a standard load factor of 55 percent would be applicable for ratemaking purposes to the 48-State operations of the domestic trunk carriers.[1] Since the Board's adoption of this standard, the structure of the industry has changed markedly. The greatest changes have occurred on the supply side where fuel costs have skyrocketed and the efficient use of our finite fossil fuel resources has gained new prominence among our national priorities.

In recognition of these changes, the Board, on August 19, 1975, set down for reexamination the question of whether the current 55-percent standard remains reasonable. Specifically, the Board stated:

> We intend to reexamine the existing standards in terms of their relationship to both the level and structure of fares. Thus, the issues will include the overall load factor standard, the extent to which load factor standards should vary for different classes of service, and how the load factor standards should apply at varying distances. (PSDR-43, p. 2)

Pursuant to this investigation, a prehearing conference was held which resulted in the production of detailed daily service segment data for the mid month of each quarter during calendar year 1975 and the first half of 1976.

[1] See Orders 71-4-54 and 74-3-81.

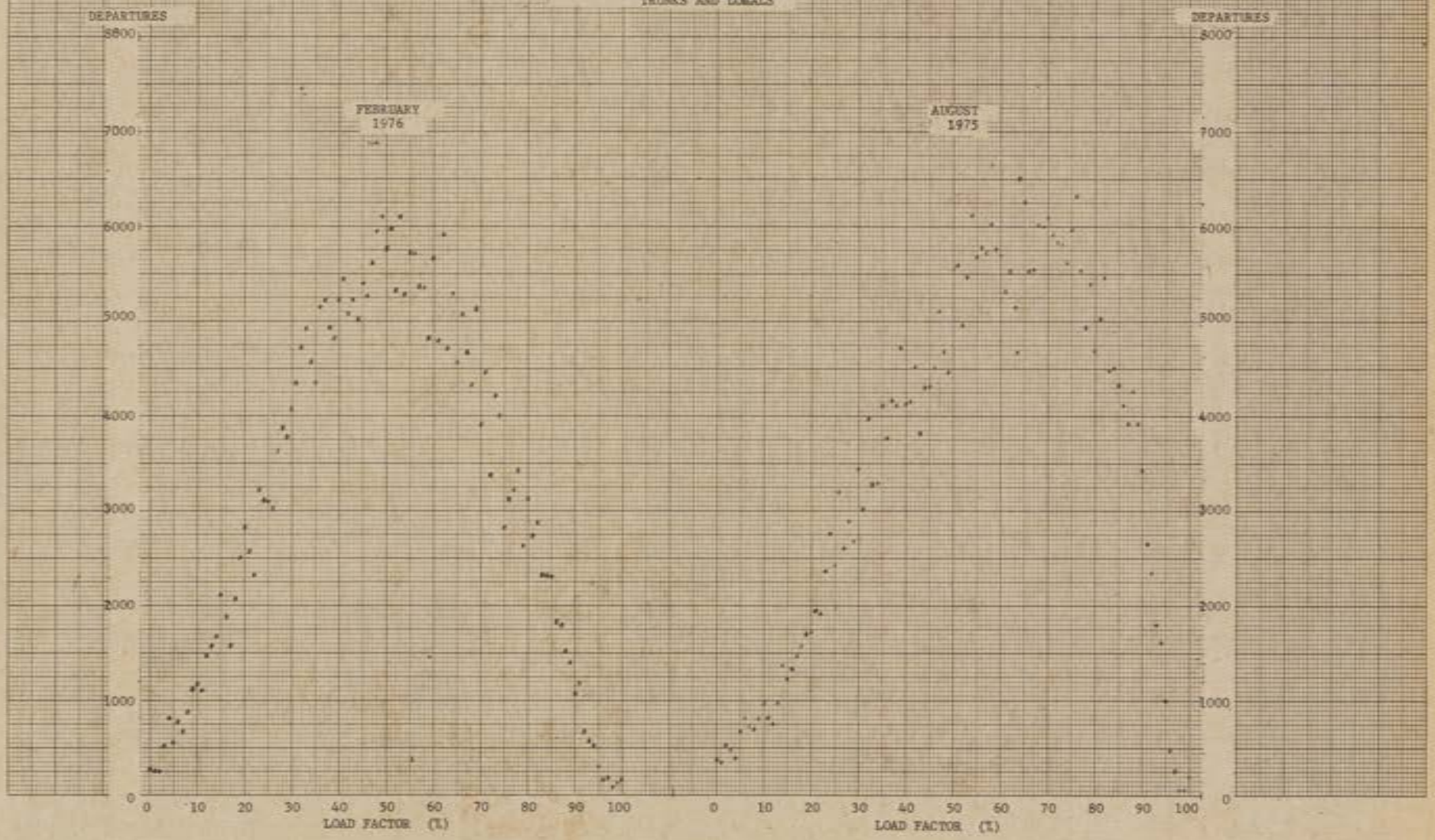
This wealth of heretofore unavailable data both contradicts assumptions based on the best information previously available and provides fuel for a deeper analysis of the problem than would otherwise have been possible; indeed, the implications of the data go well beyond the limited load-factor issues and bear strongly on the overall industry pricing structure—including the discount fare structure.

To be more specific, the monthly service-segment data, which were available prior to this investigation, show that when individual flights are arranged according to their average load factors, a normal distribution is obtained. In other words, a bell-shaped curve emerges, indicating that most flights have load factors which are near the overall average and only a relatively few flights have very high or very low load factors. It had been assumed from this that were individual daily departures to be similarly arrayed, a normal distribution would also result. As may be seen from comparing Charts 1 and 2 on the following pages, this assumption proved to be false. There is a larger than expected number of full or nearly full departures. The data show further that this phenomenon is particularly pronounced during periods of peak demand. What this implies is that given the existing demand patterns, a significant increase in load factor would risk a sizeable increase in passenger rejection during peak periods. This will be developed more fully below.

A fresh look at the load-factor problem was undertaken with this newer, more detailed data in hand. Because demand peaking was found to be an important limiting factor on the degree to which load factors could be increased without greatly increasing the difficulty of obtaining a seat, some attention was directed toward determining:

Chart 1

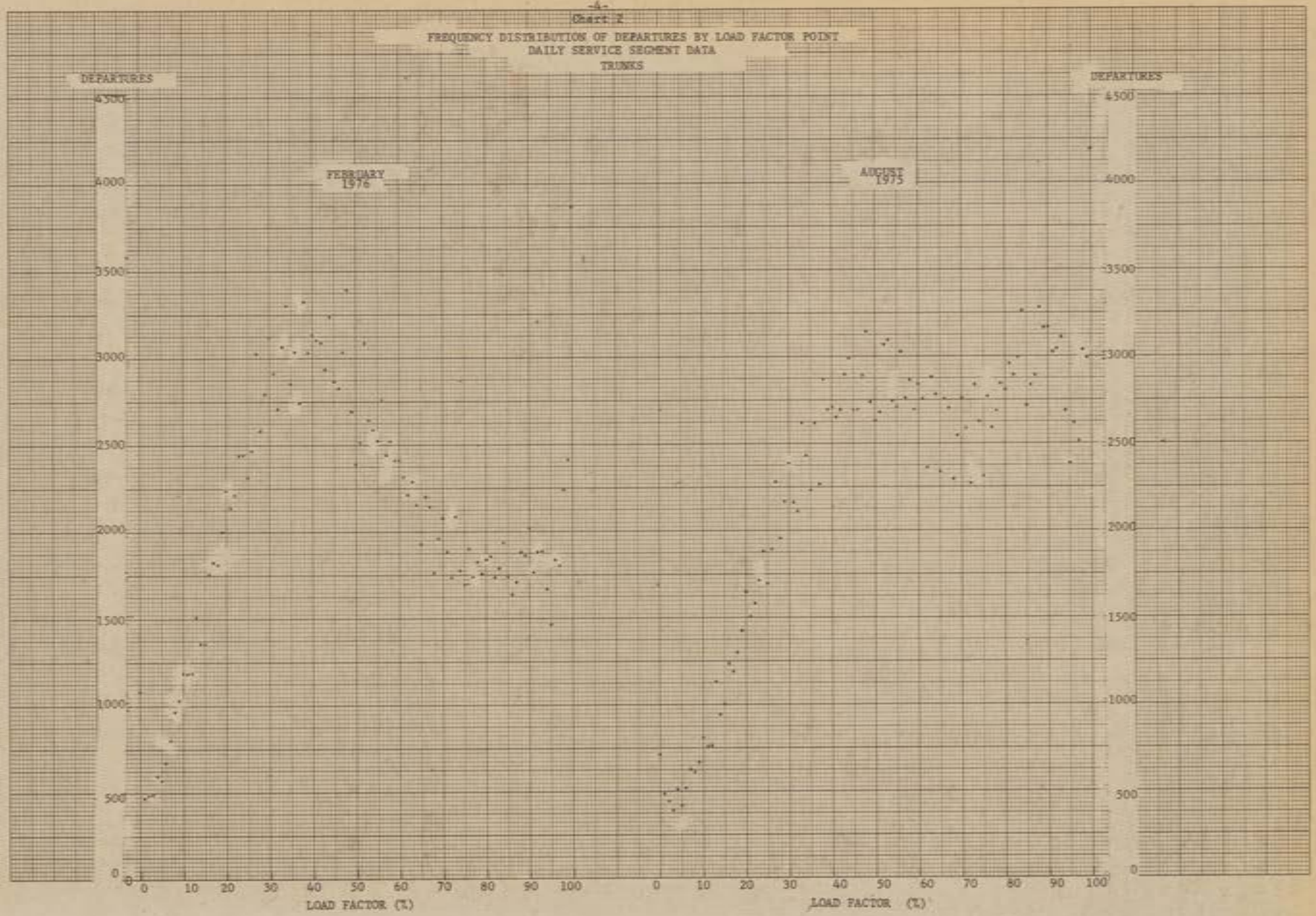
FREQUENCY DISTRIBUTION OF DEPARTURES BY LOAD-FACTOR POINT
MONTHLY SERVICE-SEGMENT DATA
TRUNKS AND LOCALS



-4-

Chart 2

FREQUENCY DISTRIBUTION OF DEPARTURES BY LOAD FACTOR POINT
DAILY SERVICE SEGMENT DATA
TRUNKS



(a) Whether or not particular aspects of the current pricing structure tend to aggravate the peaking patterns, and

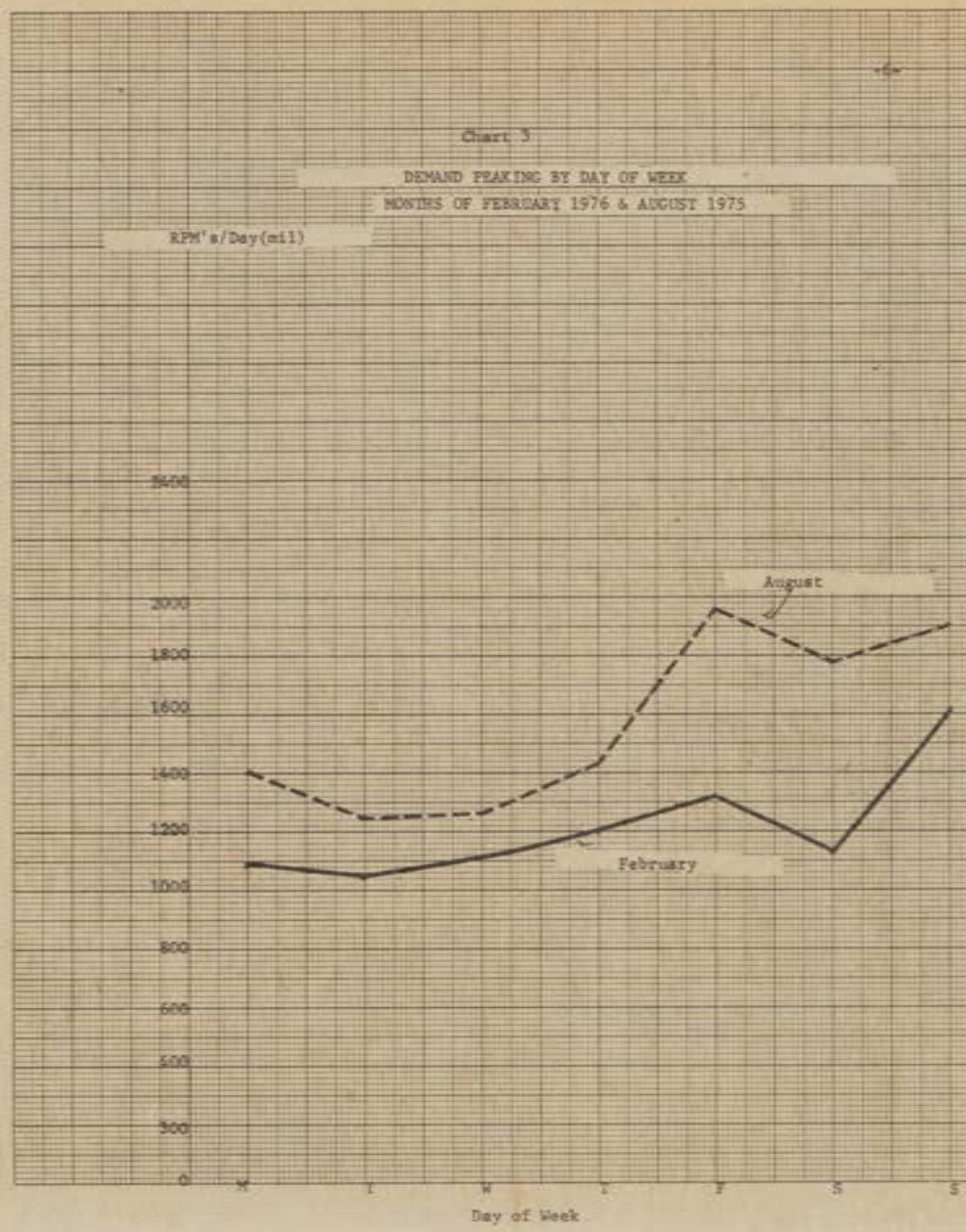
(b) Whether alterations in the current pricing structures could be designed to effectively reduce demand peaking.

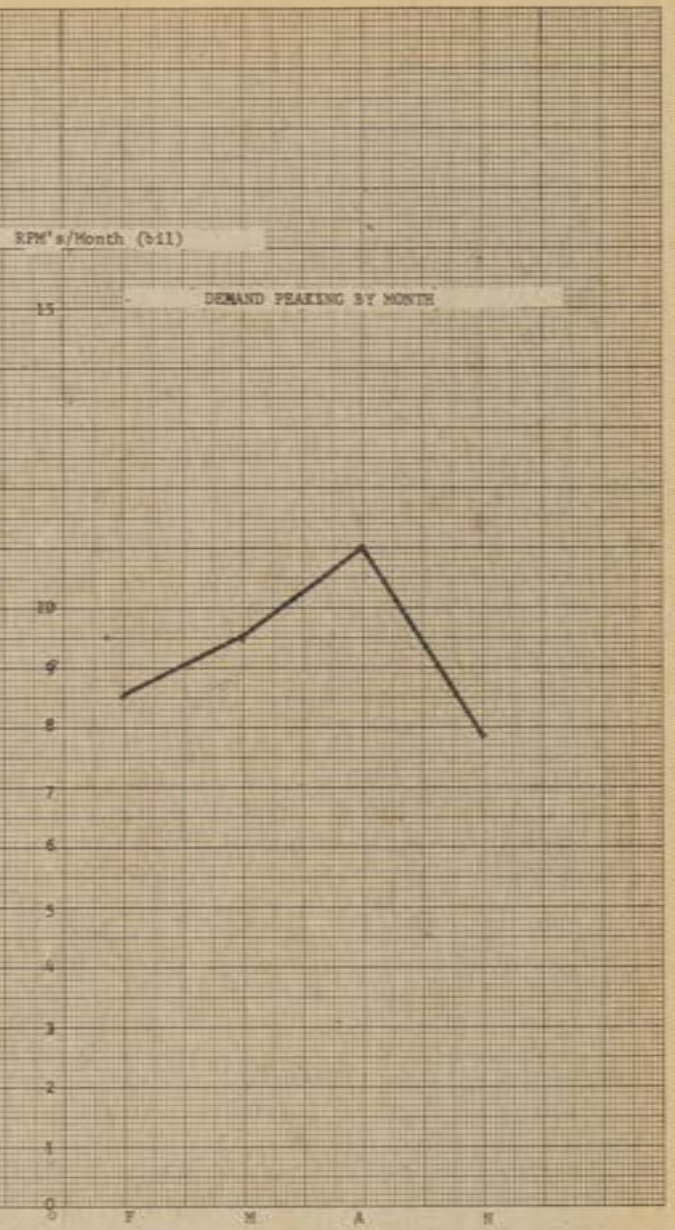
This paper is an outgrowth of the analysis directed toward the load-factor problem but focuses primarily on the pricing implications which result therefrom.

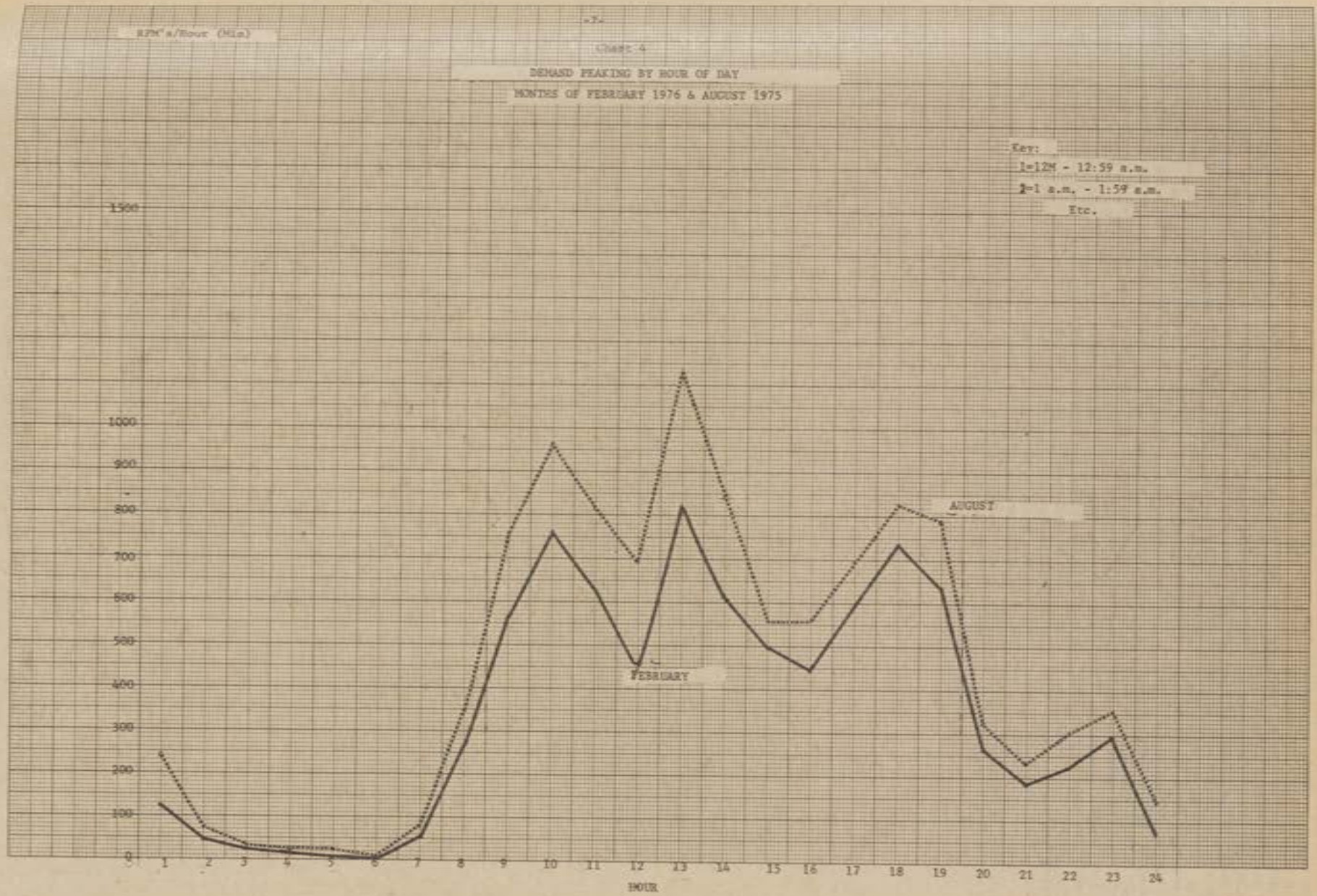
II. *Demand peaking.* The demand for air transportation is characterized by intense peaking by month of year, by day of week, and by hour of day. This peaking is graphically illustrated in Charts 3 and 4. Revenue passenger-miles for August 1975 exceeded the level achieved during February 1976 by 29 percent overall and by 31 percent and 10 percent when coach and first-class service are considered separately. Peaking by day of week was also severe with revenue passenger-miles for Fridays (the peak day) exceeding those for Tuesdays by 27 percent. While coach traffic was seen to peak more strongly than first-class traffic on a monthly basis, the opposite is true by day of week where a 51 percent differential exists between first-class demand for the peak and valley days. The steepest traffic peaking of all occurs by hour of day. For example, during August and November 1975, and February and May 1976, revenue passenger-miles for departures between 1 p.m. and 7 p.m. were 24 times the level reported between 1 a.m. and 7 a.m.

Chart 5

DEMAND PEAKING BY DAY OF WEEK
MONTHS OF FEBRUARY 1976 & AUGUST 1975






KWH a/Hour (Min)
CHART 4
DEMAND PEAKING BY HOUR OF DAY
MONTHS OF FEBRUARY 1976 & AUGUST 1975
Key:
1=12M - 12:59 a.m.
2=1 a.m. - 1:59 a.m.
Etc.
AUGUST
FEBRUARY
1500
1000
900
800
700
600
500
400
300
200
100
0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
HOUR

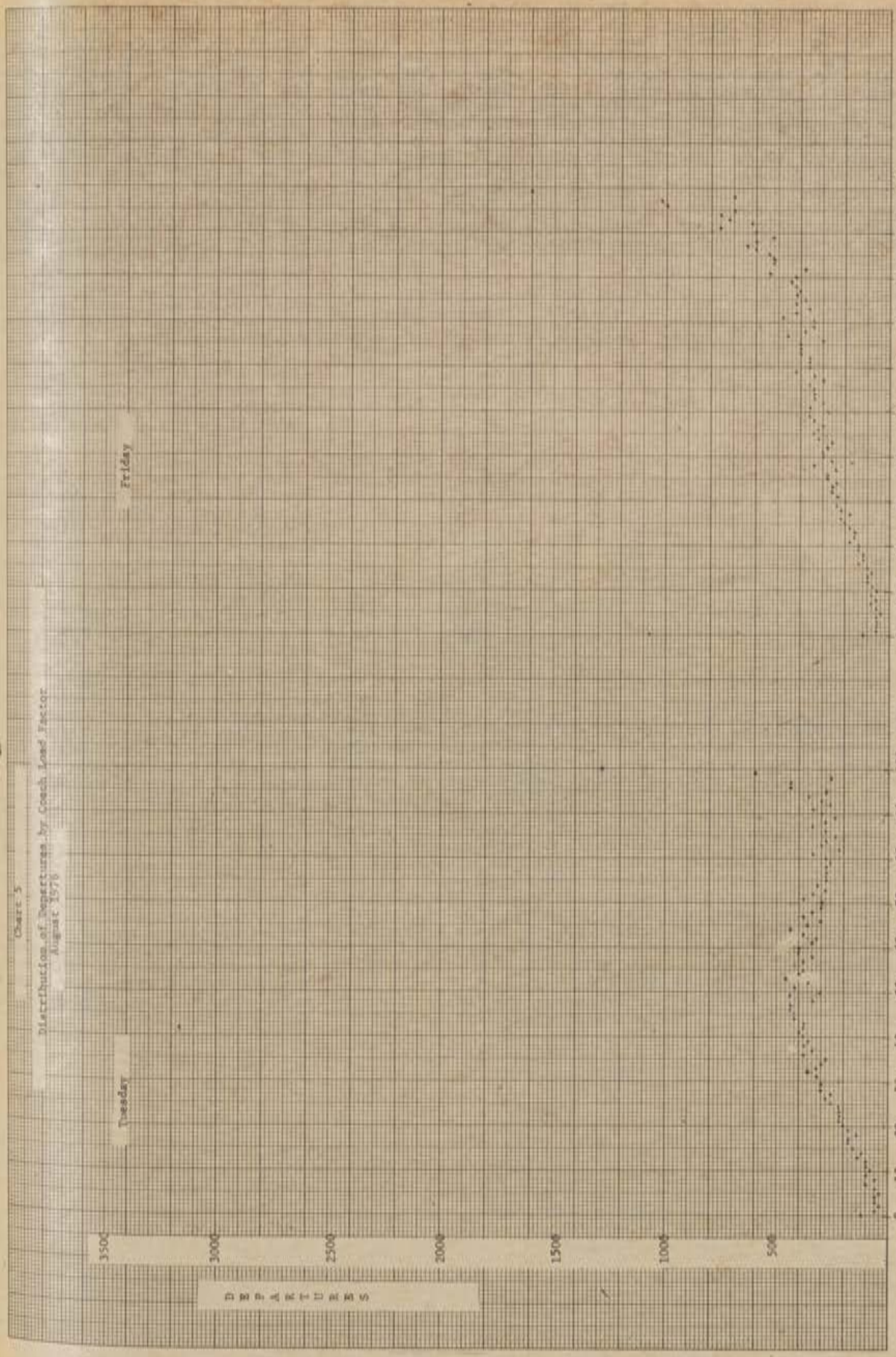
These monthly, daily, and hourly peaking patterns are remarkably consistent when broken out by carrier, by length of haul, by market density, and by number of competitors. While some differences do exist they are primarily differences in intensity rather than differences in the timing of the peaks and valleys.[2] (Appendix A consists of several Charts which illustrate this point.) For example, during August and November 1975, and February and May 1976, revenue passenger-miles for Fridays were 32.8 percent, 33.3 percent, and 47.6 percent greater than those for Tuesdays in the 300, 700, and 2,500 mileage blocks respectively.

The intense peaking of demand, as it currently exists has a substantial effect on load factors. High load factors occur during demand peaks and low load factors occur during demand valleys. For example, the average load factor for August 1975 (62.3 percent) was 18 percent higher than that for February 1976. Further, average load factor achieved on Fridays during August and November 1975, and February and May 1976, was 27 percent higher than that achieved on Tuesdays during the same period.

III. *The demand-smoothing approach.* As noted above, prior to receiving the detailed daily service segment data made available in the load factor investigation, it seemed reasonable to assume that since monthly flight load factors were normally distributed by load factor point, the same would hold true for daily load factors. (As Charts 1 and 2 above, graphically show, this assumption was proved to be false.) Thus, it was thought that a relatively small share of the daily departures were full or nearly full and that a moderate increase in the mean would result in only a minor increase in passenger rejection. The greater-than-expected dispersion of daily flight load factors from the mean causes some concern as to service levels which may result—particularly during peak periods—if the average load factor were to be increased substantially by a tightening of supply. During August 1975, for example 17.5 percent of all departures had coach load factors of 95 percent or more.[3] During Friday and Sunday (the peak days) this percentage increased to 23.2 and 23.8, respectively. Chart 5 illustrates this daily dispersion of load factors.

[2] This consistency, of course, would not hold true for each individual market.

[3] Another 13.2 percent of August departures had coach load factors in the 85–94 percent range.


Chart 5
Distribution of Departures by Coach Load Factor
August 1976
Tuesday
Friday
DEPARTURES
3500
3000
2500
2000
1500
1000
500
0
10
20
30
40
50
60
70
80
90
100

The steepness or intensity of the monthly, daily, and hourly traffic peaking pattern, as it currently exists, provides an important limiting factor in the attainment of higher load factors. Capacity is geared, in large part, so that traffic rejection during peak periods will be minimized. Low load factors occur during demand valleys when capacity does not fall off as sharply as demand. It is clear that carriers have the ability to, and in actual practice, do vary the supply of air transportation in response to systematic variations in traffic. It is also clear, however, that the degree to which carriers fluctuate their supply falls far short of the degree to which passengers fluctuate their demand. For example, in February 1975 passengers limited their demand (RPM's) to only 66.1 percent of the August level, while carriers reduced their supply (ASM's) to 85.4 percent. Air Carrier Traffic Statistics data indicate that the failure of carriers to cut back February supply to the degree passengers cut back demand caused February load factors to be significantly below the yearly average in each of the last 5 years with the exception of 1974 when the fuel crises forced carriers to limit their supply.

Table 1

	February RPM's as percent of year ended February	February ASM's as percent of year ended February	Load factors (percent)	
			February	Year ended February
Year:				
1972	7.6	8.0	46.4	48.8
1973	7.4	8.1	47.7	52.3
1974	7.4	6.9	57.7	53.1
1975	7.0	7.8	48.6	54.4
1976	7.8	8.2	53.2	55.5

A similar situation exists by day of week. The difference between Friday (peak day) and Tuesday demand is much larger than the difference in supply.

Table 2

	Demand [1]		Supply [1]	
	Friday	Tuesday	Friday	Tuesday
Total: RPM's and ASM's (000)	5,447,056	3,900,907	9,756,196	8,638,488
Per departure (pax and seats)	71	58	121	121

[1] Data for the midmonth of each quarter 1975 as submitted by trunk carriers in this proceeding.

While some degree of capacity variation is clearly feasible, there are a number of factors which do limit carriers' scheduling flexibility. Perhaps the most obvious factor is the indivisibility of the aircraft unit. It is simply not possible to fly half an airplane during periods of slack demand, and, while aircraft vary in the number of seats they contain, substitution of aircraft is restricted by availability, union contracts, etc. Thus, the largest portion of supply variation stems from fluctuations in frequencies or number of departures. While, some load-factor improvement through greater scheduling fluctuations would be feasible, and would cause savings in certain elements of costs (e.g. fuel), aircraft utilization would suffer.

There is, however, a way of improving load factors and lowering costs without increasing peak-period passenger rejection and without requiring greater scheduling flexibility from the carriers. Although the systematic peaking of demand has exhibited a substantial limiting effect on load factors, this peaking pattern is not itself immutable. The rigorous application of rational peak and off-peak pricing could result in a more even flow of traffic, higher overall load factors, and lower overall fares. If demand fluctuations were reduced sufficiently to match supply fluctuations, the peak and valley load factors would be identical.

The question then arises: If the demand fluctuations which limit the control of load factor are themselves controllable, should not the load factor standard be based on the assumption that they will be controlled? I believe the answer to this is yes. The advantages of such an approach to the load-factor problem are essentially as follows:

(a) Since capacity is geared to peak demand, those consumers who cause the creation of peak capacity would, as a matter of equity, be asked to pay the cost associated with it.

(b) Consumers would be permitted to make the economic decision of whether or not the convenience of a peak-period flight is worth the added cost associated with the creation of peak capacity.

(c) The difference between peak and valley demand would be reduced to the extent the consumers opt for lower price over higher convenience.

(d) The reduction in the peak- and valley-demand differential would allow load factor to rise without increasing either the current degree of supply fluctuation or the level of peak-period passenger rejection.

(e) Average costs and fares would fall.

Peak and off-peak pricing is not entirely new to the airline industry. Perhaps the most notable experiment with demand-differential pricing is the night-coach fare. As Appendix B clearly shows, this form of off-peak pricing has substantially improved the demand and supply relationships where it is used.

The availability of some other forms of discount fares during peak periods, however, has served to aggravate the peaking problem. For example, Charts 6 and 7 illustrate the sharper peaking of discount traffic during the summer months when additional capacity is flown to accommodate the seasonal traffic surge. Further, while the availability of data with respect to discount-fare traffic by day of week is more limited, carrier filings made in Docket 21866–5 with respect to capacity-controlled excursion fares show that this discount-fare usage also tends to worsen the demand peaking problem by day of week—particularly in the long haul where usage of such fares represents a relatively important share of the traffic mix. (See Charts 8–12). While there is some tendency for these fares to alleviate the deep demand valley which occurs on Saturday in the short haul markets, the general peak-heightening effect of these fares is clearly shown.

CHART 6

DISCOUNT FARE TRAFFIC AGGRAVATES THE DEMAND-PEAKING PROBLEM

(BILLIONS OF RPM's)

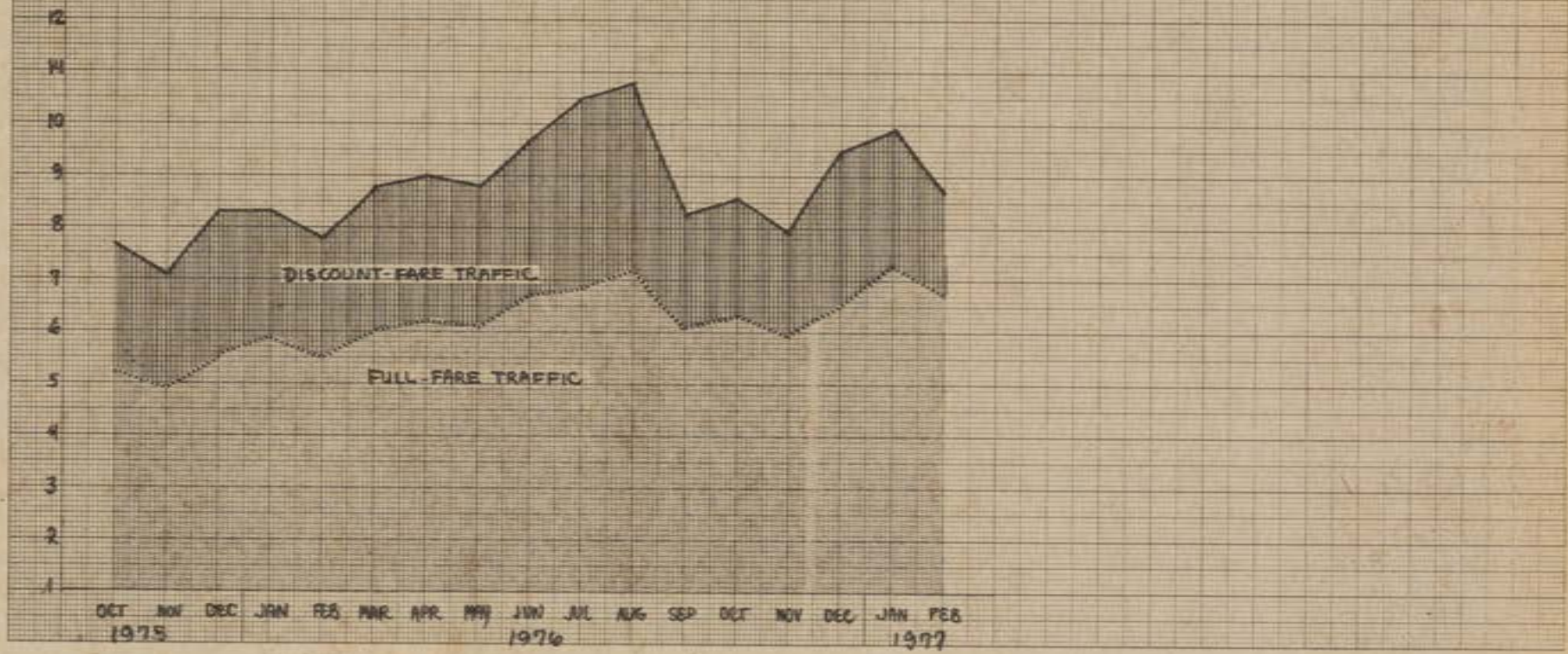
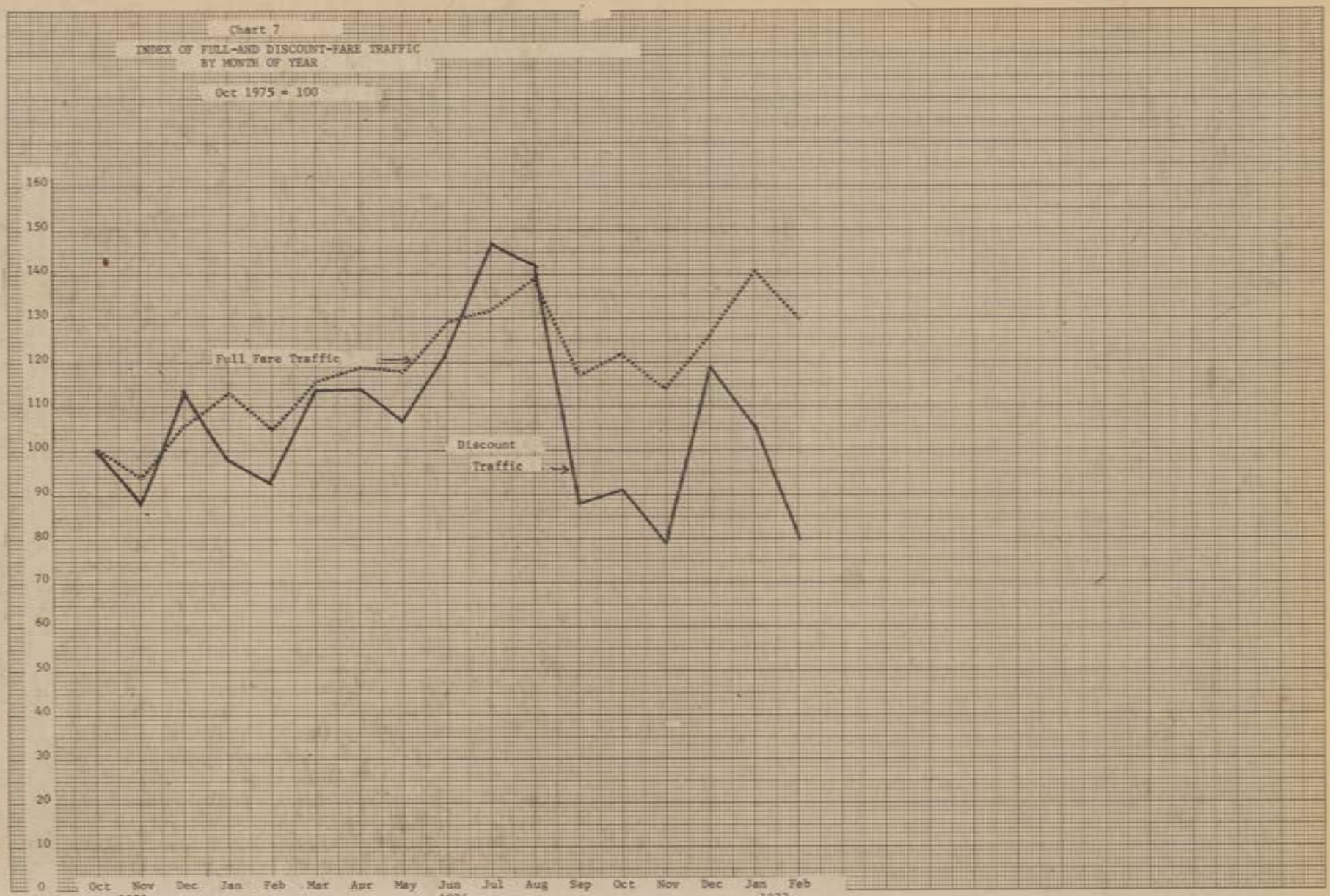


Chart 7

INDEX OF FULL-AND DISCOUNT-FARE TRAFFIC
BY MONTH OF YEAR

Oct 1975 = 100



Because, as discussed above, much of the peak-caused capacity remains during valley demand periods, any peak-period traffic generated by discount fares is costly traffic indeed. Thus, a fully systematized program of peak and off peak pricing would, of necessity replace the current system of peak-causing discounts. While such a system of demand-differenced full fares would vary substantially with time of travel, it would be both cost justified and relatively simple to administer when compared with the current plethora of discounts which include cumbersome requirements as to duration of trip, ground purchases, etc.

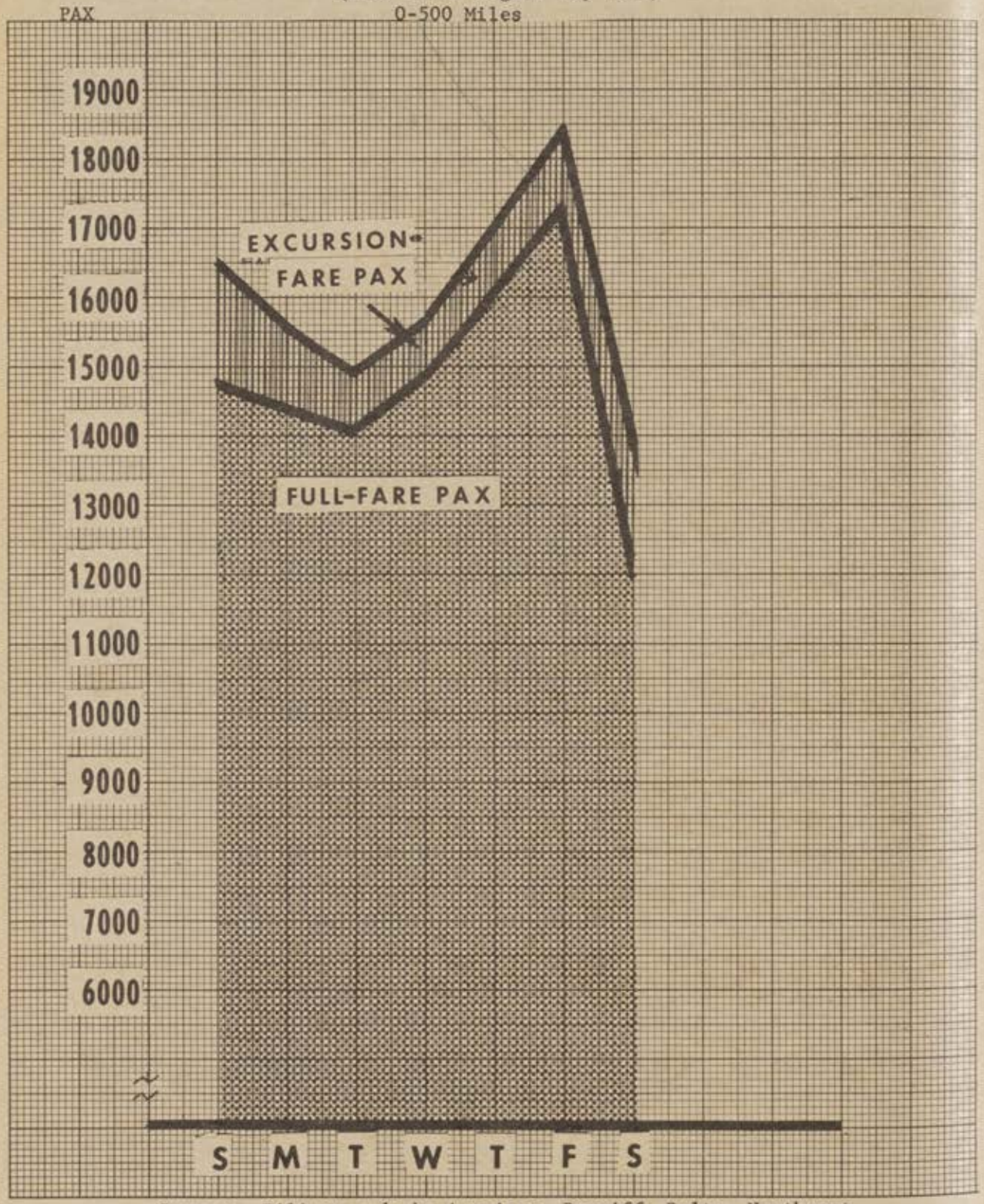
How much then, can load factors be improved by the smoothing of demand? While the precise answer is unknown, it is clearly quite a bit. For example, if monthly traffic volume could be smoothed perfectly and service quality levels maintained at the level offered in August 1975, annual load factors would average 62.3 percent—7.3 points or 13 percent higher than the current standard. Further, if daily peaks were also smoothed perfectly, it would be possible to increase the average to about 68 percent.[1] Peaking by time of day yields opportunity for further improvement.

Of course, it is unreasonable to expect any pricing technique to smooth peaks perfectly. The degree of demand smoothing which would result from such a pricing system is a function of the amount of the fare differentials put into effect and the price and service elasticities of passengers.

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[1] Daily service-segment data supplied by the carriers shows that average load factors for Friday and Sunday in August 1975 were 67.6 and 67.9, respectively.

Chart 8
COMPARISON OF FULL FARE AND EXCURSION FARE PASSENGERS BY DAY OF WEEK
(WEEK ENDED August 14, 1976)
0-500 Miles



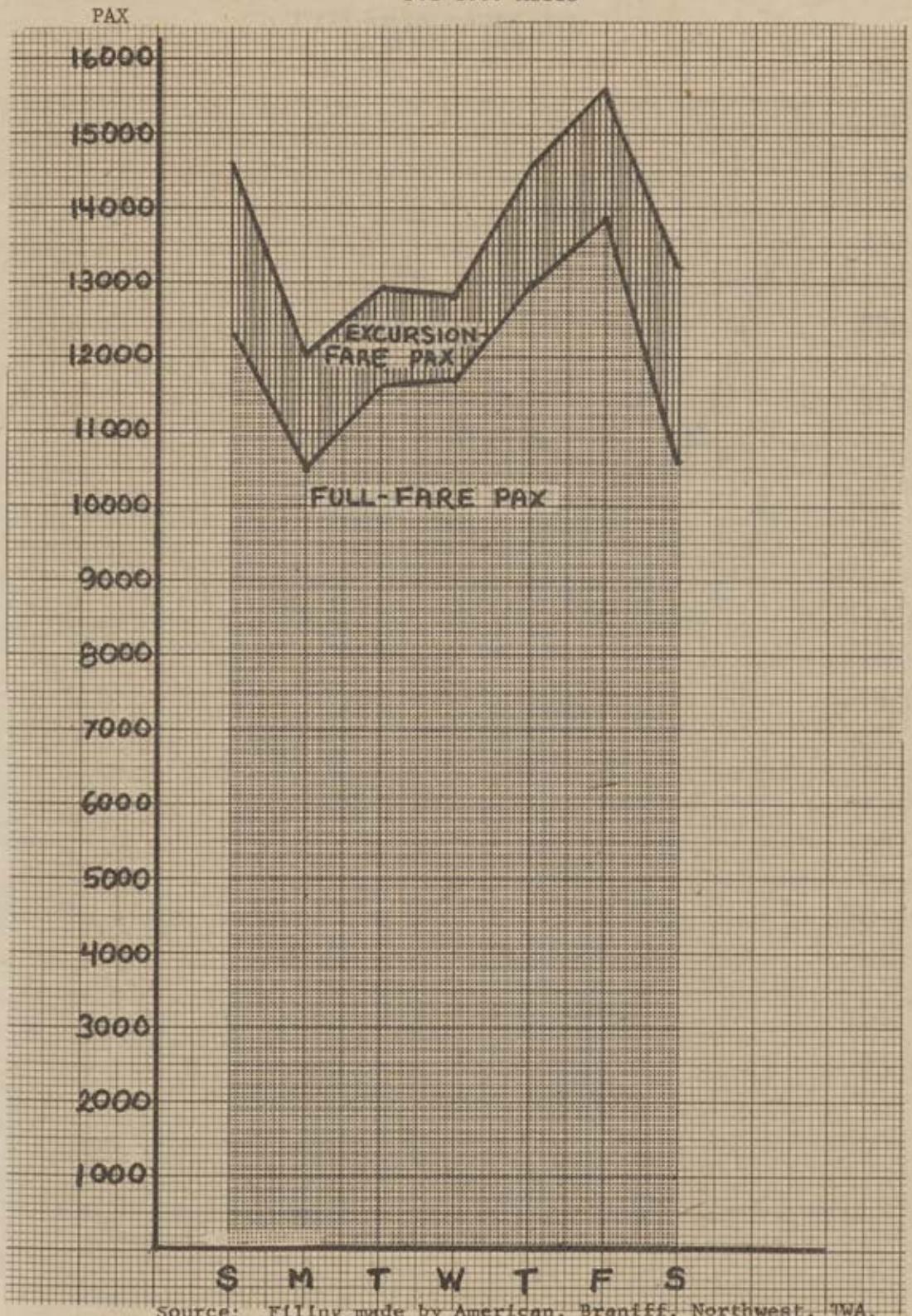
Source: Filings made by American, Braniff, Delta, Northwest, TWA, United and Western in Docket 21866-5

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Chart 9

COMPARISON OF FULL-FARE AND EXCURSION-FARE PASSENGERS BY DAY OF WEEK

(WEEK ENDED August 14, 1976)
501-1000 Miles

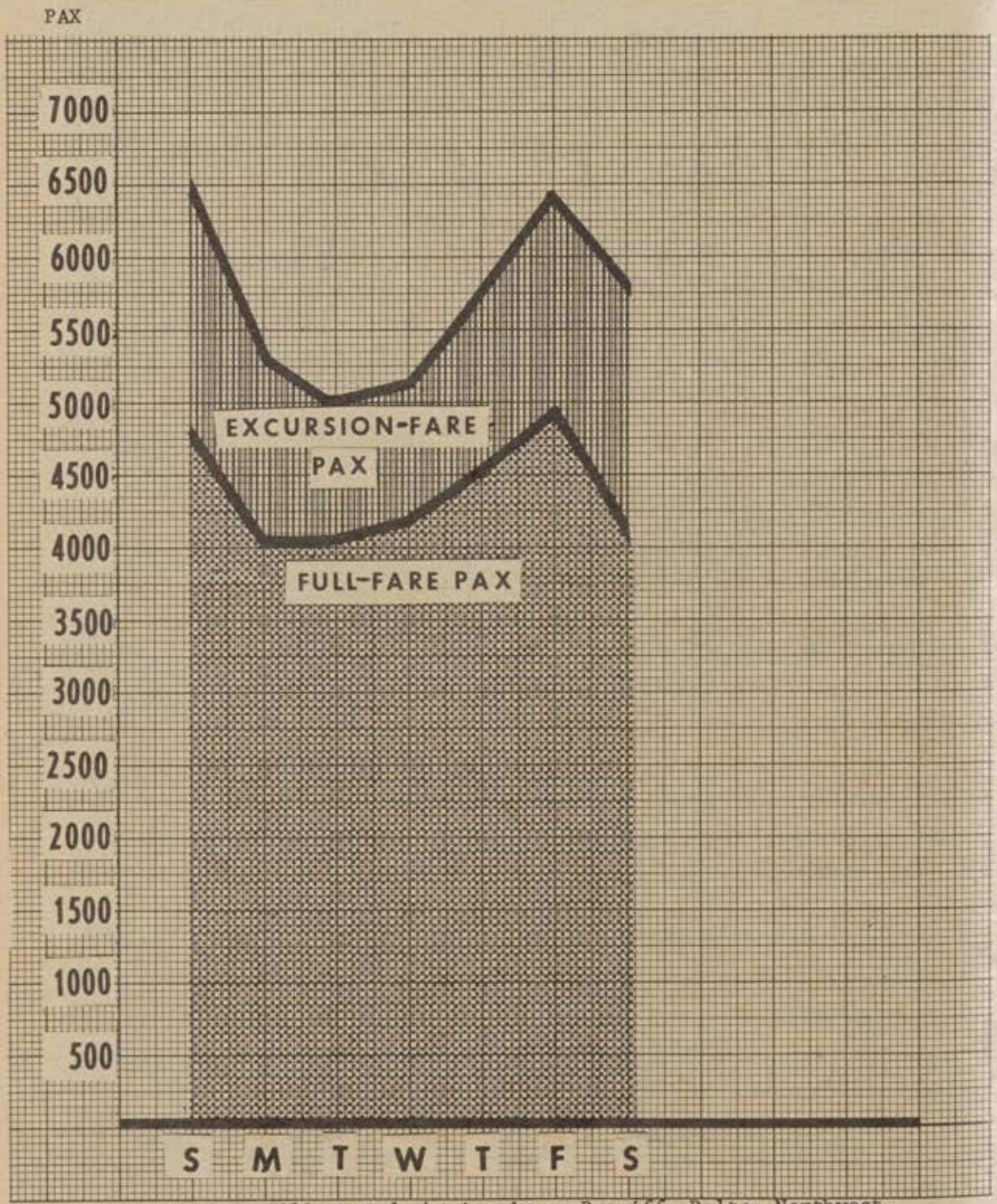


Source: Filing made by American, Braniff, Northwest, TWA, United, and Western in Docket 21866-5

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Chart 10
COMPARISON OF FULL FARE AND EXCURSION FARE PASSENGERS BY DAY OF WEEK

(WEEK ENDED August 14, 1976)
1001-1500 Miles

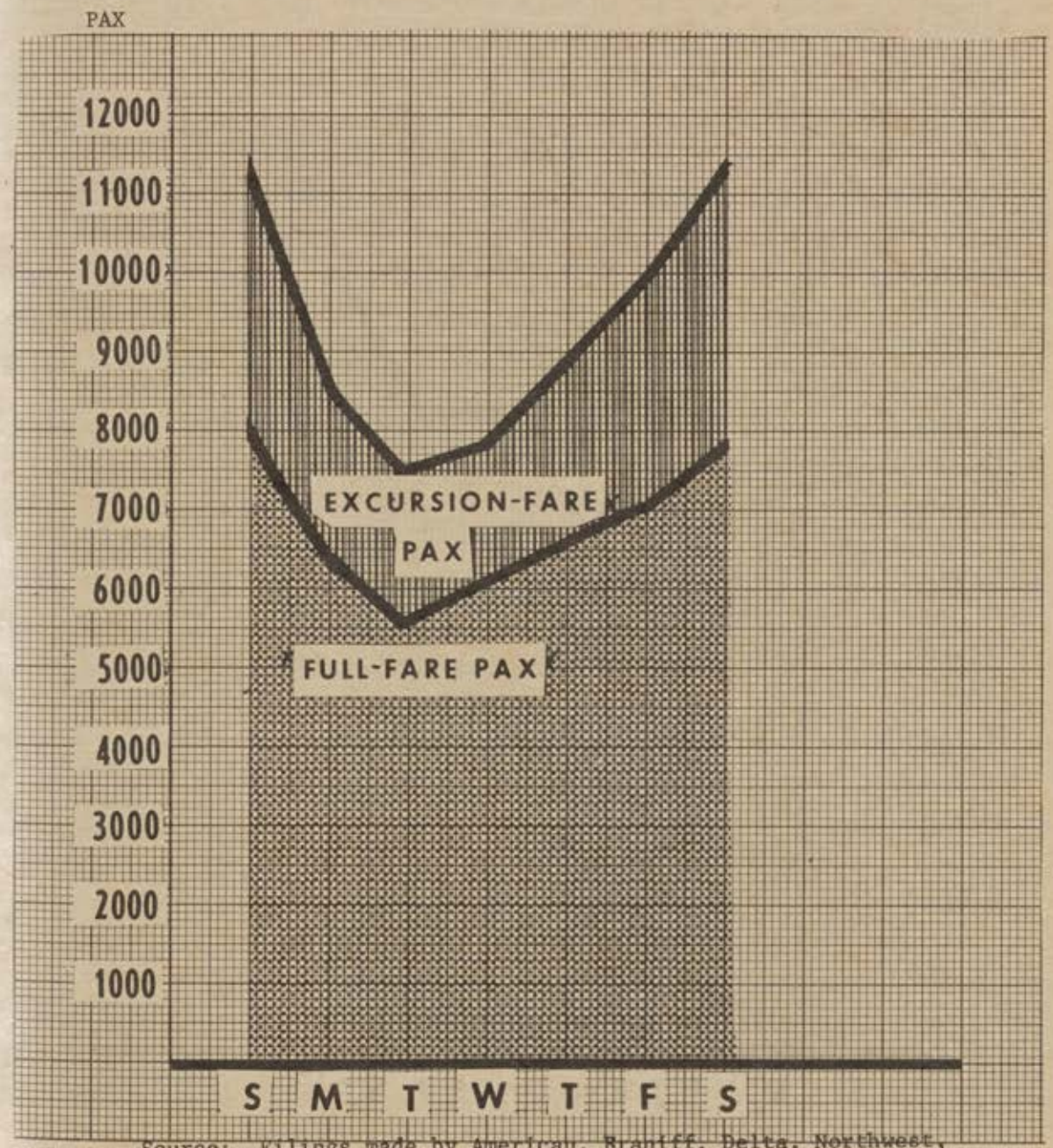


Source: Filings made by American, Braniff, Delta, Northwest, TWA, United and Western in Docket 21866-5

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Chart 11

COMPARISON OF FULL FARE AND EXCURSION FARE PASSENGERS BY DAY OF WEEK

(WEEK ENDED August 14, 1976)
1501-2000 Miles

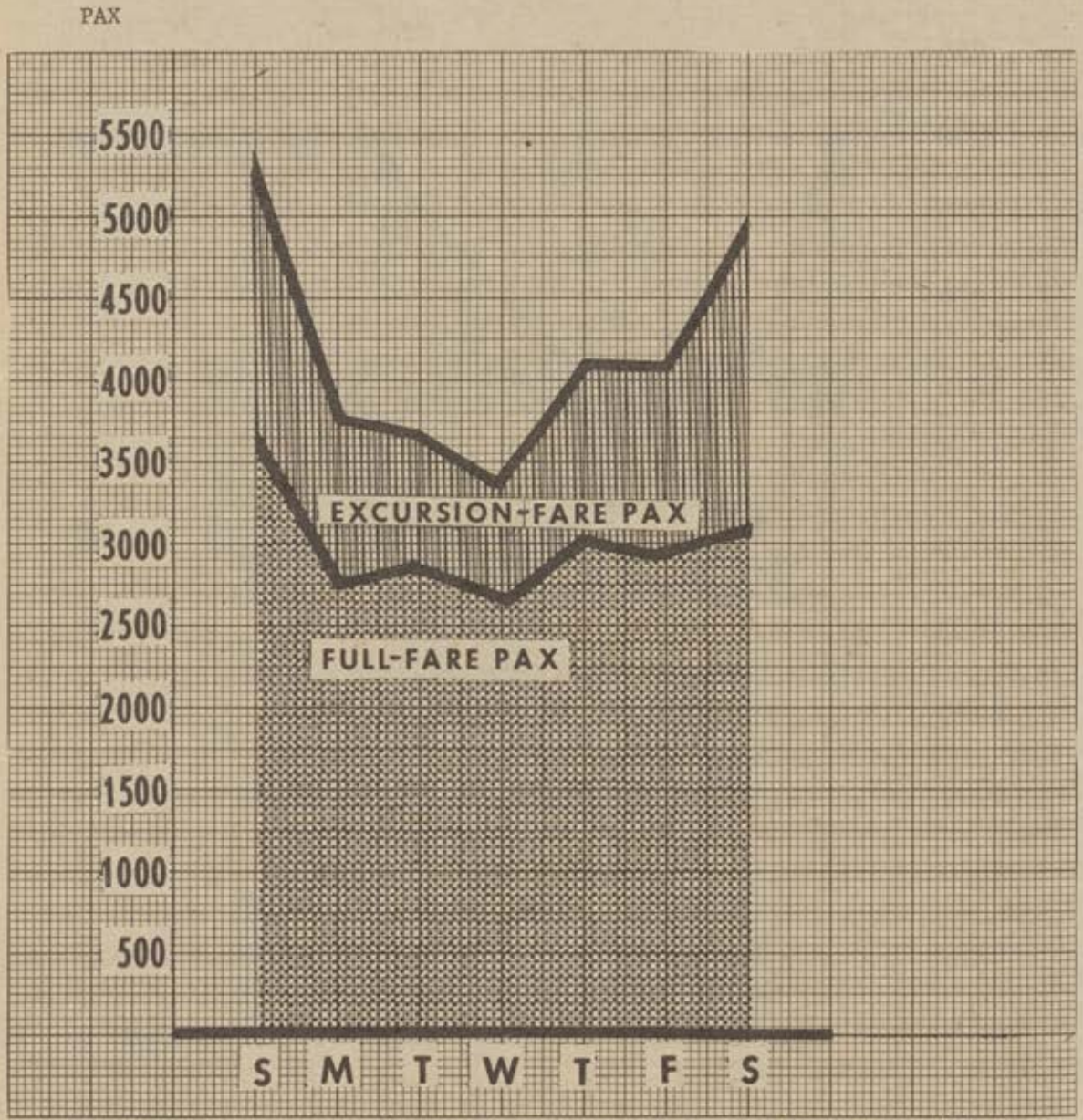


Source: Filings made by American, Braniff, Delta, Northwest, TWA, United and Western in Docket 21866-5

Chart 12

COMPARISON OF FULL FARE AND EXCURSION FARE PASSENGERS BY DAY OF WEEK
(WEEK ENDED August 14, 1976)

2001 Miles and Up



Source: Filing made by American, Braniff, Delta, Northwest, TWA, United and Western in Docket 21866-5

How then can prices be structured to reduce the demand variations? The monthly, daily, and hourly traffic peaks suggest a three-tier pricing structure. The following formula has been designed to develop demand-differential fares with the aim of smoothing daily peaks.[5]

OFF-PEAK FARE

$$OPF = VC + (CC \div PLF)$$

PEAK FARE

$$PF = VC + \frac{CC(AS_{f,\,sii} + [AS_{m,\,t,\,w,\,t,\,si} - (AD_{m,\,t,\,w,\,t,\,si} \div PLF)])}{AD_{f,\,sii}}$$

Where:
VC=variable cost per passenger
CC=capacity cost per seat
AD=actual demand (passengers per day)
AS=actual capacity (seats per day)
PLF=peak load factor, and subscripts m, t, w, t, f, s_i and s_{ii}=day of week

This formula is based on the premise that were demand flat rather than peaked, carriers could maintain throughout the week the load factor which they now achieve during the two peak days. Each passenger then is charged a fare sufficient to cover costs at this peak load factor. In addition, since it is assumed that the remaining capacity would not exist but for the peaking of demand, peak-period customers are asked to pay the cost associated with this capacity. In other words, peak-period customers would pay both the cost of capacity at the peak and the cost of that off peak capacity which is above the amount required to produce the peak period load factor.

Thus, the greater the excess capacity during off-peak periods, the greater the difference between peak and off-peak fares; and the greater the fare differential, the more incentive there will be for consumers to shift demand patterns and smooth the peaks. The process should be viewed as iterative. In other words, the peak and off-peak differentials may have to be adjusted from time to time in order to achieve the desired smoothing of demand, while avoiding the creation of new peaking problems. Imposition of fares based on the above formula should be expected to alter demand patterns substantially. However, the chance that peak and off-peak fares developed at first will be in precisely the right proportion for optimal demand smoothing is miniscule indeed.

To give an idea of how such a pricing system could work, illustrative fares have been worked out for 700-mile trip length. See Appendix C. The resulting seasonal and daily peak and off peak fares are shown on Table 3 below.[6]

Table 3

	Average costs fare/pax	Percent of average for trip length
700-Mi trip	$62.52	100.0
Peak season	72.84	116.5
Peak days	80.20	128.3
Offpeak days	68.80	110.0
Offpeak season	58.14	93.0
Peak days	66.84	106.9
Offpeak days	52.73	85.9

While the changes in traffic patterns which would result from such differentials cannot be measured with precision, if we assume an elasticity of −0.7 and and if we assume further that the peak-period load factor will be maintained we can estimate an 11-point load-factor improvement which could be obtained from such a pricing estimate. See Appendix D. This estimate of changing traffic patterns may be viewed as conservative for the following reasons:

1. While, some discounts are currently blacked out during peak periods, those that are available logically (and as demonstrated by Charts 6–12 supra) receive their heaviest usage at the peak. The impact on customers using peak-period discounts would presumably be greater than the calculations indicate.

2. A simple elasticity calculation does not adequately reflect the passenger shifting between available departures when these departures are differentially priced. Pleasure travelers will be more likely to shift their travel time than will business travelers. While, there is currently no adequate measure of the amount of demand shifting which will occur under peak and off-peak pricing; the likelihood and substantial peak smoothing from such pricing techniques is heightened, since, pleasure travelers are found in relatively large concentrations on peak days of the week.

3. Since, as will be discussed below, there is some indication that the elasticity for price decreases is greater than for price increases, the traffic smoothing effect of simultaneous price increases and decreases when calculated on the basis of an undifferentiated elasticity coefficient is probably understated.

4. No allowance has been made for the peak smoothing effect which could be obtained from peak and off peak pricing by time of day.

On the other hand, the calculations do not take into account the degree of traffic variation within peak or off-peak periods and the degree which may exist after implementation of peak and off-peak pricing. Nor do they take into account possible differences in elasticity by day of week and month of year due to differences in traffic mix.

On balance, we believe that a load-factor improvement of between 5 and 10 percent would be reasonably attainable from the demand-smoothing techniques discussed herein with no significant increase in peak-period passenger rejection. Implementation of these pricing techniques with no change, or a smaller change in the current load-factor standard may be expected to result in substantially improved peak-period service quality. In other words, while the average annual load factor would remain about the same, there would be fewer empty seats in valley demand periods, but greater seat availability during the peaks. Further, whatever the load-factor standard, its achievement could be attainable with less scheduling fluctuations than under the current pricing patterns, thus easing the attainment of higher utilization of resources.

It should be emphasized, however, that peak smoothing through demand differential pricing should not be expected to occur overnight. Given the profusion of fares now available to the traveling public and given the diversity of the traffic mix, it will not be possible to calculate a truly optimum schedule of peak and off-peak fares without some testing in the market place. Thus, provision must be made for adjustment to any such pricing scheme when its almost inevitable flaws become visible. Further, should a revised load-factor standard be adopted based on such pricing changes, that standard should be phased in over a period of time sufficient to allow the demand smoothing to be realized. Assuming an increase in the current 55-percent load-factor standard of 5 points, sizeable effects should be anticipated over and above the smoothing of traffic flows.

Of course, implementation of a systematic schedule of peak and off-peak fares such as that discussed above would represent a drastic change in the current overall pricing structure of the industry. The obvious question arises: Can the benefits of demand smoothing be achieved by a less sweeping overhaul of the fare structure? The answer is yes, but to a far more limited extent. While, the current system of discount fares has been shown to worsen demand peaking, conditions or requirements which would eliminate the application of such fares during peak demand periods would tend to ease the intensity of the peaking. Unless or until a systematized program of peak and off-peak pricing is implemented the effect which particular discount fares will have on traffic flows during peak and valley periods should be an important factor in determining the reasonableness of such fares. This would at least limit the degree to which such fares are allowed to lower service quality to full-fare passengers during peak periods, and lower overall load factors and/or utilization rates.

IV. *Effect of higher load factor.* Since an important benefit attainable through the demand-smoothing effects of peak and off-peak pricing is increased load factor, the effects of such a load-factor increase are relevant in the consideration of the pricing policies discussed in this paper. An increase in the current

[5] The same formula with different subscripts, of course, would be used to develop monthly and hourly fare differentials.

[6] Hourly fare differentials were also computed, but, as stated in Appendix C, the data base appears inadequate for determination of relevant hourly fare differentials.

55-percent standard from 55 percent to 60 percent[7] would have a marked effect on fare level, traffic volume and fuel consumption.

V. *Effect on traffic.* A 5-point increase in the overall ratemaking load-factor standard would result in an 8.24-percent reduction in capacity costs. In other words, instead of paying for 1.82 seats as is now the case, the passenger on average would be asked to pay for only 1.67 seats. At the current level of operations, this would result in an average fare decrease of about 5.5 percent. If we assume the Board's −0.7 elasticity, therefore, a 4-percent overall traffic increase would be estimated.

Serious question exists, however, as to the adequacy of this estimate in this instance. Whether or not the −0.7 elasticity reasonably approximates the traffic effect of across-the-board fare increases question remains as to whether the elasticity for price increases is the same as that for price decreases.

This question is particularly pertinent when it is recommended that the load-factor improvement proposed be attained through peak and off-peak pricing techniques. Under demand-differential pricing there would be no across-the-board fare change, but rather simultaneous fare increases at peak periods and fare decreases during off-peak periods.

In view of the above, elasticity regressions were run in an attempt to answer the question: Is the elasticity for fare increases the same as that for fare decreases? In other words, will all traffic attracted by price decreases dry up when fares are raised. Logic dictates that some traffic attracted by low fares will remain even if fares are increased. The results of the regressions support this logic. (See Table 4). They indicate an overall average elasticity of −0.8, but elasticities of −1 for price decreases and −0.5 for price increases. It is likely, therefore, that a traffic change estimate based on a −0.7 elasticity will be understated. The impact on traffic of a 5.5-percent fare increase assuming elasticities of −0.7, −1.0, and −1.3 is shown below.[8]

TABLE 4.—*Summary of elasticity regressions*

Observations (n)[1]	80	80	80
R^2	0.693	0.692	0.692
Standard error of estimate	0.026	0.026	0.026
F—ratio	18.746	15.120	15.120
Durbin-Watson	1.402	1.406	1.406
Coefficients and (standard errors): Yield	−0.8073	−0.9779	−0.5459
	(0.1431)	(0.2378)	(0.3241)
Dummy (price increases)		0.4321	
		(0.4807)	
Do			−0.4321
			(0.4807)
GNP	0.4070	0.3221	0.3221
	(0.4460)	(0.4565)	(0.4565)
GNP (lag)	0.8978	0.9859	0.9859
	(0.4427)	(0.4540)	(0.4540)
Trend	−0.0115	−0.0121	−0.0121
	(0.0073)	(0.0073)	(0.0073)
Y—intercept	0.0327	0.0301	0.0301

[1] Quarterly differences for calendar years 1955–75.

Fare decrease	Assumed elasticity	Traffic increase
Percent		
5.5	−0.7	4.0
5.5	−1.0	5.8
5.5	−1.3	7.7

Of course, under a system of peak and off-peak pricing an additional impact on traffic flows may be expected. That is, some passengers who would continue to fly at a higher fare if no other option were available to them may choose to alter their trip plans, if to do so will save them money. While this effect will not change the overall level of traffic it will change traffic flows.

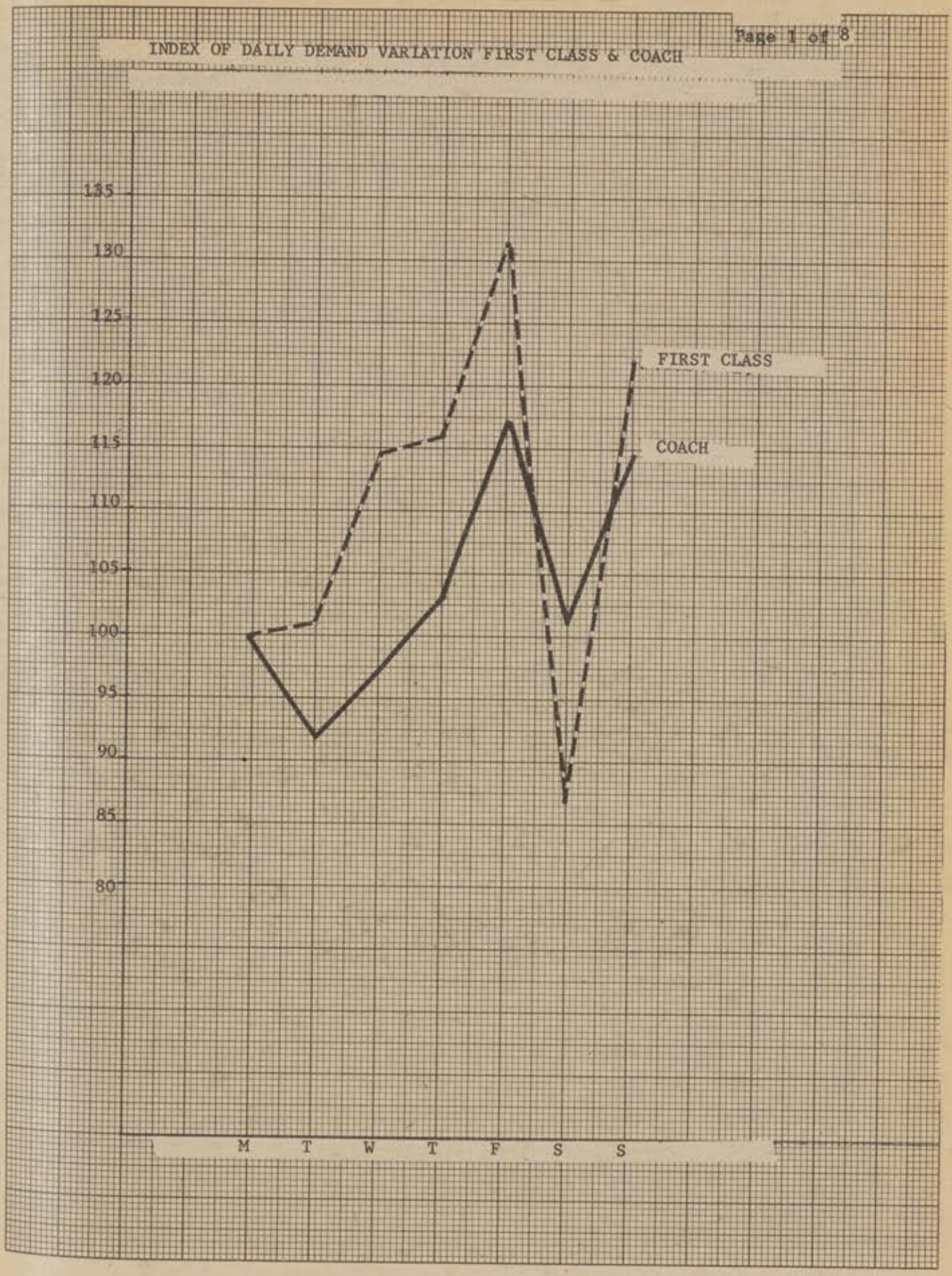
VI. *Effect on service.* The impact of the recommended increase in load-factor standards on service levels will, of course, depend upon the ultimate impact on traffic. The 5-percent increase in load factor implies an 8.3-percent decrease in available seat-miles when no allowance is made for traffic increases. With traffic increases at the above levels of elasticity of 4 percent, 5.8 percent, and 7.7 percent, reductions in capacity of 4.7 percent, 3 percent, and 1.3 percent are implied. Again, no provision has been made for normal traffic growth. During the year ended December 31, 1976, total domestic trunk RPM's increased 10 percent. Growth of this magnitude would eliminate the need for capacity reductions. The true effect on service would then be a limiting of the amount of increased capacity to a level significantly below what would otherwise occur.

VII. *Effect on fuel consumption.* The effect of a 60 percent standard on fuel consumption would depend both on traffic changes and on the schedule and service changes made by carriers. During 1975, fuel consumption averaged 29.76 gallons per thousand ASM's. (See Appendix E). If we assume that this figure would remain after any adjustments in schedules, fuel consumption per thousand RPM's would be reduced from 54.12 gallons to 49.61 gallons, or by 8.3 percent. Unless we assume no traffic effect from the increased load factor standard and a zero-growth rate, the total reduction in fuel usage will, of course, be less than 8.3 percent. However, there can be little doubt that the fuel which is consumed will be used more efficiently in that more transportation value will be supplied per unit of fuel. Further, it may be assumed that some portion of the additional passengers who may be attracted to air travel by lower fares otherwise would have traveled by different means. Therefore, to the extent existing capacity is filled by diverted traffic, fuel savings will be realized.

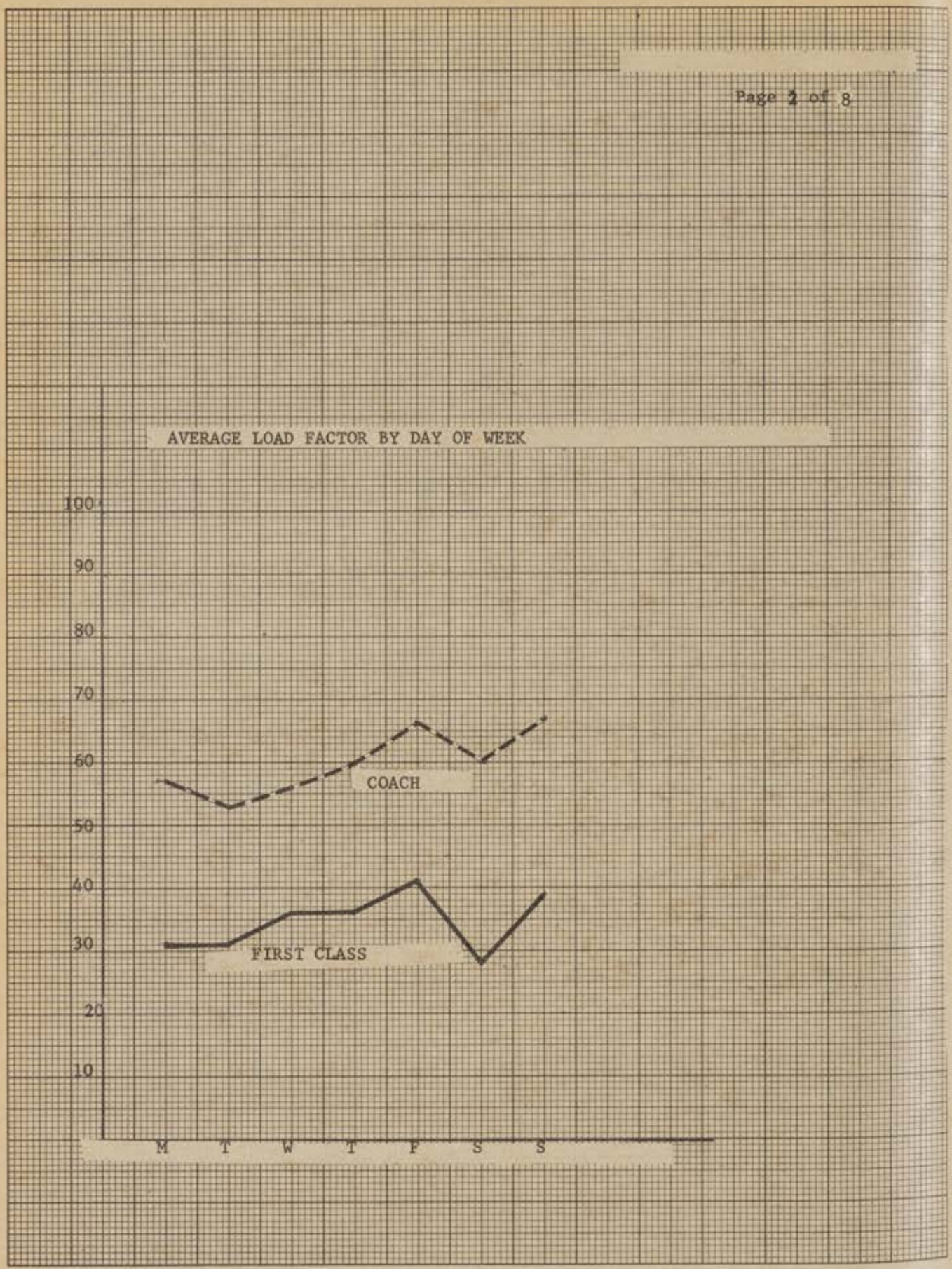
[7] As stated above, a load-factor increase of between 5 and 10 percent appears attainable, therefore, the effects discussed here may be deemed conservative.

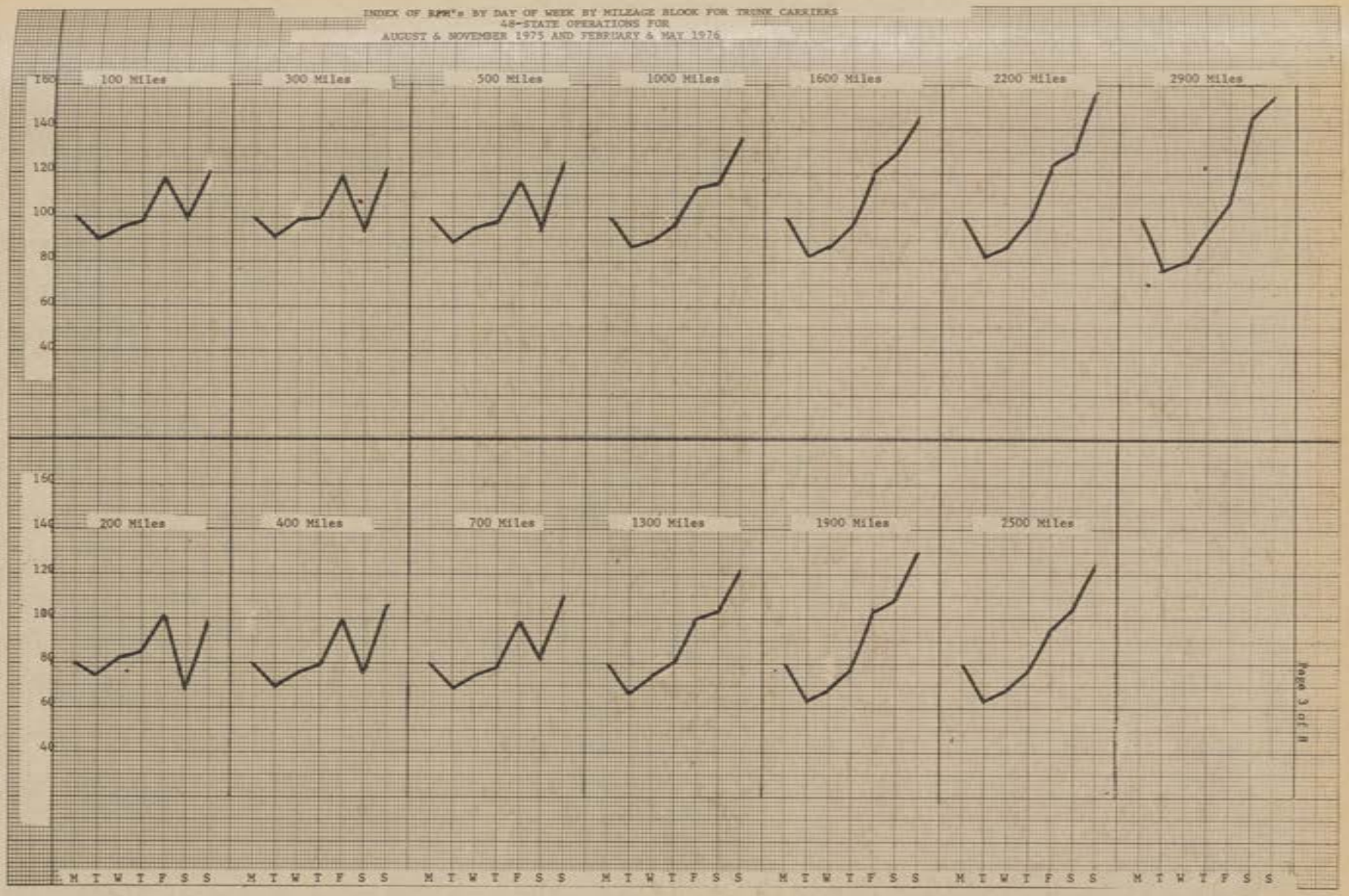
[8] The −0.7 elasticity is the Board's determination of the appropriate elasticity for ratemaking purposes. The −1.0 elasticity is the result of the elasticity regression discussed above and the −1.3 elasticity is representative of the Bureau's position in Phase 7 of the DPFI.

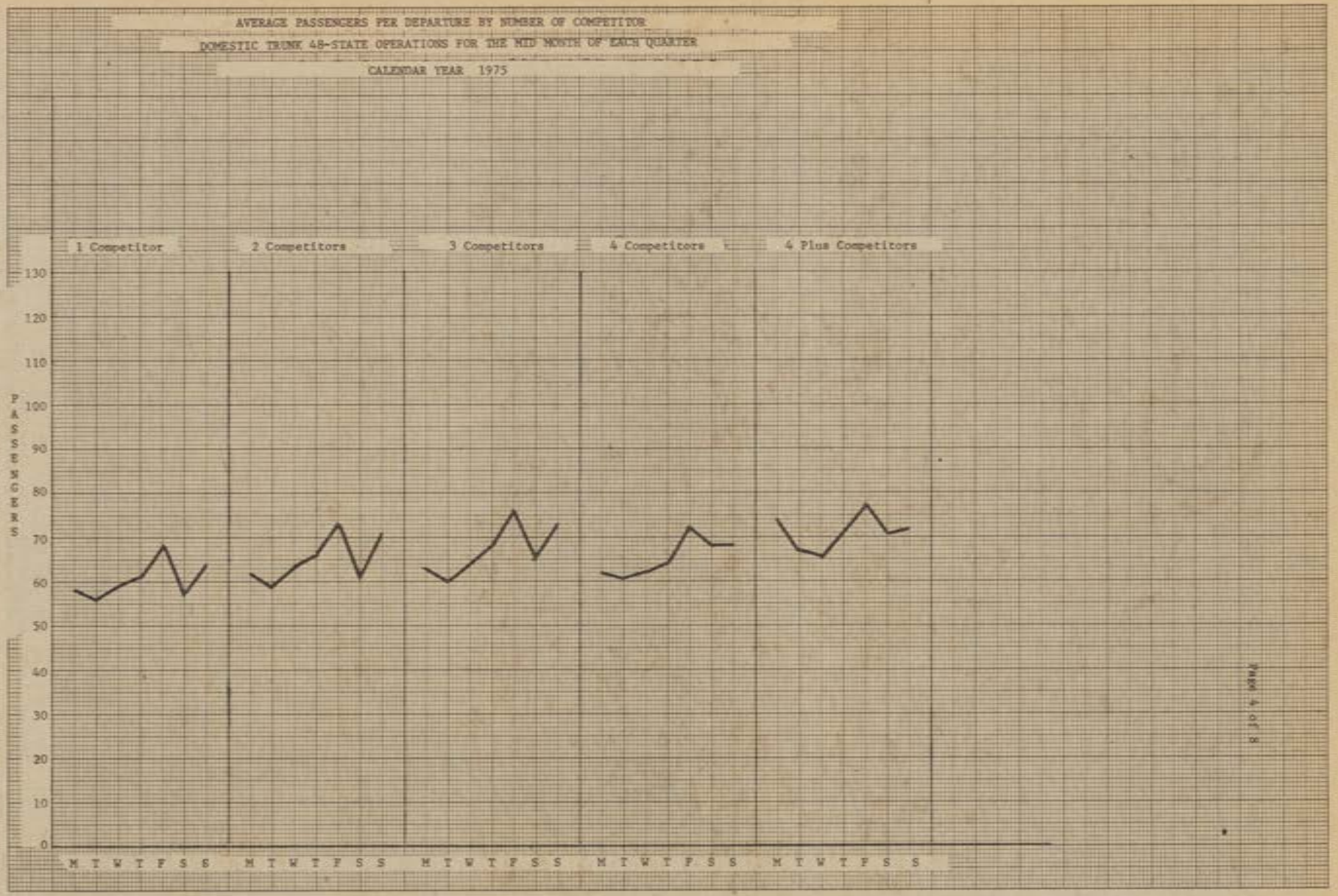
APPENDIX A—DEMAND PEAKING BY DAY OF WEEK

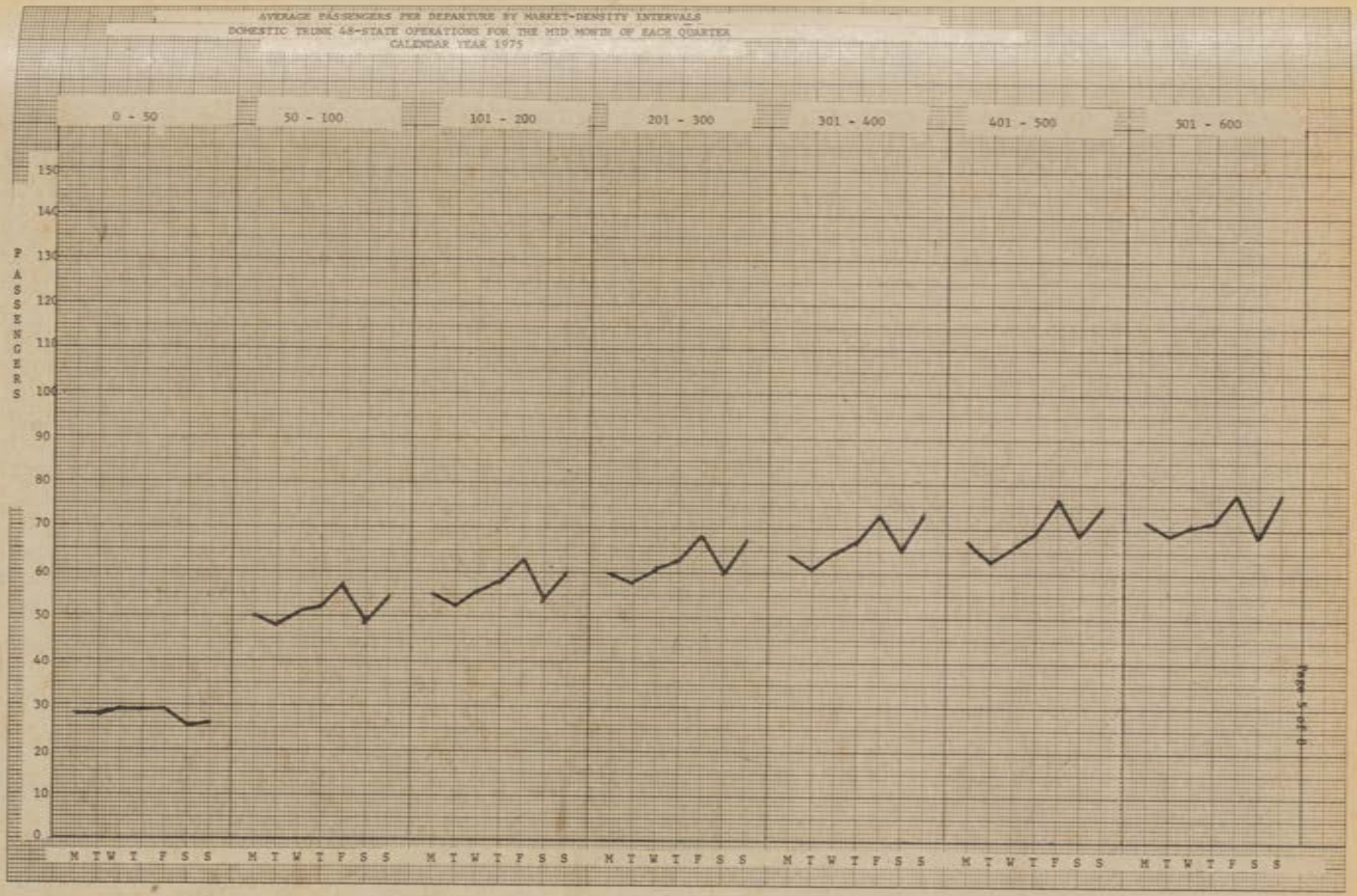


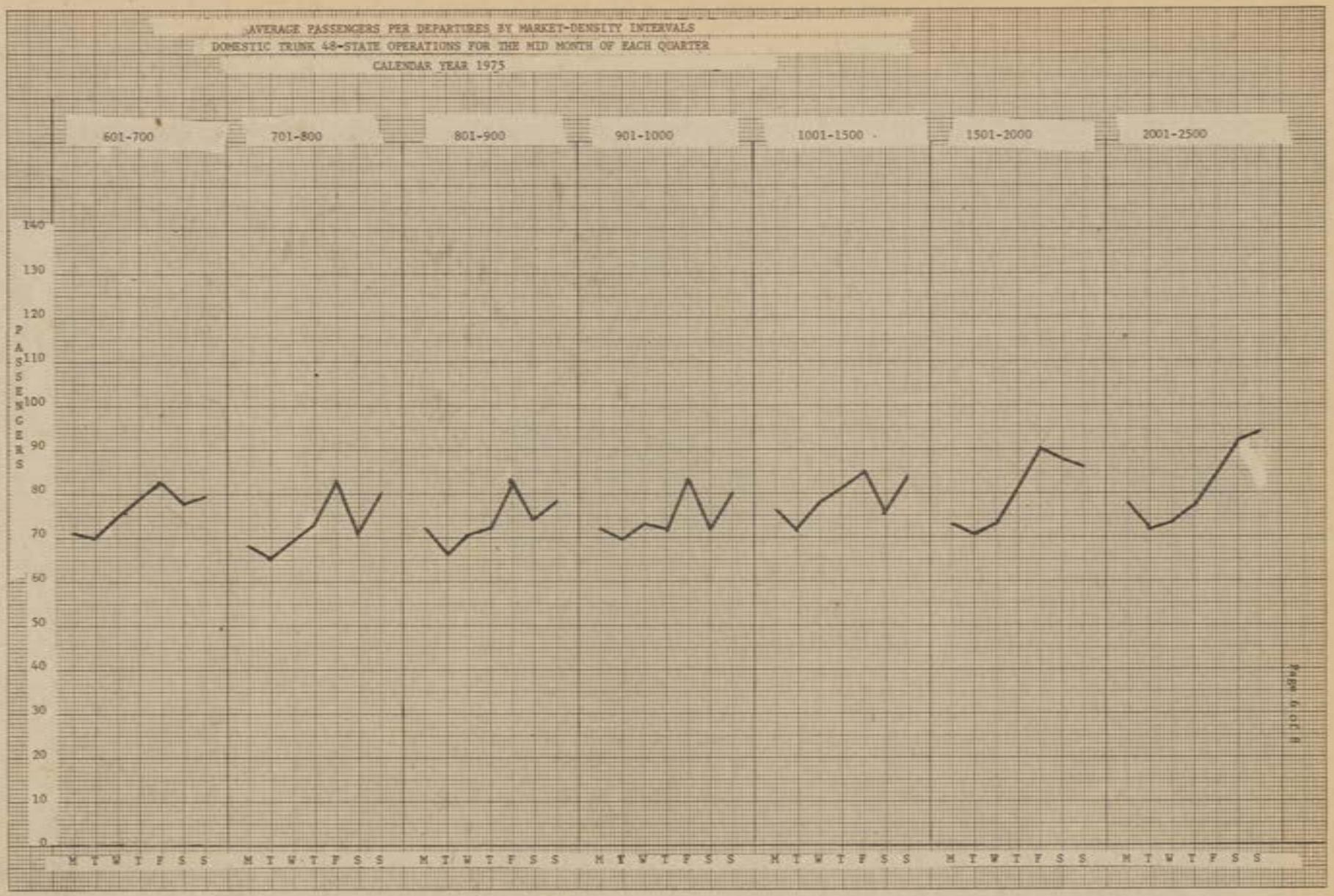
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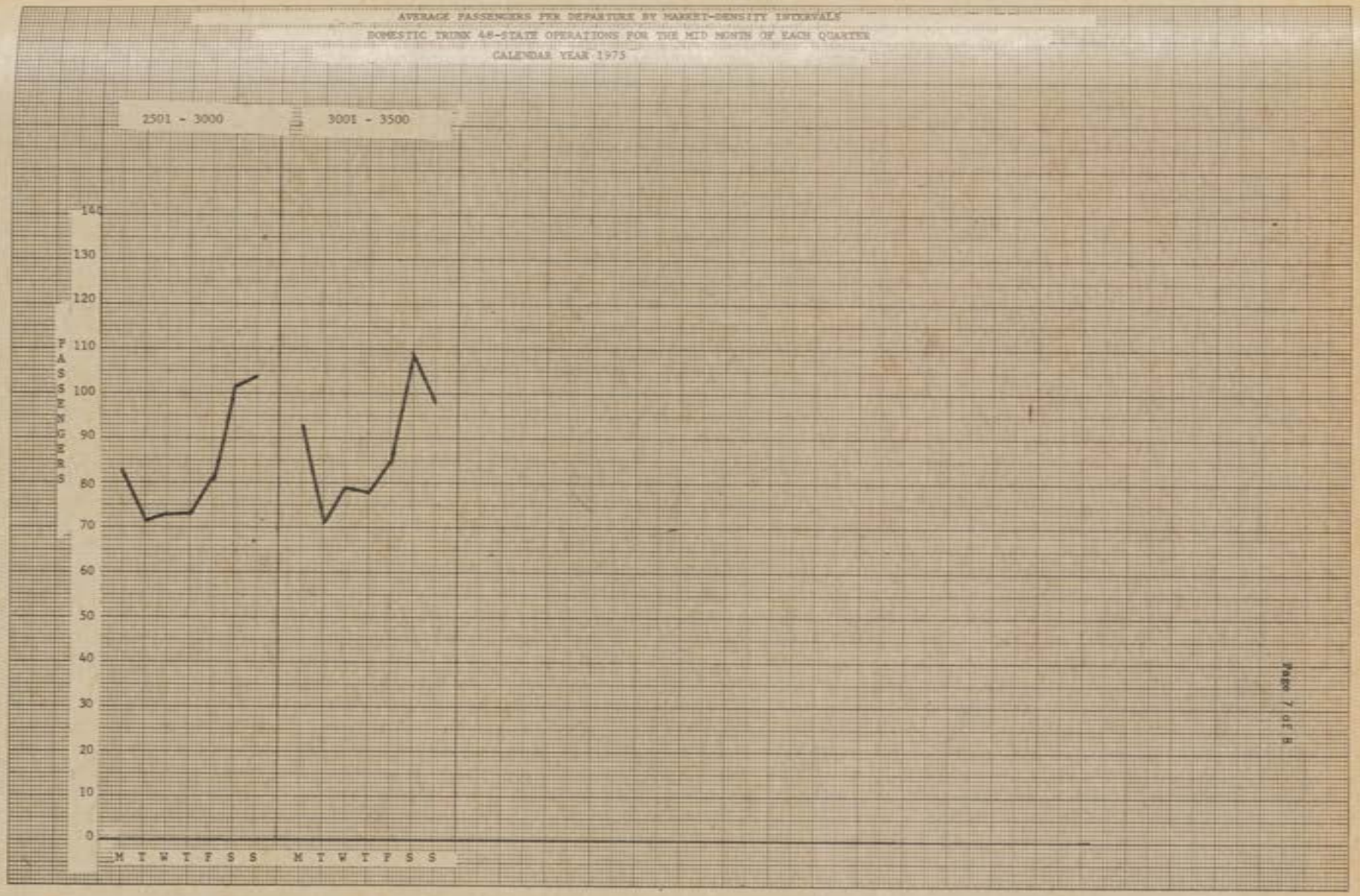

AVERAGE LOAD FACTOR BY DAY OF WEEK
100
90
80
70
60
50
40
30
20
10
COACH
FIRST CLASS
M
T
W
T
F
S
S


INDEX OF RPH's BY DAY OF WEEK BY MILEAGE BLOCK FOR TRUNK CARRIERS
48-STATE OPERATIONS FOR
AUGUST & NOVEMBER 1975 AND FEBRUARY & MAY 1976
100 Miles
300 Miles
500 Miles
1000 Miles
1600 Miles
2200 Miles
2900 Miles
200 Miles
400 Miles
700 Miles
1300 Miles
1900 Miles
2500 Miles
160
140
120
100
80
60
40
M T W T F S S
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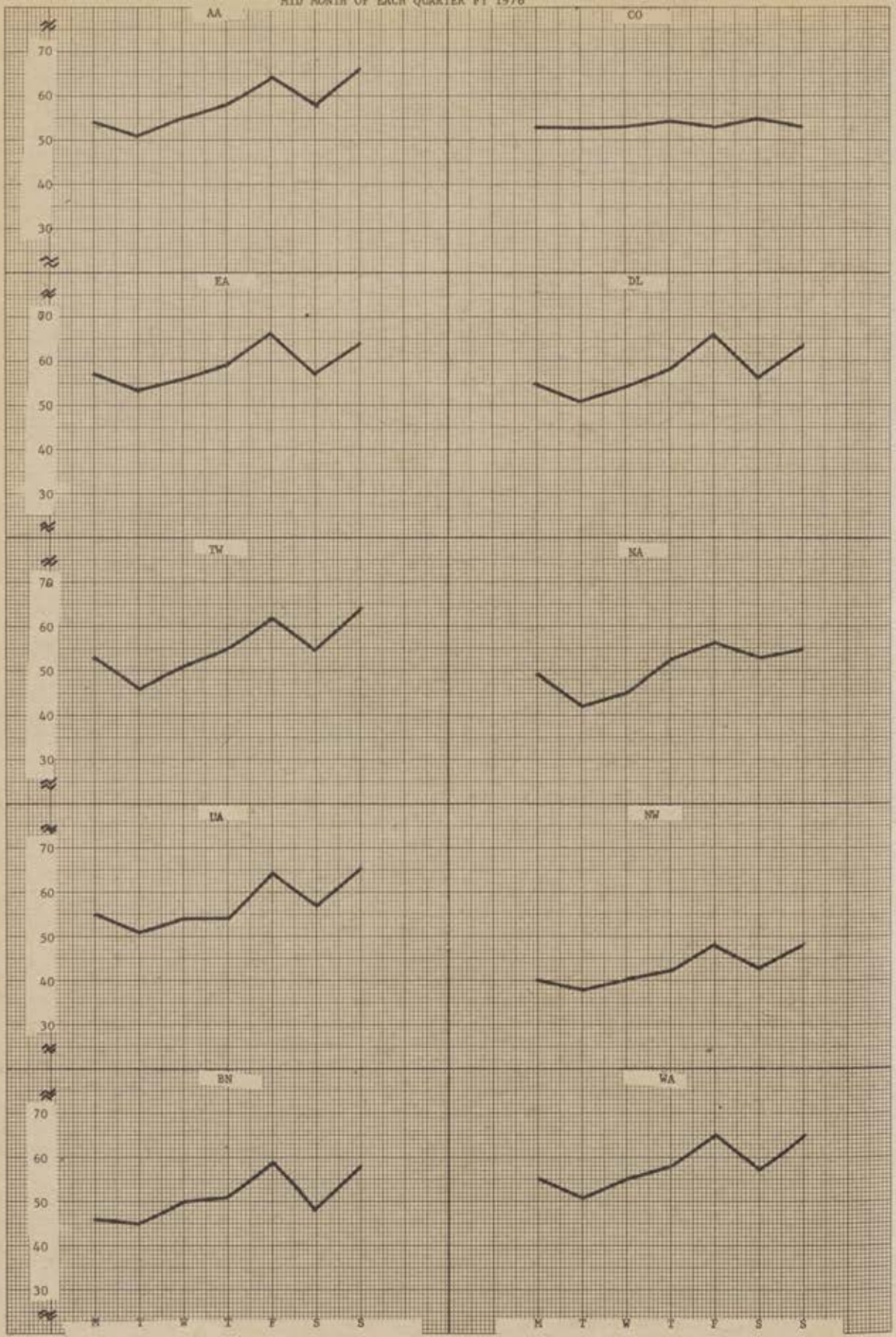

AVERAGE PASSENGERS PER DEPARTURE BY NUMBER OF COMPETITOR
DOMESTIC TRUNK 48-STATE OPERATIONS FOR THE MID MONTH OF EACH QUARTER
CALENDAR YEAR 1975
1 Competitor
2 Competitors
3 Competitors
4 Competitors
4 Plus Competitors
PASSENGERS
130
120
110
100
90
80
70
60
50
40
30
20
10
0
M T W T F S S
Page 4 of 8


AVERAGE PASSENGERS PER DEPARTURE BY MARKET-DENSITY INTERVALS
DOMESTIC TRUNK 48-STATE OPERATIONS FOR THE MID MONTH OF EACH QUARTER
CALENDAR YEAR 1975
0 - 50
50 - 100
101 - 200
201 - 300
301 - 400
401 - 500
501 - 600
PASSENGERS
150
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
M T W T F S S
Page 5 of 9


AVERAGE PASSENGERS PER DEPARTURES BY MARKET-DENSITY INTERVALS
DOMESTIC TRUNK 48-STATE OPERATIONS FOR THE MID MONTH OF EACH QUARTER
CALENDAR YEAR 1975
601-700
701-800
801-900
901-1000
1001-1500
1501-2000
2001-2500
PASSENGERS
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
M T W T F S S


AVERAGE PASSENGERS PER DEPARTURE BY MARKET-DENSITY INTERVALS
DOMESTIC TRUNK 48-STATE OPERATIONS FOR THE MID MONTH OF EACH QUARTER
CALENDAR YEAR 1975
2501 - 3000
3001 - 3500
PASSENGERS
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
M T W T F S S M T W T F S S
Page 7 of 8

AVERAGE LOAD FACTOR BY CARRIER BY DAY
MID MONTH OF EACH QUARTER FY 1976



APPENDIX B.—*Comparison of ASM's, RPM's, and load factors for night-coach and nonnight-coach flights of the domestic trunks and local service carriers in the continental United States and Alaska for 1974* [1]

Time of day	ASM's			RPM's			Load factor		
	Night coach	Nonnight coach	Total	Night coach	Nonnight coach	Total	Night coach	Nonnight coach	Total
0001 to 0059	166,426,492	18,501,358	184,927,850	104,388,952	6,231,713	110,620,665	62.7	33.7	59.8
0100 to 0159	63,738,078	24,092,304	87,830,382	42,921,044	8,288,067	51,209,111	67.3	34.4	58.3
0200 to 0259	6,513,390	6,602,704	13,116,094	3,932,240	2,541,106	6,446,346	60.4	38.1	49.2
0300 to 0359	15,763,795	6,951,984	22,715,779	6,318,780	2,670,538	8,989,318	40.1	38.4	39.6
0400 to 0459	0	0	0	0	0	0			
0500 to 0559	0	1,119,800	1,119,800	0	158,808	158,808		14.2	14.2
0600 to 0659	13,912,668	7,911,956	21,824,624	11,564,518	2,032,516	13,597,034	83.1	25.7	62.3
0700 to 0759	0	189,313,943	189,313,943	0	88,629,984	88,629,984		46.8	46.8
0800 to 0859	0	664,396,124	664,396,124	0	335,864,748	335,864,748		50.6	50.6
0900 to 0959	0	792,694,025	792,694,025	0	393,437,487	393,437,487		49.6	49.6
1000 to 1059	0	646,279,240	646,279,240	0	324,892,800	324,892,800		50.3	50.3
1100 to 1159	0	534,772,338	534,772,338	0	277,055,400	277,055,400		51.8	51.8
1200 to 1259	0	818,128,881	818,128,881	0	441,305,348	441,305,348		53.9	53.9
1300 to 1359	0	663,006,624	663,006,624	0	367,602,555	367,602,555		55.5	55.5
1400 to 1459	0	316,316,542	316,316,542	0	183,531,078	183,531,078		58.0	58.0
1500 to 1559	0	322,445,547	322,445,547	0	193,120,805	193,120,805		59.9	59.9
1600 to 1659	0	470,194,153	470,194,153	0	279,813,481	279,813,481		59.5	59.5
1700 to 1759	0	701,528,708	701,528,708	0	392,444,396	392,444,396		55.9	55.9
1800 to 1859	0	474,521,958	474,521,958	0	279,455,019	279,455,019		58.9	58.9
1900 to 1959	0	183,074,294	183,074,294	0	113,798,294	113,798,294		62.2	62.2
2000 to 2059	0	178,479,181	178,479,181	0	92,744,569	92,744,569		52.0	52.0
2100 to 2159	421,851,428	36,222,488	458,073,916	279,194,796	20,937,042	300,131,838	66.2	57.8	65.5
2200 to 2259	414,592,474	30,174,608	444,767,082	256,686,197	15,385,945	272,072,142	61.9	51.0	61.2
2300 to 2400	13,676,398	150,689,175	164,365,573	7,335,484	73,585,116	80,920,600	53.6	48.8	49.2
Total	1,116,474,723	7,237,417,935	8,353,892,658	712,342,011	3,895,589,815	4,607,931,826	53.8	53.8	55.2

[1] Source: Docket 26510, exhibit BE-R-1011.

APPENDIX C—PEAK AND OFF-PEAK PRICING

PEAK AND OFF-PEAK PRICING

As has been indicated, the ability to adjust load factors by manipulation of supply is hampered by the potential for significant passenger rejection. This potential will remain a real threat as long as the intensity of the monthly, daily, and hourly demand peaks remains unabated.

The obvious answer to the question of how best to modify the intensity of demand peaks is a system of peak and off-peak pricing. In the past, discount fares have been used to this end with little success. Thus, a new scheme of peak and off-peak pricing is needed—one that rigorously defines peak and off-peak periods and the fares applicable thereto.

As described in the text, three types of demand peaking are readily apparent in the airline industry—seasonal or monthly, day of the week, and hour of the day. These peaking patterns suggest a pricing structure that reflects differences in hourly peaking for peak and off-peak days and months. An example of such a structure has been developed using cost data for a trip length of 700 miles developed under Costing Methodology, Version 6, and traffic-capacity and load-factor data supplied by trunk carriers in this investigation. The results are as follows:

Peak and offpeak pricing schedule; average costs or fares at 700 mi

	Total	Season	Day of week	Hour of day
Total	$62.52			
Peak month		$72.64		
Peak day			$80.20	
Peak hour				$80.72
Offpeak hour				78.54
Offpeak day			68.80	
Peak hour				69.18
Offpeak hour				67.26
Offpeak month		58.14		
Peak day			66.84	
Peak hour				67.19
Offpeak hour				65.31
Offpeak day			53.73	
Peak hour				54.01
Offpeak hour				52.50

This structure was computed according to the methodology described on page 22 of the text. The results indicate a spread between average fares for peak and off-peak seasons of 25 percent. This spread is increased to 52 percent when both daily and monthly peaks are considered and increased to 54 percent when hourly, daily, and monthly differences are all considered. The modest increase in the percentage when hourly demand variations are taken into account reflects the fact that a large percentage of the total RPM's (about 80 percent) occur during the peak hours, and, thus, the cost of excess off-peak capacity can be spread over a large base. Further, and perhaps more importantly, it also reflects the degree of demand smoothing already accomplished by the implementation of night-coach fares.

Indeed, the night-coach experience offers an historical example of the demand smoothing effect obtainable through peak and off-peak pricing techniques. Data filed in the Domestic Night Coach Fare Investigation, Docket 26510, indicate that in 1974, load factors in night-fare segments averaged 63.8 percent or 8.1 points higher than day-fare segments in the night-fare markets. During that same period, non-night-fare segments between 9 p.m. and 6:59 a.m. exhibited load factors averaging only 46.7 percent. It can be concluded, that the overall load-factor improvement in the night-coach markets which may be reasonably attributed to the night-coach form of peak and off-peak pricing is somewhat greater than the 2.5-point spread between the average day-fare load factor (55.7 percent) and the overall load factor (58.2 percent).

In view of the foregoing, the existing, already partially smoothed demand patterns may be seen to provide an inadequate base for establishing appropriate fare differentials between peak and off-peak hours of the day. A possible, alternative could be developed by examining the demand fluctuations during peak and off-peak hours in those markets with late night flights but without night-coach fares.

Further, it should be made abundantly clear that the process of developing peak and off-peak prices will be iterative. It is simply too much to expect that the optimum price differentials can be developed at first shot. After such pricing is placed into effect, a period will exist during which adjustments will be found necessary. Perfection is a goal to be worked toward, but not one that can be instantly attained.

For purposes of the illustrative peak and off-peak fares computed herein, peak and off-peak periods are defined as follows:

Period	Peak	Offpeak
Month	August	February, May, November.
Day	Friday and Sunday	Monday, Tuesday, Wednesday, Thursday, and Saturday.
Hour	8 a.m. to 6:59 p.m.	7 p.m. to 7:59 a.m.

For the domestic system in general, these definitions would be expanded to include June and July as peak months and all other months as off peak. The day and hour peak definitions would stand, with the possible exceptions of holiday periods.

Undoubtedly, optimum peak and off-peak definitions would differ in some areas. For example, monthly definitions in North/South markets could differ from those in East/West markets. Also Saturday may be included among the peak days in some markets. The number of differences, however, should be small enough to allow the process to work.

Computation of peak and off-peak fares at 700-mile trip-length costs

Peak and offpeak fares—seasonal

Cost/RPM	8.931¢
VC at 30 pct	2.679¢
FC at 70 pct	6.252¢
at 55.9 pct	3.495¢/ASM
4 mo RPM's	36,898,343
Total cost	3,295,391
VC at 30 pct	998,617
FC at 70 pct	2,306,774
4 mo ASM's	65,816,526
VC/RPM	2.679¢
FC/ASM	3.505¢

(1) OPF=2.679¢+(3.505÷0.623)
2.679¢+5.626¢=8.305¢
$58.14/PAX at 700 mi

(2) $PF=2.679¢+\frac{3.505¢[17,648,975+(48,167,551-41,568,736)]}{11,001,022}$
=2.679¢+7.726¢=10.405¢
$72.84/PAX at 700 mi

Proof:
11,001,022×10.405¢=1,144,656
25,897,321× 8.305¢=2,150,773
3,295,429

Peak and offpeak fares—seasonal and daily

Peak month (August)		Offpeak months (February, May, November)	
Total cost=10.405¢×11,001,022=	1,144,656	Total cost=8.305¢×25,897,321=	2,150,773
VC at 30 pct	343,397	VC at 30 pct	645,232
FC at 70 pct	801,259	FC at 70 pct	1,505,541
RPM's	11,001,022	RPM's	25,897,321
ASM's	17,648,975	ASM's	48,167,551
LF	62.3	LF	53.8
Cost per:		Cost per:	
VC/RPM's	3.122	VC/RPM	2.492¢
FC/ASM	4.540	FC/ASM	3.126¢
Peak day:		Peak day:	
RPM's	3,873,163	RPM's	8,713,750
ASM's	5,717,639	ASM's	14,460,732
LF	67.7	LF	60.3
Off peak:		Off peak:	
RPM's	7,127,859	RPM's	17,183,571
ASM's	11,931,336	ASM's	33,706,819

(1) OPF=3.122¢+(4.540¢+0.677)=9.828¢ or $68.80/PAX at 700 mi

(2) $PF=3.122¢+\frac{4.540¢[5,717,639+(11,931,336-10,528,595)]}{3,873,163}$
=3.122¢+8.346¢=11.468¢ or $80.20/PAX

Proof:
3,873,163×0.11468= $444,174
7,127,859×0.09828= 700,526
1,144,700

(1) OPF=2.492¢+(3.126¢+0.603)=7.676¢ or $53.73/PAX

(2) $PF=2.492¢+\frac{3.126¢[14,460,732+(33,706,819-28,406,801)]}{8,713,750}$
=2.492¢+7.057¢=9.549¢ or $66.84

Proof:
8,713,750×0.09549= $832,076
17,183,571×0.07676=1,319,011
2,151,087

Peak and offpeak fares—Seasonal, daily, and hourly

Peak month and days		Peak month and offpeak days	Offpeak month and peak days	Offpeak month and offpeak days
Total cost	0.11468×3873163=444,174	0.09828×7,127,859=700,526	0.09549×8,713,750=832,076	0.07676×1,718,357=1,319,011
VC at 30 pct	133,252	210,158	249,623	395,708
FC at 70 pct	310,922	490,368	582,453	923,303
RPM's	3,873,163	7,127,859	8,713,750	17,183,571
ASM's	5,717,639	11,931,336	14,460,732	33,706,819
L.F	67.7	59.7	60.3	51.0
Cost per:				
VC/RPM	3.440	2.948	2.865	2.303
FC/ASM	5.438	4.110	4.028	2.739
Peak hour:				
RPM's	3,090,784	5,688,031	7,101,706	14,004,510
ASM's	4,419,735	9,222,923	11,395,057	26,560,973
L.F	69.9	61.7	62.3	52.7
Offpeak hour:				
RPM's	782,379	1,439,828	1,612,044	3,178,961
ASM's	1,297,904	2,708,413	3,065,675	7,145,846
		OPF=2.948+(4.110÷.617)	OPF=2.865+(4.028÷0.623)	OPF=2.303+(2.739÷.0.527)
		2.948+6.661=9.609¢ or	2.865+6.465=9.330 or	2.303+5.197=7.500¢ or
		$67.26/PAX	$65.31/PAX	$52.50/PAX
(1) OPF=3.440+(5.438÷0.699)				
3.440+7.780=11.220¢ or				
$78.54/PAX				
(2) PF	$=3.440+\frac{5.438[4,419,735(1,297,904-1,119,283)]}{3,090,784}$	$PF=2.948+\frac{4.110[9,222,923(2,708,413-2,333,395)]}{5,688,031}$	$PF=2.865+\frac{4.028[11,395,057(3,065,675-2,587,551)]}{7,101,706}$	$PF=2.303+\frac{2.739[26,560,973(7,145,846-6,032,186)]}{14,004,510}$
3.440+8.091=11.531¢ or		2.948+6.935=9.883 or	2.865+6.734=9.599 or	2.303+5.413=7.716¢ or
$80.72/PAX		$69.18/PAX	$67.19/PAX	$54.01/PAX
Proof:		Proof:	Proof:	Proof:
782,379×0.11220= 87,783		1,439,828×0.09609=138,353	1,612,044×0.09330=150,404	3,178,961×0.07500= 238,422
3,090,784×0.11531=356,398		5,688,031×0.09883=562,148	7,101,706×0.09599=681,693	14,004,510×0.07716=1,080,596
444,181		700,501	832,097	1,319,018

Distribution of supply and demand by day of the week; August and November 1975, and February and May 1976

Period	RPM's (000)	ASM's (000)	Load factor
4-month total	36,808,343	65,816,526	56.1
Peak month (August)	11,001,022	17,648,975	62.3
Peak days:			
Friday	1,968,364	2,913,308	67.6
Sunday	1,904,799	2,804,331	67.9
Total	3,873,163	5,717,639	67.7
Offpeak days:			
Monday	1,396,700	2,283,303	61.2
Tuesday	1,246,957	2,264,341	55.1
Wednesday	1,269,086	2,273,587	55.8
Thursday	1,430,406	2,312,745	61.8
Saturday	1,874,710	2,797,360	63.8
Total	7,127,859	11,931,336	59.7
Offpeak months	25,897,321	48,167,551	53.8
Peak days:			
Friday	3,893,686	6,486,853	60.0
Sunday	4,820,064	7,973,879	60.4
Total	8,713,750	14,460,732	60.3
Offpeak days:			
Monday	3,563,200	7,042,739	50.6
Tuesday	3,083,515	6,533,248	47.2
Wednesday	3,333,404	6,481,642	51.4
Thursday	3,438,517	6,429,262	53.5
Saturday	3,764,935	7,219,928	52.1
Total	17,183,571	33,706,819	51.0

Distribution of supply and demand by hour of day[1] August and November 1975 and February and May 1976

Hour of day	Peak month (August)			Offpeak months (February, May, and November)								
				RPM's				ASM's				Factor
	RPM's	ASM's	Load factor	February	May	November	Total	February	May	November	Total	
Peak hours:												
8 a.m. to 8:59 a.m.	758,638	1,344,313		562,852	632,633	514,629		1,205,726	1,234,978	1,084,331		
9 a.m. to 9:59 a.m.	961,156	1,660,228		760,353	771,460	689,800		1,433,660	1,484,117	1,347,613		
10 a.m. to 10:59 a.m.	817,890	1,250,063		629,056	655,308	587,866		1,170,392	1,199,516	1,125,425		
11 a.m. to 11:59 a.m.	694,863	1,053,359		446,934	540,814	459,367		886,729	986,966	914,735		
12 noon to 12:59 p.m.	1,129,041	1,618,611		816,600	839,697	739,253		1,476,807	1,480,982	1,379,387		
1 p.m. to 1:59 p.m.	841,423	1,210,441		611,305	667,702	564,574		1,086,565	1,173,236	998,013		
2 p.m. to 2:59 p.m.	559,185	813,999		494,008	477,568	416,261		815,299	778,707	679,814		
3 p.m. to 3:59 p.m.	560,547	836,002		444,591	475,098	411,919		749,014	784,185	696,739		
4 p.m. to 4:59 p.m.	697,900	1,046,728		593,899	608,825	564,765		1,001,950	985,971	952,813		
5 p.m. to 5:59 p.m.	825,725	1,294,900		737,452	788,011	662,571		1,296,208	1,305,470	1,136,826		
6 p.m. to 6:59 p.m.	790,433	1,291,258		630,829	684,937	593,154		1,104,572	1,195,188	1,056,758		
Total	8,636,891	13,419,902	64.4	6,727,879	7,142,443	6,204,159	20,074,481	12,226,922	12,609,316	10,372,454	35,208,692	57.0
Offpeak hours:												
7 p.m. to 7:59 p.m.	329,817	561,515		269,410	286,044	259,857		541,397	534,312	476,766		
8 p.m. to 8:59 p.m.	231,454	446,842		181,619	174,877	174,719		394,542	551,149	364,036		
9 p.m. to 9:59 p.m.	309,841	576,879		223,475	227,155	189,044		468,244	449,302	404,375		
10 p.m. to 10:59 p.m.	351,143	650,307		295,899	277,368	235,813		605,235	551,729	495,166		
11 p.m. to 11:59 p.m.	147,425	240,090		72,371	106,006	57,774		157,005	178,525	125,487		
12 Midn to 12:59 a.m.	240,366	369,416		122,896	91,618	114,575		308,547	204,795	254,123		
1 a.m. to 1:59 a.m.	73,577	11,414		49,066	28,060	20,665		111,120	70,207	52,178		
2 a.m. to 2:59 a.m.	30,735	53,677		24,468	12,362	13,729		54,788	27,587	29,119		
3 a.m. to 3:59 a.m.	14,378	27,016		14,648	12,759	15,723		36,871	37,352	36,587		
4 a.m. to 4:59 a.m.	28,158	51,530		6,559	6,981	5,606		21,415	21,895	18,786		
5 a.m. to 5:59 a.m.	5,087	14,184		3,276	2,036	3,773		16,215	6,685	15,346		
6 a.m. to 6:59 a.m.	81,082	157,118		54,053	57,545	46,377		135,916	128,466	106,262		
7 a.m. to 7:59 a.m.	347,145	674,878		263,297	294,336	264,295		592,346	602,278	601,776		
Total	2,190,208	3,934,866	55.7	1,581,037	1,577,083	1,401,950	4,560,070	3,343,641	3,164,282	2,980,007	9,487,930	48.1
Grand total	10,827,099	17,354,768	62.3	8,308,916	8,719,536	7,606,109	24,634,551	15,570,563	15,773,598	13,352,461	44,696,622	55.1
Peak as percent of total	79.8	77.3		81.0	81.9	81.6	81.5	78.5	79.9	77.7	78.8	

[1] Total RPM's and ASM's do not equal monthly totals because some flights could not be matched by hour.

APPENDIX D.—*Computation of load factor obtainable through peak and off-peak pricing on a daily and monthly basis*

	RPM's [1]	ASM's [1]	Load factor [1]	Percent change in fare [2]	Traffic adjustment [3]	Adjusted RPM's	ASM's adjusted for monthly traffic change [4]	Load factor	AMS's adjusted for daily change [4]	Load factor	Load factor increase
4-mo total	38,898,343	65,816,526	56.1			37,129,500	59,173,441	62.7	55,313,221	67.1	11.0
Peak month	11,001,022	17,648,975	62.3	+16.5	0.8986	9,885,518	15,867,605	62.3	14,832,463	66.7	
Peak days	3,873,163	5,717,639	67.7	+28.3	.8399	3,253,070			4,805,126	67.7	
Off-peak days	7,127,859	11,931,336	59.7	+10.0	.9355	6,668,112			10,027,339	66.5	
Off-peak month	25,897,321	48,167,551	53.8	−7.0	1.0520	27,243,982	43,305,836	62.9	40,480,758	67.3	
Peak days	8,713,750	14,460,732	60.3	+6.9	.9544	8,316,403			12,153,133	68.4	
Off-peak days	17,183,571	33,706,819	51.0	−14.1	1.1020	18,926,295			28,327,625	66.8	

[1] Source: Daily service-segment data supplied by trunk carriers for August and November 1975, and February and May 1976.
[2] Fare differentials computed in app. C.
[3] Assumes an elasticity of −.7.
[4] ASM's are adjusted to maintain peak month load factor while maintaining the existing ratios with offpeak periods and within the month.
[4] ASM's are adjusted to maintain August peak-dayload factor while maintaining the existing ratios of ASM's between peak and offpeak within the month and while maintaining the existing ratios of ASM's between months.

APPENDIX E.—*Fuel consumption and potential savings midmonth of each quarter 1975*

Domestic trunks	February	May	August	November	Total
Scheduled operations revenue aircraft-miles (thousands):					
Mixed services	115,506	124,791	132,512	116,990	489,799
All cargo	3,672	4,093	3,777	3,227	14,769
Total	119,178	128,884	136,289	120,217	504,568
Percent of mixed to total	96.9189	96.8243	97.2287	97.3157	97.0729
48-State scheduled services:					
Gallons of fuel used	470,462,171	500,392,388	535,642,279	470,281,506	1,976,778,344
Percent allocation to mixed services	96.9189	96.8243	97.2287	97.3157	97.0729
Gallons used in mixed services	455,966,761	484,501,427	570,798,025	457,857,740	1,918,916,065
Scheduled ASM's (thousands)	15,131,039	16,366,431	17,708,921	15,264,819	64,471,210
Gallon per ASM	.030135	.029603	.029409	.029981	.029764
Gallon per RPM at 55 percent LF	.054791	.053824	.053471	.029981	.054116
Gallon per RPM at 60 percent LF	.050225	.049338	.049015	.049968	.049607
Savings per RPM					.004509

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