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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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	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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE,[1] DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees for Federal Rice Inspection Services

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Final rule.

SUMMARY: This rule reduces the fees for Federal rice inspection services. Rice inspection services are made available only upon request of an applicant. The revenue received from fees in recent months has exceeded the cost of providing the service, due, in part, to an increase in the volume of inspection and better utilization of inspection personnel. This action permits fees to equal, as nearly as possible, the cost of providing the service.

EFFECTIVE DATE: July 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth C. Bourgeois, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-8029).

SUPPLEMENTARY INFORMATION: The adjustments in the fees include a change in the:

(1) Commitment service hourly rates for 5 consecutive days per week, except on holidays, from $18.40 to $16.40 between the hours of 6 a.m. and 6 p.m. and from $22.10 to $19.80 between the hours of 6 p.m. and 6 a.m. For holidays from $25.80 to $23.20.

(2) Noncommitment service hourly rates for Monday through Friday, except on holidays, from $23.10 to $20.80 between the hours of 6 a.m. and 6 p.m. and from $26.80 to $24.00 between the hours of 6 p.m. and 6 a.m. For holidays from $30.50 to $27.40.

(3) Inspection for quality fee per lot or sublot when performed at other than the point of sampling and the per sample fee for sample inspections from $13.45 to $12.10 for rough rice, $11.50 to $10.35 for brown rice for processing and $9.60 to $8.65 for milled rice.

(4) Per factor fee for any single factor for sample inspection from $3.85 to $3.45.

To promote uniformity of the application of service fees within the Federal Grain Inspection Service the rice inspection fees are amended by:

(1) Changing the time periods for charging regular hourly rates from a 9-hour period (7 a.m. to 4 p.m.) to a 12-hour period (6 a.m. to 6 p.m.).

(2) Deleting the provision that an applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay for any moving costs incurred by the Federal Grain Inspection Service to transfer official inspection personnel to service the applicant's new commitment.

(3) Adjusting the minimum fee requirement under a commitment agreement by providing that when one of the minimum 5 consecutive days per week falls on a holiday and inspection services are not needed, the applicant shall not be charged. Under the present provisions the commitment applicant agrees to pay for a minimum of eight hours of service per day per person for 5 consecutive days per week even when one of the days falls on a holiday and services are not needed.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 68.42c is amended to read as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal rice inspection services specified below:

SERVICE	Fee
(a) *Appeal inspection.* The applicable fee which would be assessed if the inspection were not an appeal: *Provided,* That no fee shall be assessed if it is found that there was a material error in the inspection from which an appeal was taken.	
(b) *Commitment service.* If desired, an applicant may enter into an agreement with the Federal Grain Inspection Service for rice inspection services on a weekly basis, whereby the applicant agrees to pay for a minimum of 8 hours of service per day per person, for 5 consecutive days per week, and the Federal Grain Inspection Service agrees to make official inspection personnel available to perform such service for the applicant at reduced hourly rates: *Provided,* That if one of the 5 consecutive days per week falls on a holiday and inspection services are not needed the applicant shall not be charged.	

To enter into a commitment agreement the applicant must give the Federal Grain Inspection Service 60 days written notice specifying the proposed effective date of the commitment: *Provided,* That a commitment may become effective prior to the proposed effective date by consent of both parties. To terminate a commitment the applicant must give the Federal Grain Inspection Service 60 days written notice specifying the date of termination.

The commitment service can be used by 1 applicant who guarantees to pay for the full 8 hours per day per person, 5 consecutive days per week, or by 2 or more applicants each guaranteeing to share the cost of the 8 hours per day per person: *Provided,* That each party to the commitment agrees to assume an even number of hours so that charges may be easily prorated.

Under a commitment service, the Federal Grain Inspection Service reserves the right to (1) determine the number of official inspection personnel needed to perform the service for a commitment applicant; (2) terminate a commitment agreement by giving the applicant 60 days written notice specifying the date of termination; and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Director, the official inspection personnel are not needed to perform service for the commitment applicant. The commitment applicant in such instances would be credited with the number of commitment hours charged to other applicants or activities of the Federal Grain Inspection Service.

Hourly rates for commitment services shall begin when the official inspection personnel arrive at the point of service and end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate.

(1) Hourly rates per person per hour for commitment service, but see (d):	
(i) For all work performed between the hours of 6 a.m. and 6 p.m., for 5 consecutive days per week, except on holidays[1] (1)	$16.40
(ii) For all work performed before 6 a.m. or after 6 p.m., for 5 consecutive days per week, and any time during the 2 remaining days per week, except on holidays[1]	19.80
(iii) For all work performed on holidays[2]	23.20

(2) Minimum fees for service performed under a commitment service agreement shall be on the basis of 8 hours per day per per-

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

son, for 5 consecutive days per week, calculated at the hourly rate of $16.40: *Provided*, That if one of the 5 consecutive days per week falls on a holiday and inspection services are not needed, the applicant shall not be charged. Further, when the commitment applicant's hours are charged to other applicants or activities of the Federal Grain Inspection Service such hours shall not be included in the minimum fee.

(3) Standby time per person per hour shall be charged at the applicable hourly rate.

(c) Extra copies of certificates: Per copy 1.00

(d) Inspection for quality[2] charges per lot or sublot when performed other than at the point of sampling; but see (b) and (f):

Service	Fees
(1) Rough rice	12.10
(2) Brown rice for processing	10.35
(3) Milled rice	8.65

(e) Interpretive line samples:
Per set 50.00

NOTE.—The interpretive line samples illustrate the lower limit for milling degrees only. Interpretive line samples are available for examination at, or may be purchased from, the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

Interpretive line samples are also available for examination at selected field offices of the Federal Grain Inspection Service. A list of the field offices may be obtained from the above address:

(f) Noncommitment service: A noncommitment service is provided for applicants who do not enter into a commitment service agreement with the Federal Grain Inspection Service. Service on a noncommitment basis will be furnished to applicants in the order in which requests are received, insofar as consistent with good management, efficiency, and economy. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate.

(1) Hourly rates per person per hour for noncommitment service, but see (d):

(i) For all work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on holidays[1]	
(ii) For all work performed before 6 a.m. or after 6 p.m., Monday through Friday, and any time Saturday or Sunday, except on holidays[1]	24.00
(iii) For all work performed on holidays[1]	27.40

(2) Minimum fee per person per callout or inspection visit for noncommitment service—2 hours at the applicable hourly rate.

(3) Standby time per person per hour shall be charged at the applicable hourly rate.

(g) Sample inspection:

(1) Inspection for quality[2] per sample:	
(i) Rough Rice	12.10
(ii) Brown Rice for Processing	10.35
(iii) Milled Rice	8.65
(2) Factor analysis for any single factor: Per Factor	3.45

[1] Holiday shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal statute or Executive Order: *Provided*, That if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

[2] Includes kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the rice standards or instructions, whether singly or combined, except as provided for in paragraph (g).

The need for reducing the service fees and the amounts thereof are dependent upon facts within the knowledge of the Federal Grain Inspection Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624, FR 28468 and 28476).)

Done at Washington, D.C. on June 13, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-17302 Filed 6-15-77;8:45 am]

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

[Valencia Orange Regulation 560]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 17-23, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: June 17, 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. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges has eased somewhat during the present week. Average f.o.b. price was $3.92 per carton on 899 cars for the week ended June 9, as compared with $3.94 per carton on 822 cars the previous week. Track and rolling supplies at 494 cars were up 142 cars from last week.

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

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

Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on June 14, 1977.

§ 908.860 Valencia Orange Regulation 560.

* * * * *

(b) Order. (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 17, 1977, through June 23, 1977, are hereby fixed as follows: (i) District 1: 266,000 cartons; (ii) District 2: 384,000 cartons; (iii) District 3: Unlimited.

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

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

Dated: June 15, 1977.

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

[FR Doc.77-17493 Filed 6-15-77;11:38 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0104]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has amended its Rules Regarding Delegation of Authority. The amendment is intended to expand the scope of authority previously delegated regarding acquisitions of shares of a bank.

EFFECTIVE DATE: June 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Assistant General Counsel (202-452-3274) or Julius L. Loeser, Senior Attorney (202-452-3236), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Bank Holding Company Act (12 U.S.C 1841 et. seq.) generally prohibits, except with prior approval of the Board, a bank holding company's acquisition of direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company would directly or indirectly own or control more than 5 per centum of the voting shares of such bank. On April 23, 1973, the Board delegated authority to the Federal Reserve Banks to approve acquisitions of controlling interests in additional banks pursuant to certain enumerated conditions (38 FR 10917 (1973)). The Board has now, by the instant amendment, expanded the scope of that delegated authority to include acquisitions of additional shares of a bank in which an applying bank holding company, at the time of the application, owns at least 25 percent of a class of the voting shares.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of this amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of such section. The amendment is effective immediately.

In order to accomplish this delegation, § 265.2(f) is amended by renumbering subsections (33), (34) and (35) as (34), (35), and (36) respectively and adding a new subsection (33) providing as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under paragraph f(34) as to its own facilities:

* * * * *

(33) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to approve the acquisition by any bank holding company of additional voting shares of a bank in which such bank holding company owns 25 per cent or more of any class of voting securities, if the proposal generally is in conformity with the conditions specified in § 265.2(f)(24) of this part. (12 U.S.C. 248(k) and 12 U.S.C. 1844(b)).

* * * * *

By order of the Board of Governors, June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17097 Filed 6-15-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10162; Amdt. Nos. 23-19 and 91-139]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 91—GENERAL OPERATING AND FLIGHT RULES

Crashworthiness; Installation of Shoulder Harnesses in Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds requirements concerning shoulder harnesses and compartment interior design for the type certification of small airplanes and adds an operating rule requiring a shoulder harness for each front seat in certain newly manufactured small airplanes. This amendment is intended to improve the crashworthiness of small airplanes and was prompted by a recommendation of the National Transportation Safety Board (NTSB) and a petition for rule making submitted by Mr. Ralph Nader.

DATES: Effective date—July 18, 1977. Operating rule compliance dates—July 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch; AFS-940, Federal Aviation Administration, Washington, D.C. 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: These amendments are based on the Notice of Proposed Rule Making (Notice No. 73-1) published in the FEDERAL REGISTER on January 31, 1973 (38 FR 2985). Numerous comments relating to these proposals were received in response to the notice and except for those indicating agreement or merely repeating issues discussed and disposed of in the notice, the FAA's disposition of the significant comments is discussed below. In general, comments received that were beyond the scope of the notice are not discussed. Based on the relevant comments and upon further review by the FAA, a number of the proposals have been dropped or changed. In addition, various nonsubstantive changes of a clarifying and editorial nature have been made. Since these changes impose no additional burden on any person, they may be adopted without further notice and public procedure.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

A substantial number of commentators objected to the proposed rules that would require fastening of the harness, and a large number suggested that harness installation be optional. In addition, several commentators stated that the notice seemed to assume that there is merit in wearing harnesses without citing any studies to support that view. One recommended that the notice be withdrawn pending the results of NASA and FAA crash testing of complete general aviation airplanes. Contrary to the commenators' allegations, the FAA believes that sufficient data and information exists on which to base shoulder harness requirements for small airplanes. The changes being made are based primarily on the results and conclusions of small airplane accident investigations. Information regarding specific accidents is available in documents published by the National Transportation Safety Board such as the "Annual Review of General Aviation Accidents." In addition, a summary of test information on seats, belts, harnesses, as well as entire airplanes, is included in FAA Technical Report No. FS-70-592-120A, "A Summary of Crashworthiness Information for Small Air-

planes," dated February 1973. Furthermore, data which substantiate the premise that use of a harness will increase safety sufficiently to warrant a change in FAR Part 23 are contained in FAA report No. FAA-AM-71-3, "General Aviation Structures Directly Responsible for Trauma in Crash Decelerations," dated January 1971. With respect to deferring rule making pending the results of crash testing, the FAA does not believe delay is advisable since crash-worthiness investigation, testing, and analysis is a continuous process, and updating of rules can be accomplished as new information becomes available should later revisions be warranted.

In connection with the foregoing, after further FAA review in light of the comments received, a number of the proposals have been withdrawn or substantially revised.

Proposed § 23.785(g) would require the installation of a shoulder harness at each forward facing seat and at each sideward facing seat for type certification. However, the FAA's analysis of the cost benefit considerations show that small airplanes are operated mostly with only the front seats occupied and the cabin structure surrounding the occupants of seats other than front seats can be designed to be very effective in protecting occupants during minor crash landings. Based on this and the many adverse comments to proposed § 23.785 (g), the FAA has determined that, at this time, shoulder harness installations on seats other than the front seats should not be required under FAR Part 23. Accordingly, the proposal has been revised to require shoulder harness installations only on front seats. Front seats in this context are seats located at flight crewmember stations or seats located alongside such a seat. For clarity a definition of "front seat" has been added to the rules being adopted herein.

Proposed § 23.785(g) would also require that rearward and certain sideward facing seats have energy absorbing rests. A similar provision currently exists as an optional requirement in § 23.785(g)(3) for all seats. Based on a further assessment of the proposed requirements, the FAA has determined that the energy absorbing rest requirement is not necessary since compliance with the requirements of § 23.785(g) and (j), as adopted herein, assures adequate cabin occupant safety. The proposed energy absorbing rest requirement has, therefore, been withdrawn.

The proposed type certification requirement in § 23.785(j) concerns delethalization of the cabin area surrounding each seat within striking distance of the occupant's head, torso, arms, and legs. However, information now available to the FAA indicates that fatalities during minor crash landings are primarily due to head and torso injuries. Also, most serious injuries during minor crash landings are limited to the head and torso. Furthermore, confining the provision to the head and torso would reduce the burden of compliance and simplify compliance determinations. The FAA has therefore determined that the requirement should not be applicable to arms and legs, and the proposed rule has been changed accordingly.

A number of comments were adverse to the proposed operating requirements in §§ 91.7 and 91.14 that would require fastening of shoulder harnesses. Based on these comments, the FAA has reevaluated the need for the proposed requirements, and the proposed passenger shoulder harness fastening requirement of § 91.14 has been withdrawn. In addition, proposed § 91.7 has been revised to require the fastening of shoulder harnesses by flight crewmembers only during takeoff and landing; however, it would not be required if it would interfere in the performance of required duties.

A further operating requirement proposed in § 91.14 would be have required the pilot to ensure that each person aboard the aircraft be given certain instructions and notifications regarding restraint equipment and to ensure proper securing of equipment at unoccupied seats. However, the requirements for shoulder harnesses on other than front seats and on other than newly manufactured airplanes have been withdrawn, as discussed in connection with §§ 91.33 and 91.39. In this light and since the fastening of shoulder harnesses will not be mandatory except with respect to flight crewmembers, the benefits expected from the operating requirements proposed in § 91.14 no longer are sufficient to warrant the adoption of the proposals. The proposals have therefore been withdrawn.

The proposed operating rules in §§ 91.33(b)(13) and 91.39(f) would have required, in effect, that small airplanes either be placarded to indicate lack of structural provisions for the attachment of shoulder harnesses or be equipped with shoulder harnesses. Subsequently, a number of comments received in response to Notice 73-1 indicated strong opposition to a rule requiring the installation of shoulder harnesses in small airplanes currently in service. In light of these comments, a cost analysis was conducted by the FAA which indicated that a substantial financial burden would be imposed upon many consumers over a short period of time if the proposals were to be adopted. Based on this cost analysis and a review of the benefits expected from the proposal, the FAA has determined that the decision of whether to install shoulder harnesses in small airplanes now in service or to install shoulder harnesses at seats other than front seats should be left to the owner. Therefore, the proposal has been revised to require the installation of shoulder harnesses only on the front seats of airplanes that are manufactured after one year after the effective date of the amendment.

A number of commentators contended that it would be unreasonable to expect any occupant protection system to prevent minor scratches or bruises in a crash landing, and recommended revising proposed §§ 23.785 and 91.33 to require protection against serious injury or serious head injury rather than protection against any degree of injury. In this connection, current §§ 23.561, 25.561, and 25.785 use the criteria of serious injury. The FAA agrees and proposed §§ 23.785, 91.33, and 91.39 have been revised accordingly.

One commentator contended that § 23.785(j) should be eliminated as it is too general to be a workable, enforceable or effective standard. The FAA does not agree. Section 23.785(j) as adopted will require elimination of obvious injurious objects and require that instrument panels be designed to prevent injuries. In applying the rule, since the movement of a restrained occupant under design inertia loads and the impact velocity on an interfering structure can be predicted, and since the body tolerances and energy to be absorbed are known, the major items subject to contact can be designed to prevent serious injury.

One commentator recommended changing the parenthetical portion of proposed § 23.785(j) to read "(with the safety belt and shoulder harness fastened)", because it would be inconsistent to require shoulder harnesses and at the same time provide protection in the space a passenger might occupy without the harness. The FAA does not agree. A shoulder harness does not protect against side loads, nor does it constrain the head. Also, the proposed rule concerning shoulder harnesses has been revised to require a shoulder harness only for each front seat.

One commentator indicated that use of restraints and padding would reduce safety by reducing the visibility of, and accessibility to, controls and instruments on the part of pilots, and by interfering with evacuation of airplanes by passengers. The FAA does not agree since it is feasible to provide in new designs the protection specified without a significant decrease in visibility and accessibility. While in a specific case some compromise during design may have to be made, the FAA has determined that the benefits to be derived with regard to improved safety through proper restraints and cabin delethalization would in general far outweigh any detrimental effects resulting from reduction in visibility and accessibility.

Several commentators expressed concern that the shoulder harness and cabin design resulting from the proposed requirements would be restrictive, inadequate, or ineffective for certain sizes of occupants or crew. The FAA agrees that harness installations designed primarily for adults may not be effective for children or other small persons, but the seat belt portion of the restraint would nevertheless constrain a small person on whom the shoulder harness cannot be properly fitted within the space envelope of protection provided for adults with the harness fastened. No change has been made as a result of these comments.

The FAA has determined, based on an evaluation of the expected benefits and other impacts on the public and private

sectors, that the adoption of this amendment will result in a significant improvement in the chances of occupants of small airplanes covered by the amendment to survive minor crash landings and provide those occupants additional protection in more severe crashes at a nominal cost. Over the next 25 years, it is estimated that approximately 1,875 lives may be saved by this amendment at an average cost of less than $5.5 million per year.

The principal authors of this document are Heinz J. Hellebrand, Flight Standards Service, and Samuel Podbereshy, Office of the Chief Counsel.

Accordingly, Parts 23 and 91 of the Federal Aviation Regulations (14 CFR Parts 23 and 91) are amended effective July 18, 1977, as follows:

1. Section 23.785 is amended by revising the title and paragraphs (b) and (g) and by adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 23.785 Seats, berths, safety belts, and harnesses.

* * * * *

(b) Each seat, berth, safety belt, and harness must be approved.

* * * * *

(g) Each occupant must be protected from serious head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) by—

(1) A safety belt and shoulder harness that is designed to prevent the head from contacting any injurious object, for each front seat; and

(2) A safety belt, or a safety belt and shoulder harness, for each seat other than a front seat.

(h) Each shoulder harness installed at a flight crewmember station must allow the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(i) There must be a means to secure each safety belt and shoulder harness, when not in use, so as to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(j) The cabin area surrounding each seat, including the structure, interior walls, instrument panel, control wheel, pedals, and seats, within striking distance of the occupant's head or torso (with the safety belt fastened), must be free of potentially injurious objects, sharp edges, protuberances, and hard surfaces. If energy absorbing designs or devices are used to meet this requirement they must protect the occupant from serious injury when the occupant experiences the ultimate inertia forces prescribed in § 23.561(b)(2).

(k) For purposes of paragraph (g) of this section, a front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

§ 23.1307 [Amended]

2. Section 23.1307 is amended by deleting paragraph (a) and marking it "Reserved".

3. Section 91.7 is amended by redesignating the introductory phrase as paragraph (a), by redesignating old paragraphs (a) and (b) as (a)(1) and (a)(2), respectively, and by adding a new paragraph (b) to read as follows:

§ 91.7 Flight crewmembers at stations.

* * * * *

(b) After July 18, 1978, each required flight crewmember of a U.S. registered civil airplane shall, during takeoff and landing, keep the shoulder harness fastened while at his station. This paragraph does not apply if—

(1) The seat at the crewmember's station is not equipped with a shoulder harness; or

(2) The crewmember would be unable to perform his required duties with the shoulder harness fastened.

4. Section 91.33 is amended by adding a new paragraph (b)(13) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(13) For small civil airplanes manufactured after July 18, 1978, an approved shoulder harness for each front seat. The shoulder harness must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. Each shoulder harness installed at a flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(i) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA Approved Type Design Data; and

(ii) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

* * * * *

5. Section 91.39 is amended by adding a new paragraph (g) to read as follows:

§ 91.39 Restricted category civil aircraft; operating limitations.

* * * * *

(g) No person may operate a small restricted category civil airplane, manufactured after July 18, 1978, unless an approved shoulder harness is installed for each front seat. The shoulder harness must be designed to protect each occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(1) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA Approved Type Design Data; and

(2) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

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

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

Issued in Washington, D.C., on June 9, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc.77-17074 Filed 6-15-77;8:45 am]

[Docket No. 15037; Amdt. 39-2920]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH-114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires an inspection and replacement, if necessary, of engine mount parts on Hawker Siddeley Model DH-114 airplanes to prevent possible separation of the engine from the airplace due to corrosion.

EFFECTIVE DATE: July 18, 1977.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation Ltd., Hatfield Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center.

A copy of the technical news sheet is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel: 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an X-ray inspection and replacement, if necessary, of engine mount stay struts on Hawker Siddeley Model DH-114 air-

planes was published in the FEDERAL REGISTER at 40 FR 46321. The proposal was prompted by reports of internal corrosion of the struts that could cause separation of the engine from the airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

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

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-114 airplanes, certificated in all categories, that are not equipped with engine mount stay struts marked as Issue 2 or subsequent or marked "DOI No. 68640."

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To detect internal corrosion of the engine mount stay strut, P/N 14 EM.337A, accomplish the following:

(a) Remove the stay strut from the aircraft and inspect in accordance with the X-ray procedure of Appendix I of the Hawker Siddeley Technical News Sheet No. E.8, dated March 19, 1973, or an FAA-approved equivalent.

(b) Replace any strut for which internal corrosion is detected by the inspection required by paragraph (a) of this AD with a new part or otherwise serviceable spare part of the same part number determined to be free of internal corrosion by the inspection required by paragraph (a) of this AD or an FAA-approved equivalent.

(c) It is requested that copies of the X-rays, or results of an FAA-approved equivalent inspection, be forwarded to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667. (Reporting approved by the Office of Management and Budget under OMB No. 04-RO-174).

This amendment becomes effective July 18, 1977.

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

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

Issued in Washington, D.C. on June 6, 1977.

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

[FR Doc.77-16828 Filed 6-15-77;8:45 am]

[Docket No. 74-WE-41-AD; Amdt. 39-2917]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An air-mail airworthiness directive (AD) amendment dated April 22, 1977, extended the required replacement time for certain rotor blade parts from 25 hours to 225 hours time in service, provided certain inspections are performed. This amendment was necessary because new parts are not yet available.

EFFECTIVE DATE: June 20, 1977.

ADDRESS: Service Bulletin, No. 36-1, Revision 2, dated June 19, 1974 can be obtained from Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93267.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On April 7, 1977, the FAA issued Airworthiness Directive (AD) 77-07-05 (Amendment 39-2862, 42 FR 17868) on Hiller UH-12 helicopters, which required inspections of the control rotor blade spar tube and cuffs for cracks, corrosion or excessive wear of the outboard retention bolts; and replacement or repair, if necessary. The original paragraph (d)(3) of AD 77-07-05 required removal and replacement of cuffs whose service life could not be documented within 25 hours of time in service after the effective date of the AD.

However, the FAA has determined that data originally furnished as to replacement parts was inaccurate. Also the FAA determined that service experience and the use of repetitive dye penetrant inspections at intervals not to exceed 50 hours time in service, up to 200 hours total time in service beyond the present 25 hour compliance time per the manufacturer's service document will provide an adequate level of safety and that, due to parts unavailability there will be an unnecessary grounding of aircraft which is neither due to the fault of the operators nor in the public interest. Therefore, on April 22, 1977 and effective upon receipt, an air-mailed relieving amendment to paragraph (d)(3) of AD 77-07-05 was issued.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hiller UH-12 series helicopters by individual Airmail letter dated April 22, 1977. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

DRAFTING INFORMATION

The principal authors of this amendment are Paul Tanimoto, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2862 (42 FR 17868), paragraph (d)(3) of AD 77-07-05 is amended to read:

(3) For cuffs for which the prior service history cannot be documented, within the next 25 hours time in service, unless already accomplished within the last 25 hours time in service prior to the effective date of this AD and at intervals not to exceed 50 hours time in service, perform a dye penetrant inspection of the cuff per Hiller Aviation Service Bulletin, No. 36-1, Revision 2, dated June 19, 1974, or later FAA approved revisions. Remove cracked cuffs from service prior to further flight. Cuffs for which the prior service history cannot be documented cannot be used as a replacement part. Remove from service all cuffs prior to the accumulation of 225 hours total time in service since April 7, 1977.

This amendment becomes effective June 20, 1977.

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

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

Issued in Los Angeles, California on June 3, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77-16831 Filed 6-15-77;8:45 am]

[Docket No. 76-WE-19-AD; Amdt. 39-2916]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to an existing airworthiness directive (AD) requires modification of the Lockheed-California Company L-1011-385 series aircraft main landing gear upper side brace trunnion joints. Accomplishment of the modification required by this amendment will remove the need for visual pre-flight checks required by the existing airworthiness directive (AD).

EFFECTIVE DATE: June 17, 1977.

Compliance schedule.—As prescribed in the text of the amendment.

ADDRESSES: The applicable service bulletin may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520. Attention: Commercial Support Contracts, Dept. 63-11, U33, B-1. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: AD 76-20-08 (Amendment 39-2742) requires repetitive visual checks of the main landing gear upper side brace trunnion joint areas with replacement or repair of damaged parts, as necessary, on Lockheed-California Company Model L-1011-385 series airplanes. Amendment 39-2742 was issued as a result of several cases where one of the two main landing gear upper side brace trunnion joint retaining bolts failed due to stress corrosion. A single bolt failure will not usually result in secondary structural failures leading to unsafe conditions. However, continued operation with one failed bolt, combined with severe landing or ground maneuver conditions, could lead to the collapse of a main landing gear assembly. The required pre-flight visual checks provide an interim safety precaution. After issuing Amendment 39-2742, the manufacturer modified the type design of the upper side brace trunnion joint components to eliminate the potential stress corrosion condition of the upper side brace trunnion joint retaining bolts. This modification is described in FAA approved Lockheed-California Company Service Bulletin 093-32-115. Subsequently, the FAA has proposed amending Amendment 39-2742 to require modification of the upper side brace bearing trunnion joints in accordance with the manufacturer's service bulletin. A proposal to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39), Amendment 39-2742 (41 FR 45817), AD 76-20-08, to modify the main landing gear upper side brace joints in accordance with the manufacturer's service bulletins on Lockheed-California Company Model L-1011-385 series airplanes was published in 42 FR 17879.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from Air Transport Association of America (ATA) representing the domestic operators, and the manufacturer, Lockheed-California Company.

ATA and Lockheed comments have been reviewed and the proposed amendment as published in 42 FR 17879 has been revised, in part, in consideration of these comments.

ATA concurred with the need for accomplishment of modification in accordance with Lockheed Service Bulletin 093-32-115 and requested the date of March 31, 1978, as the compliance date for the total fleet accomplishment. ATA supported the compliance date of March 31, 1978 in accordance with Service Bulletin 093-32-115 with a stated belief that a one time final modification of the upper side brace trunnion joint would provide for a higher level of safety than an interim partial modification in accordance with Service Bulletin 093-32-120. Additionally, ATA requested that the amendment to the AD should specify accomplishment of modification in accordance with the accomplishment instructions of the Service Bulletin 093-32-115 in lieu of callout of detailed component part numbers as proposed in the NPRM. FAA has reviewed the above ATA comments, concurs with these comments, and this amendment consequently reflects the March 31, 1978 compliance date and the Manufacturer's Service Bulletin 093-32-115 accomplishment instructions.

Lockheed stated that the visual preflight checks required by AD 76-20-08 (Amdt. 39-2742) constitute an equivalent compliance to the requirement of FAR 25.573(b) and thus mandatory incorporation of trunnion joint modification in accordance with Service Bulletin 093-32-115 is unnecessary. FAA disagrees since the pre-flight visual checks required by AD 76-20-08 (Amdt. 39-2742) provide an interim safety precaution only, because these checks do not necessarily identify the trunnion retaining bolt failures occurring in the middle of the bolt shank, as has occurred in two service incidents to date. FAA therefore concluded that this existing unsafe condition necessitates a mandatory requirement for accomplishment of the main landing gear upper side brace trunnion joint modification in accordance with the Service Bulletin 093-32-115.

This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39), amends the Amendment 39-2742 (41 FR 45817), AD 76-20-08, and requires the modification of the main landing gear upper side brace joints in accordance with the manufacturer's Service Bulletin 093-32-115 on or before March 31, 1978.

Drafting Information

The prinicpal authors of this airworthiness directive are George Vasley, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2742 (41 FR 45817), AD 76-20-08, is amended by adding paragraphs (c) and (d):

(c) Compliance is required on or before March 31, 1978, unless already accomplished:

Accomplish the modification of the main landing gear upper side brace trunnion joints in accordance with Paragraph 2, Accomplishment Instructions, of the FAA approved Lockheed-California Company Service Bulletin 093-32-115, Revision I, dated March 18, 1977 or later FAA approved revisions.

(d) Accomplishment of the modification of the upper side brace trunnion joints in accordance with paragraph (c) will remove the need for accomplishment of the requirements of paragraph (a).

This amendment becomes effective June 17, 1977.

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

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

Issued in Los Angeles, California on June 3, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77-16830 Filed 6-15-77;8:45 am]

[Airworthiness Docket No. 77-SW-25; Amdt. 39-2915]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-31 and PA-31-300

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An Airworthiness Directive (AD) is being issued to require inspection of Piper PA-31 and PA-31-300 modified per STC SA986SW because elevator balance weights were found loose or separated during one accident investigation.

EFFECTIVE DATE: June 17, 1977.

Initial compliance within the next 25 hours' time in service after the effective date of this AD.

ADDRESSES: Nayak Service Bulletin No. 1 may be obtained from persons or offices noted in the AD.

FOR FURTHER INFORMATION CONTACT:

Al Backstrom, Propulsion Section, Engineering and Manufacturing Branch, ASW-214, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817-624-4911, Extension 524.

SUPPLEMENTARY INFORMATION: During an accident investigation, elevator balance weights added by STC SA986SW were found loose or separated. A detailed inspection indicated that the "rivnuts" used for attachment of the balance weights were not properly set. Also, since the elevators had been painted subsequent to modifications, it was considered possible that the elevators were not balanced to the correct limits.

Since this condition is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive is being issued to require inspection of the

elevator balance weights and to assure correct balancing of the elevators. Since the situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists in making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal author of this document is Al Backstrom, Flight Standards Division with assistance by James O. Price, General Attorney, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective June 17, 1977, by adding the following new Airworthiness Directive:

PIPER: Applies to Piper PA-31 and PA-31-300 which have wing luggage lockers installed per STC SA986SW certificated in all categories.

Compliance required as indicated.

Within the next 25 hours in service or at the next annual inspection, whichever occurs first, unless already accomplished within the last 25 hours' time in service, inspect the elevator balance weights for security of attachment ("rivnut pullup") and check elevators unbalance (96.4 in lbs. tail heavy maximum) and repair or rebalance elevator, as necessary, in accordance with Nayak Service Bulletin No. 1, dated May 16, 1977, or later approved revisions or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

This amendment becomes effective June 17, 1977.

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

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

Issued in Fort Worth, Texas, on June 1, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-16824 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-AL-2]

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

Airway Title Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The title of the segment of V-436 from Anchorage, Alaska, to the Augey, Alaska, intersection is hereby changed to V-334 because of the confusion being experienced in flight planning and traffic control communication as a result of transposing the number 5 for the number 3 as in V-436 and V-456. This action will eliminate that confusion and potential hazard.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to change the title of a segment of VOR federal airway to eliminate a potential hazard. Both V-436 and V-456 airways use the same radial for a distance of 43 NM from Anchorage, Alaska, before they separate in a southwest direction. Although the location of these airways contributes to the confusion, their location will not be changed and the problem will be solved by changing the airway number of one of them. Numbering of airways is an administrative function of the FAA. Since changing the number of an airway is a minor action on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.125 (42 FR 341) of Part 71:

1. V-436 is amended to read as follows: "From Anchorage, Alaska, via Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, NDB; to Deadhorse, Alaska."

2. V-334 is added to read as follows: "From the INT King Salmon, Alaska, 068° and Kenai, Alaska, 217° radials; via Kenai; to Anchorage, Alaska."

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

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

Issued in Washington, D.C., on June 8, 1977.

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

[FR Doc.77-16822 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SO-3]

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

Designation of Federal Airway Segment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates an east alternate to V-97 between Miami, Fla., and LaBelle, Fla. After a review of the traffic flow in the Ft. Lauderdale, Fla., area the FAA determined that a revision of the airway structure is required. This revision will help to improve the flow of traffic at Ft. Lauderdale, Fla., and other airports in the general area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 3, 1977, the FAA published for comment a proposal to designate an east alternate to V-97 airway between Miami, Fla., and LaBelle, Fla., (42 FR 12190). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One public comment was received that interposed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) designates an east alternate to V-97 between Miami and LaBelle to improve the flow of traffic arriving at the Ft. Lauderdale-Hollywood, INT. Airport and satellite airports. Aircraft using this alternate airway will enter an arrival transition area at a lower altitude via an airway number which helps to simplify flight planning for the pilot.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (42 FR 307, 7121, 41 FR 56789), is further amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-97, "LaBelle, Fla.;" is deleted and "LaBelle, Fla., including an E alternate via INT Miami 343° and LaBelle 120° radials;" is substituted therefor.

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

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

Issued in Washington, D.C., on June 7, 1977.

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

[FR Doc.77-16826 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-CE-2]

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

Revocation of Airway Segment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes an airway segment because it has not been used sufficiently to warrant its retention. As a result of this action, chart clutter will be reduced.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 14, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking VOR Federal Airway No. 74-N between the cities of Anthony, Kans., and Ponca City, Okla. (42 FR 13838). This airway segment is based on the northwest by the Anthony VORTAC near the city of Anthony, and on the southeast by the Pioneer VORTAC near the city of Ponca City. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One public comment was received and it interposed no objection. Except for editorial changes, this amendment is the same as proposed in the notice. Section 71.123 was republished in the Federal Register on January 3, 1977 (42 FR 307)

THE RULE

At the present time VOR Federal Airway No. 74 extends in part from the Anthony VOR to the Pioneer VOR with a north alternate via the intersection of the Anthony 097° and the Pioneer 334° radials. Most aircraft operating between Anthony and Pioneer proceed via the main segment, and insufficient use is made of the north alternate to justify its retention. Therefore, this amendment to Part 71 of the Federal Aviation Regulations revokes VOR Federal Airway No. 74-N between Anthony and Pioneer.

DRAFTING INFORMATION

The principal authors of this document are Wray McClung, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-74 (42 FR 307), "Pioneer, Okla., including a north alternate via INT Anthony 097° and Pioneer 334° radials;" is deleted and "Pioneer, Okla.;" is substituted therefor.

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

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

Issued in Washington, D.C., on June 7, 1977.

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

[FR Doc.77-16825 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SO-14]

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

Revocation of the North Alternate of VOR Airway (V-152)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the north alternate of VOR Airway (V-152) between St. Petersburg, Fla., and Orlando, Fla. An Air Traffic Use Survey of this alternate airway indicates only one aircraft operation in the last three years; therefore, retention of this airway segment serves no useful purpose to the flying public or Air Traffic Control.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

An Air Traffic Use Survey of this alternate airway indicates only one aircraft operation in the last three years. Should an occasional aircraft request to fly through this general area, it can be accommodated quite readily by Air Traffic Control.

Under the circumstances presented, the FAA concludes that this alternate airway can be revoked as it is no longer required. Further, since it has been rarely used, its revocation is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by revoking alternate airway V-152N between St. Petersburg, Fla., and Orlando, Fla.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307), is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-152 "a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also" is deleted.

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

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

Issued in Washington, D.C., on June 8, 1977.

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

[FR Doc.77-16823 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-11]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Bartlesville, Okla., transition area to provide controlled airspace for aircraft executing the new localizer runway 17

instrument approach procedure established for the Phillips Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is to alter the Bartlesville, Okla., transition area.

On March 17, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 14884) stating that the Federal Aviation Administration proposed to alter the Bartlesville, Okla., transition area to provide controlled airspace for aircraft executing the new localizer runway 17 instrument approach procedure established for the Phillips Airport.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, § 71.181 (42 FR 440), the Bartlesville, Okla., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); and within 5 miles each side of the Bartlesville VORTAC 175° radial extending from the 9-mile radius to 21.5 miles south of the VORTAC; and within 5.5 miles west and 3.5 miles east of the Bartlesville localizer north course extending from the 9-mile radius to 12 miles north of the VORTAC.

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

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

Issued in Fort Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17080 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-9]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Orange, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure established for the Orange County Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Orange, Tex., transition area.

On March 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 13304) stating the Federal Aviation Administration proposed to alter the Orange, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure established for the Orange County Airport.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, § 71.181 (42 FR 440), the Orange, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange NDB (latitude 30°04'14" N., longitude 93°47'42" W.) within 2.5 miles each side of the 159°M bearing (165°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles southeast of the Orange NDB and within 2.5 miles each side of the 028°M bearing (034°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles northeast of the Orange NDB.

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

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

Issued in Fort Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17082 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-CE-4]

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

Designation and Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates two new airways, extends one airway and alters one airway. This action will improve the traffic handling capabilities in the State of Kans., by reducing flight planning and communication time required in using the present direct routes.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 24, 1977, the FAA published for comment a proposal to designate a new airway from Pioneer, Okla., direct to Emporia, Kans., and another new airway from Wichita, Kans., direct to Chanute, Kans., and also to extend V-73 from Tulsa, Okla., direct to Wichita and to exclude the two new airways and V-132 from the Eureka MOAs during the time that they are activated by NOTAM (42 FR 15915). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. One comment was received that expressed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs): (1) Extends V-73 from Tulsa, Okla., to Wichita, Kans.; (2) excludes V-132, V-350 and V-354 from the Eureka MOAs during the time that they are activated

by NOTAM; (3) designates V-350 from Wichita, Kans., to Chanute, Kans.; and (4) designates V-354 from Pioneer, Okla., to Emporia, Kans.

This action will reduce the time required for flight plan preparation and traffic control communication for flight operations in the southeastern part of Kans. Exclusion of airways from MOAs permits a type of military training that is not compatible with airway operations.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123:

1. In V-73 "From Wichita, Kans.," is deleted and "From Tulsa, Okla., via Wichita, Kans.;" is substituted therefor.

2. In V-132 "The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM." is added.

3. V-350 is added to read as follows: "V-350 From Wichita, Kans., to Chanute, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM."

4. V-354 is added to read as follows: "V-354 From Pioneer, Okla., to Emporia, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM."

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

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

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17078 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-10]

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

Designation of Transition Area: Welch, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Welch, Okla., to provide controlled airspace for aircraft executing an instrument approach procedure established for the Patch Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a transition area at Welch, Oklahoma.

On March 17, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 14885) stating that the Federal Aviation Administration proposed to designate a transition area at Welch, Okla., to provide controlled airspace for aircraft executing an instrument approach procedure established for the Patch Airport and coincident with this action the airport would be changed from VFR to IFR.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, 71.181 (42 FR 440), the following transition area is added.

WELCH, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Patch Airport (latitude 36°52'39" N., longitude 95°08'58" W.).

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

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

Issued in Forth Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17081 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WE-11]

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

Designation of Temporary Control Zone, Daggett, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule proposes to establish a temporary control zone for the Barstow-Daggett Airport, Daggett, California. This action will provide controlled airspace for aircraft/helicopters making instrument approaches to the Barstow-Daggett Airport during the "BRAVE SHIELD XVI" joint military exercise.

EFFECTIVE DATE: July 7, 1977.

ADDRESSES: Copies of this final rule may be obtained from: Federal Aviation Administration, Air Traffic Division Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Barstow-Daggett Airport, Daggett, California during the July 7, 1977 through July 23, 1977 time period.

A temporary control tower will be furnished by the Department of the Army with air traffic control services provided by U.S. Army air traffic controller personnel.

Approximately 110 rotary-wing aircraft will be temporarily based at the Barstow-Daggett Airport.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffice Division and Richard G. Wittry, Esquire, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 7, 1977 through July 23, 1977, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

DAGGETT, CALIFORNIA

Within a five mile radius of Barstow-Daggett Airport (latitude 34°51'20" North, longitude 116°47'10" West).

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Los Angeles, California on June 3, 1977.

M. C. BEARD,
Acting Deputy Director,
Western Region.

[FR Doc.77-16829 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-5]

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

Designation of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the United States segments of Federal Airways V-348 between Thunder Bay, Ont., Canada; Sault Ste. Marie, Mich., and Sudbury, Ont., Canada. This airway was proposed by the Canadian Department of Transport, to assist the Toronto Air Route Traffic Control Center in the control of flights in that area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On March 21, 1977, the FAA published for comment a proposal to establish the United States segments of an airway proposed by the Canadian Department of Transport to extend from Thunder Bay, Ont., via the INT of Thunder Bay 102° and Sault Ste. Marie, Mich., 316° radials; Sault Ste. Marie; INT Sault Ste. Marie 066° and Sudbury, Ont., 282° radials to Sudbury (42 FR 15335). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only public comment received expressed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) establishes two small segments of airways within the United States, east and west of Sault Ste. Marie, totaling slightly more than 15 nautical miles. The purpose of this airway is to assist in the control of direct flights from the VORs to INTs and to bypass slower direct flights between VORs.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-348 is added to read as follows: "V-348 From Thunder Bay, Ont., Canada, via INT Thunder Bay 102° and Sault Ste. Marie, Mich., 316° radials; Sault Ste. Marie; INT Sault Ste. Marie 066° and Sudbury, Ont., Canada, 282° radials to Sudbury. The airspace within Canada is excluded."

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

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

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17075 Filed 6-15-77;8:45 am]

[Airspace Docket No. 76-EA-39]

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

Alteration of VOR Airway; Extension of VOR Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends VOR Airway (V-6) and realigns VOR Airway (V-232) commensurate with the commissioning of the Broadway, N.J., VOR/DME at Lat. 40°47'54" N., Long. 74°49'20" W. This action is necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On July 15, 1976, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend low altitude airway V-6 from Allentown, Pa., to Broadway, N.J., and to also realign low altitude airway V-232 from Milton, Pa., via Broadway, N.J., intersection of V-123/V-467; to LaGuardia, N.Y., commensurate with the commissioning of the Broadway, N.J., VOR/DME at Lat. 40°47'54" N., Long. 74°49'20" W. The original commissioning date was forecast for January 15, 1977, but the past severe winter season and other unforeseen delays have now reset the commissioning date for August 11, 1977. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposals to the FAA. Two comments were received with no objections. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307)

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) extends low altitude airway V-6 from Allentown, Pa., to Broadway, N.J., and also realigns low altitude airway V-232 from Milton, Pa., via Broadway, N.J., intersection of V-123/V-467; to LaGuardia, N.Y. This action is necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123:

1. V-6 "Allentown, Pa.," is deleted and "Allentown, Pa.; to Broadway, N.J." is substituted therefor.

2. V-232 "to INT Milton 099° and Stillwater, N.J., 172° radials." is deleted and "Broadway, N.J.; INT of Broadway 112°T (123°M) and LaGuardia, N.Y., 209°T (221°M) radials; to LaGuardia." is substituted therefor.

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

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as

amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17076 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-7]

PART 75—ESTABLISHMENT OF JET ROUTE AND AREA HIGH ROUTES

Relocation of Area High Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment relocates three area navigation (RNAV) waypoints slightly to overlie an air navigation aid (NAVAID) or an intersection (INT) of radials from NAVAIDS in the Atlanta, Ga., area. The collocation of these fixes will simplify computer processing and reduce the number of fixes within the Atlanta terminal area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to: (1) relocate the TAXII waypoint to overlie the LaGrange, Ga., VORTAC and be renamed LaGrange in the description of J804R and J814R; (2) relocate the SINCA waypoint to overlie the CORNI INT and be renamed CORNI in the description of J812R, J839R, J869R and J877R; and (3) relocate the LANDS waypoint to overlie the MACEY INT and be renamed MACEY in the description of J815R, J863R, J879R and J881R.

The present waypoints are so near intersections and the LaGrange VORTAC that they are almost collocated. Using two names for practically the same location is confusing and burdensome to the segment of the air traffic control system that is computerized.

Under these circumstances the FAA has concluded that there is a need to take action to eliminate the confusion and relieve the burden caused by having two names for the same location. Because this action merely renames waypoints and moves them slightly, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 722) is amended, effective 0901 GMT, August 11, 1977, as follows:

1. In J804R "TAXII 33°02'35" N. 85°12'27" W. Montgomery, Ala." is deleted and "LaGrange, Ga. 33°02'56" N. 85°12'23" W. Montgomery, Ala." is substituted therefor.
2. In J814R "TAXII 33°02'35" N. 85°12'27" W. Montgomery, Ala." is deleted and "LaGrange, Ga. 33°02'56" N. 85°12'23" W. Montgomery, Ala." is substituted therefor.
3. In J812R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.
4. In J839R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.
5. In J869R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.
6. In J877R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.
7. In J815R "LANDS 34°19'21" N. 83°40'-53" W. Spartanburg, S.C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S.C." is substituted therefor.
8. In J863R "LANDS 34°19'21" N. 83°40'-53" W. Spartanburg, S.C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S.C." is substituted therefor.
9. In J879R "LANDS 34°19'21" N. 83°40'53" W. Spartanburg, S. C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S. C." is substituted therefor.
10. In J881R "LANDS 34°19'21" N.83°40'-53" W. Spartanburg, S. C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S. C." is substituted therefor.

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

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

Issued in Washington, D.C., on June 8, 1977.

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

[FR Doc.77-16827 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-10]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a jet route identified as J-93 between the United States/Mexican Border and Julian, Calif. This action provides for the safe and efficient use of the navigable airspace and is in response to a request of Mexico's Director General of the Civil Aeronautics Office.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to (1) delete J-93 from Julian, Calif., direct Hermosillo, Mexico, and (2) align J-93 from Julian, Calif., direct Punta Penasco, Mexico. Concurrently, the Mexican Government will: (1) delete the ALTAR and GOLFO intersections associated with J-93; (2) establish a new ALTAP intersection at the J-23 and new J-93 crossing point and (3) establish a new GOLFO intersection at the J-23 and J-5 crossing point.

This action enhances safety by improving and expediting the movement of IFR traffic south of the United States/Mexican Border. Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Richard Huff, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective August 11, 1977, as follows:

In § 75.100 Jet Route No. 93 "136"" is deleted and "123"" is substituted therefor.

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

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

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17077 Filed 6-15-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM77-11; Order No. 567]

ORDER PRESCRIBING CORRECTIONS, MINOR REVISIONS AND CLARIFICATIONS

AGENCY: Federal Power Commission.

ACTION: Final rule.

SUMMARY: By this order the Commission amends certain sections of its Rules in order to correct and eliminate numerous minor errors, oversights, misprints, and deletions, that have occurred over a period of time in the promulgation of the Commission's regulations.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert E. Hildebrand, Office of Chief Accountant, 202-275-4067.

SUPPLEMENTARY INFORMATION: On February 22, 1977, the Commission issued a notice of proposed rulemaking in Docket No. RM77-11 (42 FR 12072, March 2, 1977). This rulemaking proposed to correct and eliminate numerous errors, oversights, misprints, deletions, etc., that have occurred over a period of time in the promulgation of the Commission's regulations embodied in Title 18 of the Code of Federal Regulations.

Comments were invited from interested parties on or before March 8, 1977. The Commission received no responses to its proposed rulemaking. There were two requests [1] for an extension of time; these were denied by the Commission on March 11, 1977.

The proposed revisions to Part 3 and to certain regulations in Parts 35 and 154 of the Code of Federal Regulations have been deleted from this proceeding. The revisions to Part 3 proposed in this Notice of Proposed Rulemaking, as well as other revisions to Part 3, were included in Commission Order No. 564 issued on March 30, 1977. The proposed revisions to Parts 35 and 154 relative to the deferred income tax effects of research and development expenditures have been included in Order No. 566 which addresses the research, development, and demonstration project question more fully. Other than the deletions noted above, the rulemaking proposals are being adopted as noticed.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above, are consistent and in accordance with procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments of the Commission's Regulations herein prescribed are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

(3) Good cause exists for making the amendments adopted herein, effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 3, 4, 15, 16, 301, 304, 308, and 309 (41 Stat. 1063-1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 854-856, 858-859; 82 Stat. 617; 16 U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, 826i) and of the Natural Gas Act, as amended, particularly Sections 8, 10, and 16 (52 Stat. 825-826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

PART 2—GENERAL POLICY AND INTERPRETATIONS

(A) Part 2, General Policy and Interpretations, of Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) In § 2.9, *Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms*, paragraph (b) is amended by deleting "825 No. Capitol St., NE.," from the last sentence. As amended, this portion of § 2.9 reads:

§ 2.9 Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms.

* * * * *

(b) * * * Forms currently in use, including those which have not yet appeared in the FPC reports, may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

* * * * *

(2) In § 2.12, *Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970*, the last sentence of the text is amended by revising the title of Account No. 282, "Accumulated Deferred Income Taxes—Liberalized Depreciation." As amended, this portion of § 2.12 reads:

§ 2.12 Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970.

* * * As to balances in Account 282 of the Uniform System of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from rate base in rate proceedings.

(3) In § 2.13, *Design and construction*, the last sentence of paragraph (b) is amended by deleting "441 G Street NW." As amended, this portion of § 2.13 reads:

§ 2.13 Design and construction.

* * * * *

(b) * * * The guidelines may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

* * * * *

(4) In § 2.60, *Facilities and activities during emergency—accounting treatment of defense-related expenditures*, paragraph (c) is amended by deleting "205" referenced parenthetically. As amended, paragraph (c) reads:

§ 2.60 Facilities and activities during an emergency—accounting treatment of defense-related expenditures.

* * * * *

(c) When a person, not otherwise subject to the jurisdiction of the Commission, files an application for a certificate of public convenience and necessity authorizing the construction of facilities to be used solely for operation in a national emergency for the delivery of gas to, or receipt of gas from, a person subject to the Commission's jurisdiction, the Commission will consider a request by such applicant for waiver of the requirement to keep and maintain its accounts in accordance with the Uniform System of Accounts for Natural Gas Companies (Parts 201 and 204 of this chapter) or to file the annual reports to the Commission required by §§ 260.1 and 260.2 of this chapter.

(5) In § 2.67, *Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970*, the last sentence of text is amended by revising the title of Account No. 282, "Accumulated Deferred Income Taxes—Liberalized Depreciation." As amended, this portion of § 2.67 reads:

§ 2.67 Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970.

* * * As to balances in Account No. 282 of the Uniform System of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from the rate base of natural gas pipeline companies in rate proceedings.

(6) In § 2.67a, *Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971*, paragraphs (a)(1)(i), (a)(1)(ii) and (2) are amended by revising the numerical reference, "Account 411.3" to read, "Account Nos. 411.4 and/or 411.5." In addition, delete the parenthesized sentence at the end of paragraph (a)(1)(i). As amended, these portions of § 2.67 read:

§ 2.67a Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971.

(a) * * *

(1) (i) When the "General Rule" is applicable to a utility, other than a natural gas pipeline company, the amount of the investment credit allowed shall be debited to Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and credited to Account 255, Accumulated Deferred Investment Tax Credits. The amount in Account 255 shall be amortized to Account 420, Investment Tax Credits, ratably over the book service life of the related property.

(ii) Since the Commission has determined that there is a natural domestic supply of gas insufficient at this time to meet the present and future requirements, natural gas pipeline companies, at their option, may account for the invest-

[1] Carolina Power & Light Company and Salt River Project.

ment credit by either debiting Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and crediting Account 420, or by debiting Accounts 411.4 and/or 411.5, and crediting Account 255 with amortization from Account 255 to Account 420 over a period of time as selected by the Company.

(2) Under the "Special Rule for Ratable Flow-Through," the utility shall, when this option applies, debit Accounts 411.4 and/or 411.5 and credit Account 255. The amounts in Account 255 shall be amortized to Accounts 411.4 and/or 411.5 over the book service life of the related property.

* * * * *

PART 33—APPLICATION FOR SALE, LEASE OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

(B) Part 33—Application for sale, lease or other disposition, merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, of Subchapter B—Regulations under the Federal power act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (1) of § 33.2 is amended by revising "(in conformity with § 131.41 of this chapter)" to read "(in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees)" to read as follows:

§ 33.2 Contents of application; filing fee.

* * * * *

(1) A Statement (in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees) * * *

* * * * *

(2) Revise Exhibits G, I and J of § 33.3 by:

(a) Revising the entire paragraph.

(b) Revising the entire paragraph.

(c) Exhibit J, changing the word "surplus" to read "Retained Earnings."

As amended and revised, these sections read:

§ 33.3 Required exhibits.

* * * * *

Exhibit G. Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prtscribed for Statement A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * *

Exhibit I. Income statement for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1 prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * *

Exhibit J. An analysis of retained earnings * * *

* * * * *

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

(C) Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities, of Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Revise Exhibits H, L and M of § 34.3 by:

(a) *Exhibit H*, revising the entire paragraph.

(b) *Exhibit L*, revising the entire paragraph.

(c) *Exhibit M*, changing the word "surplus" to read "Retained Earnings."

As amended, these sections read:

§ 34.3 Required exhibits.

* * * * *

Exhibit H. Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statements A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * *

Exhibit L. Income statement for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * *

Exhibit M. An analysis of retained earnings * * *.

* * * * *

PART 35—FILING OF RATE SCHEDULES

(D) Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (b)(4)(iii) of § 35.13 is amended by revising title of Statement C—"Earned Surplus Statement" to read "Statement C—Retained Earnings Statement" and the first sentence by revising the words, "Earned surplus" to read "Retained earnings".

As amended, this section reads:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

(iii) * * *

Statement C—Retained earnings statement. Retained earnings statement * * *

* * * * *

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(E) Part 101—Uniform System of Accounts Prescribed for class A and class B Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Revise the title to Part 101 to read as set forth above.

(2) In the preface section of Part 101, under the clarification "Applicability of system of accounts," delete the last two sentences of the second paragraph, which make reference to §§ 102.01–1 and 104.1 and amend the first sentence of the fourth paragraph, by revising the reference to § 103.01–1" to read "§ 103."

As amended, these portions read:

* * * * *

Applicability of system of accounts.

* * *

* * * * *

This system of accounts is applicable to public utilities, as defined in this part, and to licensees engaged in the generation and sale of electric energy for ultimate distribution to the public.

* * * * *

In accordance with the requirements of section 3 of the act (49 Stat. 839; 16 U.S.C. 796(13)), the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission", is published and promulgated as a part of the accounting rules and regulations of the Commission, and a copy thereof appears as § 103 of this chapter. * * *

* * * * *

(3) In the preface section of Part 101, delete the entire portion entitled "Comparison of the uniform system of accounts Prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961."

(4) In the title of Part 101 which immediately precedes the Definition section, amend the title to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(5) In the Definitions sections, amend definition number 5.A, "Associated Companies," by adding "(Affiliated)" to the title.

As amended, number 5.A reads:

Definitions

* * * * *

5.A. "Associated (affiliated) companies" * * *

* * * * *

(6) In the General Instructions section paragraph B of General Instruction 1, "Classification of Utilities" is amended by revising the second sentence. As amended paragraph B reads:

General Instructions

1. *Classification of Utilities.*

* * * * *

B. This system of accounts applies to Class A and Class B utilities. The system of accounts, applicable to Class C and Class D utilities is issued separately.

* * * * *

(7) In the Electric Plant Instructions section:

(a) Instruction 7, "Land and Land Rights", paragraph "H" is amended by revising the title of Account No. 111, "Accumulated Provision for Amortization of Electric Plant in Service," referenced parenthetically.

(b) Instruction 10, "Additions and Retirements of Electric Plant", paragraph (C)(3), is amended by changing the word "appropirate" to read "appropriate" and the words "he" and "teh" to read "the."

As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * *

7. *Land and Land Rights.*

* * * * *

H. * * * (See account 111, Accumulated Provision for Amorization of Electric Utility Plant, and account 404, Amortization of Limited-Term Electric Plant.)

* * * * *

10. *Additions and Retirements of Electric Plant.*

* * * * *

C. * * * account appropriate for the item; except that if the replacement * * * charged to the appropriate electric plant account.

* * * * *

(8) The title of the chart of accounts for the "Balance Sheet Accounts," is amended and the titles of "Account 203, Preferred Stock Liability for Conversion" and "Account 210, Gain or Resale on Cancellation of Reacquired Capital Stock" are amended to read "Account 203, Common Stock Liability for Conversion" and "Account 210, Gain on Resale or Cancellation of Reacquired Capital Stock," as amended, this reads:

Balance Sheet Chart of Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

Sec
203 Common stock liability for conversion.
210 Gain on resale or cancellation of reacquired capital stock.

* * * * *

(9) In the text of the Balance Sheet accounts:

(a) The first sentence of Account 120.5, "Accumulated Provision for Amortization of Nuclear Fuel Assemblies," is amended by adding the word "Expense" to the title of "Account 518, Nuclear Fuels."

(b) The title of "Account 157, Nuclear Materials held for sale" is amended to read "Account 157, Nuclear materials held for sale."

As amended, this portion of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

120.5 Accumulated provision for amortization of nuclear fuel assemblies.

A. This account shall be credited and account 518, Nuclear fuel expense, * * *

* * * * *

157 Nuclear materials held for sale.

* * * * *

(10) The title of the chart of accounts for the "Electric Plant Accounts," is amended to read as follows:

Electric Plant Chart of Accounts

(11) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(12) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(13) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(14) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 104—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS C AND CLASS D)

(F) Part 104—Uniform System of Accounts for Public Utilities and Licensees (Class C and Class D), of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title to Part 104 is amended to read as set forth above.

(2) In the preface section delete the entire portion entitled "Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1938, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 104 which immediately precedes the Definitions section, the title is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT CLASS C AND CLASS D)

(4) In the Electric Plant Instructions section:

(a) Electric Plant Instruction 9, "Additions and Retirements of Electric Plant," paragraph F, is amended by revising the title of Account 110, "Accumulated Provision for Depreciation and Amortization of Electric Plant," to read "Accumulated Provision for Depreciation and Amortization of Electric Utility Plant,"

As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * *

F. The book cost less net salvage of electric plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.

* * * * *

(5) The title of the chart of accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(6) The title of the chart of accounts for the "Electric Plant Accounts," is amended to read as follows:

Electric Plant Chart of Accounts

(7) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(8) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(9) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(10) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended and the title of section 6, "Administration and General Expenses," of the chart of accounts, is amended. As amended, this section reads:

Operation and Maintenance Expense Chart of Accounts

* * * * *

6. Administrative and General Expenses.

* * * * *

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

(G) Part 125—Preservation of Records of Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) § 125.2, "General instructions," paragraph (g)(iii) is amended by revis-

ing subparagraph (iii). "Be stored in such a manner as to certification, when damaged," to read "Be regenerated, including proper certification, when damaged."

As amended, subparagraph (iii) reads:

§ 125.2 General instructions.

* * * * *

(g) Media. * * *

(iii) Be regenerated, including proper certification, when damaged. * * *

* * * * *

PART 131—FORMS

(H) Part 131—Forms, of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

§ 131.40 [Deleted]

§ 131.41 [Deleted]

§ 131.42 [Deleted]

Delete entire § 131.40, Balance sheet, § 131.41, Classification of utility plant and reserves applicable to utility plant, and § 131.42, Comparative income statement.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(I) Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (d) of § 141.1 is amended by:

(a) Relocating "Nuclear Fuel Materials" schedule following Attestation to a location immediately following the schedule "Statement of Changes in Financial Position—Statement E."

(b) Immediately following "Miscellaneous Deferred Debits," deleting the schedule "Deferred Regulatory Commission Expenses."

(c) Revising the title of schedule "Rents Charged," to read "Lease Rentals Charged."

As amended, these portions of paragraph (d) read:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) This annual report contains the following schedules:

* * * * *

Statement of Changes in Financial Position—Statement E.
Nuclear Fuel Materials.

* * * * *

Lease Rentals Charged.

* * * * *

PART 154—RATE SCHEDULES AND TARIFFS

(J) Part 154—Rate Schedules and Tariffs, of Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Under § 154.38(d)(4) the first sentence of Footnote No. 1 is amended.

(2) Section 154.38 is amended by deleting paragraphs (c) and (*l*) following paragraph (d)(4)(iv)(*b*).

As amended and revised, those sections read:

§ 154.38 Composite of rate schedule.

* * * * *

(d) * * *

(4) * * * its cost of purchased gas.[1] * * *

* * * * *

(3) Section 154.63(f) is amended by amending Statement H(2) as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

(f) *Description of statements.* * * *

Statement H(2)—* * * The amounts of depreciable plant shall be shown by the functions specified in Paragraph C of Account 108, Accumulated Provision for Depreciation of Gas Utility Plant of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each detailed plant account (300 Series) together with the rates used in computing such expenses. * * *

* * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)

(K) Part 201—Uniform System of Accounts for Natural Gas Companies, of Subchapter F Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title of Part 201 is amended to read as set forth above.

(2) In the preface section delete the entire portion entitled "Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 201 which immediately precedes the Definitions section, the title is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)

(4) In the General Instructions section:

(a) General Instruction 1, paragraph B "Classification of Utilities," is amended by revising the second sentence.

(b) General Instruction 16, "Significance of Commission Opinion Nos. 568 and 568A on accounting," is amended by changing "Gas Plant in Service" to "Gas Utility Plant" in paragraph B. As amended, this portion reads:

General Instructions

1. *Classification of Utilities.*

* * * * *

B. This system of accounts applies to Class A and Class B utilities. The system of accounts applicable to Class C and Class D utilities is issued separately.

* * * * *

16. *Significance of Commission Opinion Nos. 568 and 568A on accounting.*

B. * * * among others:

108 Accumulated Provision for Depreciation of Gas Utility Plant.

* * * * *

(5) In the Gas Plant Instructions section:

(a) Gas Plant Instruction No. 3, "Components of construction cost," first sentence of note to subparagraph (17) is amended by revising "Electric Plant in Service" to read "Gas Utility Plant."

As amended, this portion of the Gas Plant Instructions reads:

Gas Plant Instructions

* * * * *

3. *Components of construction cost.*

* * * * *

(17) * * *

NOTE: * * * as "Gas Utility Plant" and * * *

* * * * *

(6) The title of the Chart of Accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(7) In the text of Balance Sheet Accounts:

(a) The text of Account 103, "Experimental Gas Plant Unclassified," last sentence of paragraph B is amended by deleting the word "an".

(b) The text of Account 105, "Gas Plant Held for Future Use," paragraphs A and B and Note B is amended by revising the date "on or before October 6, 1969" to read "on or before October 7, 1969."

(c) The text of Account 105.1, "Production Properties Held for Future Use," paragraph A and B, is amended by revising the date "on or after October 7, 1939." to read "on or after October 8, 1969."

(d) The text of Account 106, "Completed Construction Not Classified—Gas" is amended by revising the word "has" to read "have".

(e) Note A to text of Account 107, "Construction Work in Progress—Gas," is amended by revising "instruction 16." to read "instruction 15."

(f) Item (5) in the second sentence in paragraph C of Account 111, "Accumulated Provision for Amortization and Depletion of Gas Utility Plant," is amended by revising the word "local" to read "other."

[1] For the purposes of this subsection, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases, transmission line purchases, and from pipeline production that qualifies for and is being afforded area or nationwide rate treatment. * * *

[1] The provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

(g) Paragraph A of Account 186, "Miscellaneous Deferred Debits," is amended by revising "instruction 16A," to read "instruction 15A."

(h) First sentence of paragraph B of Account 255, "Accumulated Deferred Investment Tax Credits" is amended by revising "electric utility property" to read "gas utility plant,"

As amended, this portion of the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

103 Experimental gas plant unclassified.

* * * * *

B. Prior to transfer to account 101 * * *

* * * * *

105 Gas plant held for future use.

A. * * * on or before October 7, 1969.

* * * * *

B. * * * on or before October 7, 1969, * * *

* * * * *

NOTE B: * * * on or before October 7, 1969.

* * * * *

105.1 Production properties held for future use.

A. * * * on or after October 8, 1969, * * *

* * * * *

B. * * * on or after October 8, 1969, * * *

* * * * *

106 Completed construction not classified—Gas.

At the end of the year or such other date as a balance sheet may be required by the Commission, this account shall include the total of the balances of work orders for gas plant which have been completed and placed in service but which work orders have not been classified for transfer to the detailed gas plant accounts.

* * * * *

107 Construction work in progress—Gas.

* * * * *

NOTE A: This account shall include certificate application fees paid to the Federal Power Commission as provided for in gas plant instruction 15.

* * * * *

111 Accumulated provision for amortization and depletion of gas utility plant.

* * * * *

C. * * * (5) other storage, * * *

* * * * *

186 Miscellaneous deferred debits.

A. * * * instruction 15A, * * *

* * * * *

255 Accumulated deferred investment tax credits.

* * * * *

B. * * * of gas utility plant * * *

* * * * *

(8) Amend the title of the chart of accounts for the "Gas Plant Accounts," to read as follows:

Gas Plant Chart of Accounts

(9) The text of the next to the last sentence of the special instructions applicable to "B.1 Natural Gas Production and Gathering Plant" accounts is amended by changing Account 403, Depreciation and Depletion Expense to read Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. As amended, this instruction reads:

Gas Plant Chart of Accounts

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural gas production and gathering plant.

Special Instruction—Costs Related to Leases Acquired After October 7, 1969. * * * by debiting Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. * * *

* * * * *

380 [Amended]

(10) Delete the Note following item 12 of Account 380, "Services."

(11) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(12) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(13) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(14) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 204—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)

(L) Part 204—Uniform System of Accounts for Natural Gas Companies (class C and class D), of Subchapter F, Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title of Part 204 is amended and the preface section is amended by deleting the entire portion entitled "Comparison of the uniform system of accounts prescribed for natural gas companies, effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961." As amended, the title reads as set forth above.

(2) In the title of Part 204 which immediately precedes the Definition section, the parenthetical reference, "(Class C)," is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)

(3) Paragraph H of Gas Plant Instruction 6, "Land and Land Rights," is amended.

(4) The title of Gas Plant Instruction 9, "Additions and Requirements of Gas Plant," is amended and paragraph F by revising the title of Account 110, "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant," is amended to read "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant."

As amended, the General Plant Instruction reads:

Gas Plant Instructions

* * * * *

6. *Land and Land Rights.*

* * * * *

H. * * * (See account 403, Depreciation and Depletion Expense, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant, * * *

* * * * *

9. *Additions and Retirements of Gas Plant.*

* * * * *

F. The book cost less net salvage of gas plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant. Any amounts which, by approval or order of Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation, Depletion Amortization of Gas Utility Plant.

* * * * *

(5) The title of the chart of accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(6) The title of the chart of accounts for the "Gas Plant Accounts," is amended to read as follows:

Gas Plant Chart of Accounts

(7) Delete Note to Account 380, "Services."

(8) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(9) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(10) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(11) The title of the chart of accounts for the "Operation and Maintenance

Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(M) Part 260—Statements and Reports (Schedules), of Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (c) of § 260.1 is amended by:

(a) Revising the title of schedule "Statement of Earned Surplus for the Year—Statement D" to read "Statement of Retained Earnings for the Year—Statement D."

(b) Revising title of schedule "Gas Stored Underground" to read "Gas Stored."

(c) Revising title of schedule "Prepaid Gas Purchases Under Purchase Agreements" to read "Gas Prepayments Under Purchase Agreements," and relocating schedule to immediately follow "Extraordinary Property Losses."

(d) Relocating "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167)." to immediately follow "Gas Prepayments Under Purchase Agreements."

(e) Deleting schedule "Deferred Regulatory Commission Expenses."

(f) Revising title of schedule. "Accrued and Prepaid Taxes," to read "Taxes Accrued, Prepaid and Charged During Year."

(g) Adding schedule titled "Gain or Loss on Disposition of Property," immediately following "Accumulated Deferred Investment Tax Credits."

(h) Adding schedule titled "Extraordinary Items," immediately following "Expenditures for Certain Civic, Political and Related Activities."

(i) Deleting schedule titled "Taxes Charged During Year."

(j) Adding schedule inadvertently left out, titled "Production Property Held for Future Use," immediately following "Gas Plant Held for Future Use."

(k) Revising title of schedule "Main Line Industrial Sales of Natural Gas," to read "Field and Main Line Industrial Sales of Natural Gas."

(l) Revising title of schedule "Underground Gas Storage," to read "Gas Storage."

As amended, this portion reads:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Notes to Statement of Income—Statement C (Continued).
Statements of Retained Earnings for the Year—Statement D.

* * * * *

Materials and Supplies.
Gas Stored.

* * * * *

Extraordinary Property Losses.
Gas Prepayments Under Purchase Agreements.
Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167).

* * * * *

Payables to Associated Companies.
Taxes Accrued, Prepaid and Charged During Year.

* * * * *

Accumulated Deferred Investment Tax Credits.
Gain or Loss on Disposition of Property.

* * * * *

Expenditures for Certain Civic, Political and Related Activities.
Extraordinary Items.

* * * * *

Gas Plant Held for Future Use.
Production Property Held for Future Use.

* * * * *

Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers.
Field and Main Line Industrial Sales of Natural Gas.

* * * * *

Field and Storage Lines.
Gas Storage.

* * * * *

(2) § 260.2, paragraph (c) is amended by adding schedules, "Investment Tax Credits—Generated and Utilized" and "Accumulated Deferred Investment Tax Credits,"

As amended, this portion reads:

§ 260.2 Form No. 2–A; Annual report for natural gas companies (Class C and Class D).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

General Information Concerning Plant and Operations.
Investment Tax Credits—Generated and Utilized.
Accumulated Deferred Investment Tax Credits.

* * * * *

(N) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17263 Filed 6-15-77;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974 SPECIFIC EXEMPTIONS

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: The Secretary is amending HUD's Privacy Act Regulations to give the public notice of recently adopted specific exemptions exercised by the Department. The Secretary is also making a minor editorial change that substitutes the term "Privacy Act Officer" for "Privacy Officer" wherever it appears in Part 16. This change conforms to the wording of the Act.

DATES: Effective: June 17, 1977. Comments due no later than July 18, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer; telephone 202–755–5192.

SUPPLEMENTARY INFORMATION: This amendment exempts records contained in HUD systems of records identified in this rule so that the person who is a subject of the records may be denied: (1) Access to the records; (2) the opportunity to correct or amend the records; and (3) an accounting of non-HUD sources which have received the records. These exemptions have been previously adopted as part of the Notice of Systems of records and are hereby being incorporated into the Department's Code of Federal Regulations to provide greater visibility to the public.

The specific exemptions provided for by 5 U.S.C. 552a(k) were published on August 28, 1975, at 40 FR 39738 and adopted on October 8, 1975, at 40 FR 47435, effective September 27, 1975, for the following systems of records: (1) Investigation Files in the Office of the Inspector General (HUD/DEPT-24); (2) Legal Action Files (HUD/DEPT-25); and (3) Interstate Land Sales Registration Investigation (HUD/OILSR-2). The Secretary adopted on April 26, 1977, at 42 FR 21323 a specific exemption under 5 U.S.C. 5§2a(k)(2) in an amendment to the system entitled Equal Opportunity Housing Complaints (HUD/DEPT-15). This amendment incorporates the previously adopted specific exemptions in the Department's Privacy Act Regulations at Section 16.15.

The Secretary has determined that comment and public procedure prior to adoption of this Amendment is impracticable and good cause exists for making this amendment effective June 17, 1977, since a delay in adoption of this rule could result in disclosures which might seriously interfere with the Department's ability to perform its functions. Interested persons are invited to submit written comments on or before July 18, 1977.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during

regular business hours at the address set forth above.

It is hereby certified that the economic and inflationary impacts of this interim rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 16 of Subpart A of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 16.15 is amended to read:

§ 16.15 Specific exemptions.

Whenever the Secretary of Housing and Urban Development determines it to be necessary and proper, with respect to any system of records maintained by the Department, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a(k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(a) Exempt under 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). This exemption allows the Department to withhold records compiled for law enforcement purposes. The reasons for adopting this exemption are to prevent individuals, who are the subjects of investigation, from frustrating the investigatory process, to ensure the integrity of the investigatory process, to ensure the integrity of law enforcement activities, to prevent disclosure of investigative techniques, and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT-15. Equal Opportunity Housing Complaints.
(2) HUD/DEPT-24. Investigation Files in the Office of the Inspector General.
(3) HUD/DEPT-25. Legal Action Files.
(4) HUD/OILSR-2. Interstate Land Sales Registration Investigation.

(b) Exempt under 5 U.S.C. 552(k)(5) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). This exemption allows the Department to withhold records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified material. The reasons for adopting this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualification for employment and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT-24. Investigation Files in the Office of the Inspector General.
(2) HUD/DEPT-25. Legal Action Files.
(3) HUD/OILSR-2. Interstate Land Sales Registration Investigation.

2. The term "Privacy Officer" is changed to read "Privacy Act Officer" wherever that term appears in Sections 16.2, 16.3, 16.4, 16.5, 16.6, 16.8, 16.9, 16.10, 16.11, 16.12, and Appendix A.

(5 U.S.C. 552a; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., June 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-17262 Filed 6-15-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-020]

PART 110—ANCHORAGE REGULATIONS

Administrative Change; Captain of the Port, Southeast Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments to the anchorage regulations rename the Captain of the Port, Ketchikan, Alaska, as Captain of the Port, Southeast Alaska. These amendments bring this section of the Code of Federal Regulations into agreement with a previous administrative change.

EFFECTIVE DATE: These amendments are effective on June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council, (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the Notice of Proposed Rulemaking requirements in 5 U.S.C. 553(b)(3)(A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant William Kerivan, Project Attorney, Office of Chief Counsel.

DISCUSSION OF REGULATION

The Captain of the Port, Ketchikan, Alaska, was previously renamed as the Captain of the Port, Southeast Alaska. To reflect that change the Coast Guard is taking this action in updating the anchorage regulations.

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

§ 110.232 [Amended]

1. In § 110.232(b)(2), by striking the words "Captain of the Port, Ketchikan, Alaska", and inserting the words "Captain of the Port, Southeast Alaska" in place thereof.

2. In § 110.232(b)(4), by striking the words "Captain of the Port, Ketchikan, Alaska", and inserting the words "Captain of the Port, Southeast Alaska", in place thereof.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c).)

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77-17218 Filed 6-15-77;8:45 am]

[CGD 76-41]

PART 110—ANCHORAGE REGULATIONS

Disestablishment of Anchorage H-2 (Explosives), Hampton Roads, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Navy has advised the Coast Guard that Explosives Anchorage H-2 located in Hampton Roads, Virginia has not been used for the past four years and has recommended that the anchorage be disestablished. The Coast Guard concurs with this recommendation and this amendment disestablishes this anchorage.

EFFECTIVE DATE: This amendment is effective on June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: This Explosives Anchorage was established at the request of the U.S. Navy to service Naval vessels. Since U.S. Naval vessels were the only vessels authorized to use this anchorage, the Coast Guard has determined that it is unnecessary to go through the rulemaking requirements under 5 U.S.C. 553, and it may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

§ 110.168 [Amended]

In consideration of the foregoing, Title 33 of the Code of Federal Regulations is amended by revoking § 110.168(a)(6-a).

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471) Sec. 6(g)(1)(a), 80 Stat. 937 (49 U.S.C. 1655 (g)(1)(a); 49 CFR 1.46(c)(1)).)

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77-17219 Filed 6-15-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 77-4]

PART 7-30—CONTRACT FINANCING

Procurement Regulations; Miscellaneous Amendments

Correction

In FR Doc. 77-2314 appearing at page 4841 in the issue for Wednesday, January 26, 1977, in Appendix G, on page 4844, in the first column, in paragraph "(4) Procedures," the sixth line should read: "tive, reviews the contract records to identify".

Title 46—Shipping

CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-045]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Great Lakes Pilotage Regulations increases pilotage rates by 15 percent in Districts 1 and 3, and by 19 percent in the Welland Canal. This amendment is necessary in order to increase U.S. pilot compensation which presently does not meet U.S. target pilot compensation levels. It also has the effect of increasing the amount a vessel pays for the services of U.S. registered pilots.

EFFECTIVE DATE: This amendment is effective on June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: On April 18, 1977, the Coast Guard published a proposed rule in the FEDERAL REGISTER (42 FR 20162) concerning this amendment. Interested persons were given until May 18, 1977, to submit comments. Five comments were received.

This rule is effective in less than 30 days from publication in order to have the effective date of this rule coincide with the effective date of the Canadian rule thus allowing both countries to maintain identical rates for the same pilotage services provided by U.S. and Canadian pilots.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: John J. Hartke, III, Project Manager, Office of Merchant Marine Safety, and Stephen D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

Four comments stated that the proposed rate increase was not sufficient to make pilot compensation comparable to the pilot's licensed counterparts on the Great Lakes. The District 2 Pilot Association commented that the rates in the area serviced by the U.S. District 2 pilots should be increased across the board.

In the development of the proposed rate increase a number of factors were taken into consideration, including: projecting the volume of ocean vessel traffic, determination of the number of pilots required to service the expected traffic based on existing pilot workload standards (1,000 hours per pilot per season in designated waters and 2,000 hours per pilot per season in undesignated waters), anticipated operating costs of the pilot associations, and the determination of target pilot compensation. Because the area of compensation is by its nature somewhat imprecise, we first obtained data from the U.S. Maritime Administration regarding current compensation levels for Masters and Chief Mates on U.S. Great Lakes vessels. We then conducted further research to ensure reasonable figures. We are satisfied that the figures used for target pilot compensation are fair.

Using the same rate development methodology as in prior years and applying that methodology consistently in all 3 districts throughout the system, the rate increase as proposed should produce pilot compensation comparability with the pilots' licensed counterparts on U.S. Great Lakes vessels and should enable the U.S. pilotage system to be self-supporting.

The Welland Canal is situated entirely within Canada and U.S. pilots are presently not providing services there. Canada is withdrawing the proposed dock/undock charge and accordingly, we are not adopting the dock/undock charge in the Welland Canal and we are deleting (iii) in § 401.405(b)(1).

The comments received have been considered, and the proposed rate changes in Part 401 of Title 46 of the Code of Federal Regulations, with the exception of the one change as indicated, are hereby adopted without change and are set forth below.

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

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under §401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, $5 for each statute mile, plus $68 for each lock transited, but with a minimum basic rate of $151 and a maximum basic rate for a through trip of $664.

(2) For a movage in any harbor, $227.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $19 for each statute mile, plus $70 for each lock transited but with a minimum basic rate of $235 and a maximum basic rate for a through trip of $866. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7, $433.

(ii) Between Lock 7 and southerly limits, $433.

(2) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $335.

(3) Between points on Lake Erie west of Southeast Shoal, $198.

(4) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $584.

(5) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $335.

(6) Southeast Shoal to Detroit Pilot Boat, $243.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $676.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $435.

(9) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $335.

(10) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $198.

(11) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $440.

(12) Detroit Pilot Boat to any point on the St. Clair River, $440.

(13) Detroit Pilot Boat to Port Huron Change Point, $341.

(14) Between points on the St. Clair River, $198.

(15) Port Huron Change Point to any point on the St. Clair River, $243.

(c) District 3:

(1) Between the southernly limit of the District and the northerly limit of the District or the Algoma Steel Corpo-

ration Wharf at Sault Ste. Marie, Ontario, $604.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $506.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $227.

(4) For a movage in any harbor, $227.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario, $121.

In Lake Erie, $158.

In Lakes Huron, Michigan and Superior, $121.

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $115 for each time the U.S. pilot performs the docking or undocking of the ship.

* * * * *

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour during which each interruption lasts with a mximum basic rate of $302.00 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $302 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $114.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour, with a maximum basic rate of $302 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of $115 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a)).)

[FR Doc.77-17220 Filed 6-15-77;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 77-02; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the European Tyre and Rim Technical Organisation to permit the production of tires with the specified designations.

EFFECTIVE DATE: July 11, 1977, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John Diehl, Office of Crash Avoidance, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifiying procedures by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

The principal authors of this document are John Diehl, Office of Crash Avoidance, and Roger Tilton, Office of Chief Counsel.

Accordingly, Appendix A of 49 CFR § 571.109 is amended subject to the 30 day provision indicated above, as specified below.

§ 571.109 [Amended]

Amendment requested by European Tyre and Rim Technical Organisation:

In Table I-MM of Appendix A, the following new tire size designation and corresponding values are added.

TABLE I-MM—*Tire load ratings, test rims, minimum size factors, and section widths for "65" series radial ply tires*

Tire size [1] designation	Maximum tire loads (pounds), at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
185/65 R14	750	800	845	890	935	980	1,020	1,060	1,100	1,140	1,175	1,210	1,245	5	30.19	7.24

[1] The letters "H," "S" or "V" may be included in any specified tire size designation adjacent to the letter "R."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 3, 1977.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.77-16926 Filed 6-15-77;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of the Red Rock Lakes National Wildlife Refuge, Montana to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of the Red Rock Lakes 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: Hunting season from September 15, 1977 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Montana 59739; phone 406-276-3347 or Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101; phone 406-234-4608.

SUPPLEMENTARY INFORMATION:

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

Migratory game bird hunting is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, only on areas designated by signs as being open to migratory game bird hunting. This area comprises approximately 10,000 acres.

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

Big game hunting is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, only on the areas designated by signs as being open to big game hunting. These areas comprise approximately 20,000 acres.

Hunting areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. Hunting shall be in accordance with all applicable State regulations.

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

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

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge.

JUNE 6, 1977.

[FR Doc.77-17251 Filed 6-15-77;8:45 am]

PART 33—SPORT FISHING

Opening of Browns Park National Wildlife Refuge, Colorado, to Sport Fishing

AGENCY: Fish and Wildlife Service (FWS), Interior.

ACTION: Special regulation.

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

DATES: January 1 through February 28, 1977, inclusive, and June 16 through December 31, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Browns Park National Wildlife Refuge, Greystone Route, Maybell, Colorado 81640, telephone: 303-365-3695.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Browns Park National Wildlife Refuge, Colorado, only on the areas designated by signs as being open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the refuge office and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations.

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

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

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colorado.

JUNE 7, 1977.

[FR Doc.77-17272 Filed 6-15-77;8:45 am]

PART 33—SPORT FISHING

Opening of Ouray National Wildlife Refuge, Utah, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: January 1 through December 31, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801-789-0351.

SUPPLEMENTARY INFORMATION:

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

Sport fishing on the Ouray National Wildlife Refuge, Utah, is permitted in the Green River only. The Green River comprises 360 acres within the refuge. Information may be obtained from the refuge office and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations.

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

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

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JUNE 7, 1977.

[FR Doc.77-17273 Filed 6-15-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

AGENCY: National Marine Fisheries Service, (NOAA), Commerce.

ACTION: Amendment of regulations.

SUMMARY: Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1971-1977), authorizes, among other things, the Secretary of Commerce to establish by regulation fees which shall be paid by the owners of vessels entering into Guarantee Agreements under Section 7 of the Act. These fees established annually are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of Section 7 of the Act. This amendment establishes fees for the period from July 1 to September 30, 1977.

EFFECTIVE DATE: June 16, 1977.

ADDRESS: Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: Section 7 of the Act guarantees to the owners of vessels entering into Guarantee Agreements payment of certain costs and losses resulting from (1) the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States or (2) if recognized by the United States, (a) are unrelated to fishery conservation and management, (b) fail to consider traditional fishing practices of U.S. vessels, (c) are more onerous than those which the United States applies to foreign fishing vessels in U.S. fishery conservation zone, (d) fail to allow U.S. fishing vessels equitable access to such country's fishery conservation zone.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience. The purpose of the following amendment to § 258.5 of Fishermen's Protective Act Procedures is to establish fees for the period beginning July 1, 1977, and terminating on September 30, 1977. This amendment is needed to meet the requirements of Section 7 of the Act (22 U.S.C. 1971-1977), which will terminate on September 30, 1977, unless extended by legislation.

Due to the reserve in the fund, the percentage of past claims paid by the industry, and the fact that the tuna fleet (the principal users of the fund) did not fish for approximately three months of the last agreement year, provisions are made that if no seizures occur during this agreement period the fees will be refunded if the Fishermen's Protective Act is not extended or will be applied against fees for the following year ending September 30, 1978 if it is extended.

All parties holding Guarantee Agreements for the present agreement year (July 1, 1976, through June 30, 1977), who wish them extended through September 30, 1977, by amendment to such Agreement, rather than entering into an entirely new Agreement, must submit their fees in accordance with § 258.5(b) of the following amendment. Failure to do so will result in termination of those Agreements.

This amendment relates to matters which are exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553). In addition the amendment makes no substantive change in the program's conduct.

Section 258.5 of Fishermen's Protective Act procedures (50 CFR Part 258) is hereby amended by revising § 258.5 as follows:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and a minimum of at least 25 percent of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. In order to meet the requirements of the Act, the fees may be adjusted from time-to-time by amendment to this part at any time, after appropriate notice, to become consistent with claims greater or lesser than estimated or in the event the Fishermen's Guarantee Fund is reimbursed under Section 5 of the Act.

(b)(1) Fees to be paid by applicants for, or holders of, Guarantee Agreements executed (by amendment or otherwise) for the period terminating September 30, 1977, shall be as follows: for vessels 500 gross tons or under, $60 plus $0.45 per gross ton; for vessels over 500 gross tons, $60 plus $0.625 per gross ton. All tonnage shall be as listed on each vessel's document. Fractions of a ton shall not be included.

(2) Athough fees are due on July 1, 1977, all parties holding Guarantee Agreements (by amendment or otherwise) for the period terminating June 30, 1977, shall have until August 1, 1977 (midnight local time), to pay the fees established herein. Failure to do so will result in the necessity of entering into another Guarantee Agreement which will be effective only from the date actually executed.

(c) No return of a fee or portion of a fee will be made after a Guarantee Agreement is executed by the Secretary except:

(1) That if no claims are filed as a result of seizures occurring between July 1, 1977, and September 30, 1977, and the Act is not extended, fees paid under Section (b)(1) above will be refunded;

(2) That if no claims are filed as a result of seizures occurring between July 1, 1977, and September 30, 1977, and the Act is extended, fees paid under paragraph (b)(1) of this section will be applied against the fee for extension of Agreements through September 30, 1978.

Failure to submit fees in accordance with paragraph (c) of this section or failure to pay any increased fees within 30 days of adjustment shall constitute a basis for termination of the Guarantee Agreement.

(d) A Guarantee Agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

By order of the Director, National Marine Fisheries Service.

Dated: June 13, 1977.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77-17279 Filed 6-15-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21022; RM-2722]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Mechanicsville, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken assigning a first Class A FM channel to Mechanicsville, Virginia. Petitioner, Crusade for Christ, Inc., states it intends to serve the needs of Mechanicsville through emphasis in its programing and accessibility of its facility to local residents. The assignment of this channel will provide for a first local aural broadcast service and will serve a need and demand for a first local outlet in the community.

EFFECTIVE DATE: July 22, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 7, 1977.

Released: June 10, 1977.

By the Chief, Broadcast Bureau.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted December 16, 1976, 41 FR 56677, in the above-captioned proceeding instituted in response to a petition filed by Crusade for Christ, Inc. ("petitioner"). The petition proposed the assignment of Channel 224A as a first FM channel to Mechanicsville, Virginia. Petitioner filed supporting comments in which it reaffirmed its intention to file an application for a construction permit, and upon receipt will proceed to construct the station. Supporting comments were also filed by Old Dominion Broadcasting Co., Inc., licensee of AM Station WANT, Richmond, Virginia, in which it stated that it would also apply for the proposed channel, if assigned.

2. Mechanicsville (pop. 5,189) in Hanover County (pop. 37,479)[1] is located approximately 16 kilometers (10 miles) northeast of Richmond, Virginia. It has no local aural broadcast service. The petitioner has stated that Mechanicsville is a rapidly growing community, and urges the assignment of a first FM channel for a first local outlet of its own. The details of other information supporting the request has been set forth in the Notice and will not be repeated here.

3. Because of the close proximity of Mechanicsville to Richmond, Virginia, and the fact that the proposed station's 1 mV/m contour apparently could cover

[1] Both population figures are taken from the 1970 U.S. Census.

all of Richmond, the *Notice* requested the petitioner to provide documentation of its intent to serve Mechanicsville rather than Richmond. In response, petitioner stated that it proposes to locate its main studio in Mechanicsville and to devote a minimum of one and one-half hours per week to the presentation of public affairs programming directed specifically to the problems, needs and interests of residents of Mechanicsville. It adds that it will solicit support through local advertisers and frequent contacts will be made with local officials to keep abreast of local needs and problems which the proposed station will program to meet. It points out that it intends to serve the needs of Mechanicsville through emphasis in its programming and accessibility of its facility to local residents.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 224A to Mechanicsville, Virginia. Based on information submitted by petitioner, we are convinced that it intends to serve the needs and interests of the residents of Mechanicsville. The assignment of Channel 224A would provide for a first local aural broadcast service and would serve a need and demand for a first local outlet in the community.

§ 73.202 [Amended]

5. Accordingly, *it is ordered*, That effective July 22, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City	*Channel No.*
Mechanicsville, Va	224A

6. Authority for the action taken herein is found in Sections 4(i), 303(g) and (r), 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

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

[FR Doc.77-17268 Filed 6-15-77;8:45 am]

[Docket No. 20777; RM-1429, etc.; FCC 77-379]

PART 97—AMATEUR RADIO SERVICE

Deregulation of Authorized Emissions; Memorandum Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Reconsideration and amendment of rules (Memorandum Opinion and Order) (Docket No. 20777; RM-1429, RM-2163, RM-2170, RM-2330, RM-2429, RM-2507, RM-2545, RM-2550; FCC 77-379).

SUMMARY: On March 10, 1977, the Commission released a First Report and Order in Docket 20777 adopting certain specific standards for the suppression of spurious radiation in transmitters used in the Amateur Radio Service. Petitions for reconsideration requesting modification of the adopted rules were received from the American Radio Relay League (ARRL), the Amateur Radio Manufacturers Association (ARMA), and the R. L. Drake Company. The ARRL also filed a Motion for Stay of the effective date of the rule provisions. Upon review of the petitions, the Commission finds that reconsideration of certain provisions of the rules is warranted and has therefore amended these rules accordingly.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Johnson, Personal Radio Division, Federal Communications Commission, Washington, D.C. 20554 (202-632-7175).

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1977.

Released: June 13, 1977.

BACKGROUND

A Notice of Proposed Rule Making in the above-captioned proceeding was released on April 22, 1976, and printed in the FEDERAL REGISTER on April 28, 1976 (41 FR 17789). In the Notice, it was proposed that all references to specific emission types be deleted from the Amateur Radio Service Rules, Part 97, and replaced with limitations on the permissible bandwidth an amateur signal may occupy in the various bands. The Notice also proposed to establish limits on spurious, harmonic, and parasitic oscillations generated at amateur stations. This latter proposal was the sole subject of the First Report and Order.

MOTION FOR STAY AND PETITIONS FOR RECONSIDERATION

On April 11, 1977, the American Radio Relay League, Inc. (ARRL), filed a Motion for Stay of the effective date in this proceeding. They have requested that the April 15, 1977, effective date of the rule amendments be stayed for a period of at least nine months to afford the Commission time to (1) act upon the ARRL's Reconsideration Petition and (2) "investigate other, more effective, practical, and palatable solutions" to the problems of use of illegal, over-power, equipment by CB Service licensees and interference from CB Service equipment to TV sets. In its Petition for Reconsideration, the ARRL makes three basic arguments: (1) Adequate notice of the [rule] amendment as adopted was not given; (2) No significant need has been shown and none is known for establishing finite limits on spurious emissions from amateur transmitters and power amplifiers; and (3) The impact upon radio amateurs and those manufacturing and selling equipment to amateurs will be most severe. Also filing Petitions for Reconsideration were the Amateur Radio Manufacturers Association (ARMA) and the R. L. Drake Company (Drake). ARMA requested that the Commission "grandfather" commercially-built amateur radio transmitters and transceivers manufactured prior to April 15, 1977. If such a grandfather provision is not provided, ARMA states that severe financial hardship could be caused to some amateur equipment companies and to individual amateurs. In its petition, the R. L. Drake Company requests that the effective date of the new rules be postponed for 6 months to allow the marketing of non-conforming transmitters and transceivers. Additionally, Drake wanted rule § 97.73 amended to state that external filters or other devices may be attached to non-conforming equipment in order to allow it to meet the new emission standards. As do the other petitioners, Drake says that financial hardship would result if the rule was left as-is. Drake states that its own line of high frequency transmitters and transceivers meets the new standard but that the products of certain other legitimate American manufacturers do not.

ADEQUATE NOTICE WAS GIVEN

The ARRL states that the Commission did not have in mind at the time it issued its Notice of Proposed Rule Making the adoption of a rule establishing finite limits for spurious emissions from amateur transmitters. Rather, they argue, the proposals related to the overall operation of an amateur station and made no mention of individual station components. Further, they argue that the International Telecommunications Union (ITU) Radio Regulations also refer only to amateur stations and not individual station components.

The Commission must take exception to these contentions, however, as they are not supported by the facts at hand. Part 97 of the Commission's Rules has traditionally referenced unwanted radiation limits to individual station components. Former § 97.73 read, in part:

> For the purposes of this section, a spurious radiation is any radiation from a *transmitter* which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. [Emphasis supplied.]

In the NPRM in Docket 20777, the Commission proposed to establish numerical limits on spurious, harmonic, and parasitic radiations. Specifically, the Commission proposed an amended § 97.73 to read:

> The mean power of emissions on any frequency removed from the upper or lower limit of the authorized bandwidth, by more than 250 percent of the authorized bandwidth, shall be attenuated at least 40 decibels below the peak output power of the *transmitter*. [Emphasis supplied.]

Clearly, the present rule, as well as the proposed rule, relates to the operation of an amateur transmitter (and external amplifier, if one is used as part of the transmitting apparatus). Further, the ITU Radio Regulations, at Appendix 4, paragraph 2, state:

> [S]purious radiation from any part of the installation other than the antenna system * * * shall not have an effect greater than would occur if the antenna system were supplied with the maximum permissible power at that spurious emission frequency.

The intent of this ITU provision is to relate individual pieces of station apparatus (i.e., the station transmitter) to the spurious standards of ITU Article 12. Clearly, all rules pertinent to the spurious, harmonic, and parasitic radiation at amateur stations reference their provisions to the device which is the source of the radiation, namely, the transmitter. Section 553(a)(3) of the Administrative Procedures Act requires that general notice of a rule contain either the terms or substance of the proposed rule or a description of the subjects and issues involved. We believe that requirement has been met in this proceeding, and we reject the ARRL contention to the contrary.

Specific Limits on Spurious Radiation Are Necessary

In its petition, the ARRL states that "limitations on spurious emissions from amateur transmitters and power amplifiers are not required because, when legitimate complaints of interference are received, amateurs take effective measures to eliminate the interference". It contends that the sole reason for imposing new standards was to "bring under control the enormous problem of television interference from the 27 MHz CB Service". If the ARRL's position is that all limitations on spurious emissions are not necessary, it is unclear why they did not earlier petition to strike the former limitation from the amateur regulations. That rule required such emissions be reduced or eliminated in accordance with good engineering practice, and, in certain instances, could have resulted in the imposition of more stringent standards than the new finite standards.

We believe it indisputable that some reasonable standard governing unwanted emissions should apply to amateurs. The real issue is what that standard ought to be. The term 'good engineering practice' has been adequate in certain situations as an aid to the Commission in resolving interference problems. However, it has been far too vague to serve as a useful guide to amateurs and others engaged in the design and/or construction of amateur equipment. As the spectrum becomes increasingly congested, we believe it essential that equipment utilized in all services at least meet certain minimum unwanted radiation limits. Indeed, transmitters presently used in other licensed services are bound by similar, but usually more stringent, finite suppression requirements. The ARRL contends that all amateur interference problems can be resolved simply by the addition of a low-pass filter at the amateur's station. We disagree. Such filters are oftentimes effective against harmonic radiation, but are usually not effective against spurious and parasitic radiation. A low-pass filter will have no effect whatever on the amateur transmitter operating on one channel in the 2-meter band while at the same time putting out spurious radiation on one or more additional channels. As we noted in Docket 21117, spurious emissions from amateur 2-meter equipment has caused harmful interference to at least one aircraft radionavigation system, and it is well known among amateur licensees and equipment dealers that certain 2-meter FM transceivers have levels of spurious radiation which often causes them to trigger two or more 'repeater' stations (on different frequencies) simultaneously. Such occurrences have been all too common in recent years, and this is largely due to the absence of specific emission standards in the amateur rules. We must conclude, therefore, that such standards are needed and that the ARRL objections on this point are without merit.

Amateurs and Equipment Manufacturers Will Be Impacted by This Rule

The ARRL states that all production lines for amateur equipment will shut down, that manufacturers will be left with an inventory of finished products which cannot be shipped, advertised, or sold for an indefinite length of time, and that dealers will be unable to sell equipment, whether used or new, on their shelves. Further, they say that individual amateurs will be adversely affected because the cost of amateur equipment will suddenly increase and they may be unable, due to technical and economic limitations, to defend against complaints of interference. The Amateur Radio Manufacturer's Association (ARMA) requested that a "grandfather" clause be inserted in the rules to exempt commercially built amateur transmitters and transceivers manufactured prior to April 15, 1977 from the provisions of § 97.73. ARMA also cited as their basis for this request the probability of major adverse effects on manufacturers and individual amateurs if the rule were actually implemented as adopted. R. L. Drake requested in their petition that the effective date of the new rule provisions be postponed for 6 months in order to ease the economic impact of the rules on amateur equipment companies and individual amateurs who have transmitters and transceivers they wish to market. Drake said that immediate implementation of the new standards could result in substantial financial losses to equipment dealers and manufacturers, especially small manufacturers, who may be forced to cease operations. Drake also requests that the use of filters and other external devices be allowed as attachments to non-conforming equipment in order to bring their emissions within the new limitations.

Article 12, Appendix 4 of the ITU Radio Regulations sets forth the specific standards applicable to amateur stations. We do not believe these standards to be unreasonable. Indeed, both ARMA and Drake support the new standards. ARMA stated that "at long last, we will have some concrete specifications from which to engineer our products rather than merely following good engineering practices." Similarly, Drake believes that the provisions of revised § 97.73 are in the public interest, and predicts that all manufacturers of amateur radio transmitters and transceivers should be able to produce equipment meeting the new limitations if the 6 month delay Drake requests is approved. Tighter emission standards have been in effect in other radio services for some time, and we are confident that these new amateur standards are well within the state-of-the-art among amateur equipment manufacturers. We do, nevertheless, recognize the concern expressed by the petitioners with respect to the date of implementation of these provisions. We do not wish to cause unnecessary economic hardship to amateur equipment companies or individual amateurs, and we believe that a moderate delay and a grandfather clause are not inappropriate in these circumstances. The Commission has therefore amended § 97.73 to provide that the rule amendments adopted in the First Report and Order, Docket 20777, tightening the purity of emission standards for amateur radio equipment shall not apply to transmitters and transceivers marketed before January 1, 1978, nor to transmitters and transceivers built before April 15, 1977.

Use of External Filters

We have carefully considered Drake's request that external filters and other devices be allowed as attachments to equipment in order to bring it into compliance with the new rules. Such attachments can be effective in suppressing harmonic radiation emanating from the transmitter antenna terminals. However, they will not usually be effective against other unwanted emissions and cannot suppress radiation from sources other than the antenna terminals, such as the chassis or microphone cord. We therefore do not believe that use of these devices is a suitable alternative and we must therefore deny Drake's request. For existing equipment, however, which is already in use and covered by the grandfather clause, the attachment of external filters, antenna tuners, etc., could be useful should interference occur. Moreover, Rule § 97.73(e) provides that the attachment of these devices could be required by the Commisison should they be necessary to eliminate interference to the reception of other radio stations. We strongly encourage all amateur operators to take whatever measures are necessary to reduce their spurious and harmonic radiations to an absolute minimum, and we urge the manufacturers and designers of amateur equipment to disseminate information on the types of retrofit measures that must be taken to bring their equipment into compliance. Amateurs have traditionally been in the forefront

of such technology and their continued efforts in this area are essential.

PETITION GRANTED IN PART

In view of the foregoing, we are of the opinion that the rule amendment, as discussed above, is in the public interest. Authority for this amendment is contained in Sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended. Accordingly, *it is ordered*, That the Petitions for Reconsideration filed by ARRL, ARMA, and Drake are granted to the extent they conform with the actions taken herein and are denied in all other respects. *It is further ordered*, That the Motion for Stay filed by the ARRL is denied. *It is further ordered*, That Part 97 of the Commission's Rules is amended as set forth below effective July 18, 1977. *It is further ordered*, That this proceeding is continued.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; 47 U.S.C. 154, 302, 303.)

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 97.73, paragraph (f) is added to read as follows:

§ 97.73 Purity of emissions.

* * * * *

(f) The provisions of paragraphs (a) and (b) of this section shall not apply to amateur transmitters or transceivers built before April 15, 1977, nor to amateur transmitters or transceivers first marketed before January 1, 1978. The effective date of paragraphs (a) and (b) of this section is April 15, 1977 for all external radio frequency power amplifiers.

[FR Doc.77-17267 Filed 6-15-77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF MECHANICALLY HARVESTED AMERICAN (EASTERN TYPE) GRAPES FOR PROCESSING AND FREEZING [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the title of the grade standards for mechanically harvested American (Eastern type) grapes for processing and freezing to standards for grapes for processing and freezing. This action is being taken at the request of the National Grape Cooperative Association, Inc. This proposal would permit all types of grapes for processing, hand-picked or mechanically harvested, to be certified under these standards.

DATE: Comments, in duplicate, must be received before July 31, 1977.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Frank W. Betz, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–447–2093).

SUPPLEMENTARY INFORMATION: The United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing became effective May 15, 1975. In May of this year, the National Grape Cooperative Association, Inc. (NGCA) formally requested that the title of these standards be changed to "United States Standards For Grades of American (Eastern Type) Grapes For Processing and Freezing". Taylor Wine Co., Hammondsport, New York and Coca Cola Co., Geneva, Ohio support NGCA's requested change.

Changing the title of the standards, as requested, would permit grape processors to receive "hand-picked" as well as "mechanically harvested" American (Eastern Type) grapes based on grade requirements set forth in the standards. Currently, NGCA receives "hand-picked" grapes under grower-processor contract specifications which are the same as the requirements of the U.S. No. 1 and U.S. No. 2 grades as set forth in the standards.

The Department agrees that the change requested would be of benefit to the industry. However, it has been further suggested that the title of the standards be changed to "United States Standards For Grades of Grapes For Processing and Freezing". This change would permit all types of grapes for processing, whether "hand-picked" or "mechanically harvested" to be certified in accordance with grade requirements of the standards. The Department and industry representatives agree that this change would better serve the industry.

In addition to changing the standards title from United States Standards For Grades of Mechanically Harvested American (Eastern Type) Grapes For Processing and Freezing to United States Standards For Grades of Grapes for Processing and Freezing, the proposed amendment would also involve changing §§ 51.2150. The proposed changes would read as follows:

Subpart—United States Standards for Grades of Grapes for Processing and Freezing

§§ 51.2150 General.

(a) These standards apply to all types of grapes, hand-picked or mechanically harvested, which are to be processed.

(b) The grade of a lot of grapes shall be determined on the basis of a composite sample.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; (7 U.S.C. 1622, 1624).

Dated: June 10, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator, Commodity Operations.

[FR Doc.77-17110 Filed 6-15-77;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rulemaking With Respect to the Plum Commodity Committee's Expenses and Rate of Assessment for the 1977–78 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $938,928 and a rate of assessment of $0.095 per lug of plums for the functioning of the Plum Commodity Committee for the 1977–78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of fresh pears, plums and peaches grown in California. The regulation would enable the committee to collect assessments from first handlers on all assessable plums handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before July 5, 1977. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection, at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917). This marketing agreement and order regulates the handling of fresh pears, plums and peaches grown in California, and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) Expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1977, through February 28, 1978, will amount to $938,928.

(b) The rate of assessment for the fiscal period, payable by each handler in accordance with § 917.37 is established at $0.095 per No. 22D standard lug box of plums or its equivalent in other containers or in bulk.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the Cali-

fornia Department of Food and Agriculture".

Dated: June 13, 1977.

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

[FR Doc.77-17112 Filed 6-15-77;8:45 am]

[7 CFR Parts 1006, 1012, and 1013]

[Docket Nos. AO-356-A16, AO-347-A19, and AO-286-A27]

MILK IN THE UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Kahler Plaza Inn, 151 East Washington Street, Orlando, Florida, beginning at 9:30 a.m., local time, June 29, 1977, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE SOUTHLAND CORPORATION

PROPOSAL NO. 1

Amend § ___.55(a) in orders 1006, 1012, and 1013 to read as follows:

(a) Class I price, 0.115 times the Chicago butter price specified in § _____.51; and

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 11368, Port Lauderdale, Florida 33306 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 13, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-17214 Filed 6-15-77;8:45 am]

[7 CFR Parts 1094 and 1096]

[Docket Nos. AO-103-A40 and AO-257-A28]

MILK IN THE NEW ORLEANS-MISSISSIPPI AND GREATER LOUISIANA MARKETING AREAS

Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rulemaking proceeding.

SUMMARY: This action terminates a rulemaking proceeding on proposals to include a seasonal production incentive payment plan for producers in the New Orleans-Mississippi and Greater Louisiana orders. A public hearing on the proposals had been scheduled for November 22, 1976, and then was postponed indefinitely in response to industry requests. Dairymen, Inc., the producer cooperative that asked for the hearing, has withdrawn its proposals, which removes the basis for the hearing.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4829).

SUPPLEMENTAL INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued November 3, 1976; published November 8, 1976 (41 FR 49112). Postponement of hearing—Issued November 17, 1976; published November 22, 1976 (41 FR 51404).

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of the termination of the proceeding as set forth in a notice of hearing on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the New Orleans-Mississippi and Greater Louisiana marketing areas.

The aforesaid notice of hearing was issued November 3, 1976 (41 FR 49112) for a hearing to begin in Baton Rouge, Louisiana, on November 22, 1976. The hearing was requested by Dairymen, Inc., a cooperative that represents a substantial number of producers under both the New Orleans-Mississippi and Greater Louisiana orders. At the request of Dairymen, Inc., and Northern Louisiana Pure Milk Producers Association, Inc., the Department issued a notice on November 17, 1976 (41 FR 51404) postponing the hearing until a date to be announced at a later time.

Dairymen, Inc., recently notified the Department that it desires to withdraw its proposals from consideration at a public hearing. Since this removes the basis for the hearing, the proceeding instituted by the aforesaid notice of hearing on proposed amendments to the New Orleans-Mississippi and Greater Louisiana orders is hereby terminated.

Signed at Washington, D.C., on June 13, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-17111 Filed 6-15-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens and Determination of Further Delay in the Publication of Proposed Test Procedures for Any Other Class of Kitchen Ranges and Ovens

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend its regulations in order to prescribe test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens under the Energy Policy and Conservation Act. Conventional ranges, conventional cooking tops, conventional ovens and microwave ovens are classes included within the broader type of appliances, kitchen ranges and ovens, covered by the Act. The Act requires that standard methods for testing covered appliance types be prescribed as part of the energy conservation program for appliances. The Act further authorizes FEA to prescribe test procedures for classes within a given type of covered product and permits FEA to delay the publication of proposed test procedures for some class or classes within a given type. FEA has determined to delay the publication of proposed test procedures for any class of the type of covered product designated by the Act as "kitchen ranges and ovens" other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. The intended effect of this proposal is to implement the Act's requirements by soliciting comments before test procedures are prescribed and to give notice of FEA's determination to delay the publication of certain proposed test procedures.

DATES: Comments by August 8, 1977, 4:30 p.m.; requests to speak by August 2, 1977, 4:30 p.m.; statements by August 9, 1977, 4:30 p.m.; hearing to be held on August 11, 1977, at 9:30 a.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3317, Federal Energy Administration, Box NE, Washington, D.C. 20461; statements to Regulations Management, Room 2214, Federal

Energy Administration, 2000 M Street NW., Washington, D.C. 20461. Hearing held at:

Room 2214, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

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

Robert C. Gilette, (Hearing Procedures), 2000 M Street NW., Room 222A, Washington, D.C. 20461 (202-566-5201).

Jim Merna, (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Michael T. Skinker, (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9750).

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) Pub. L. 94-163). The Act requires that FEA prescribe standard methods for testing covered appliances and further authorizes FEA to prescribe test procedures for classes within a given type of covered product. Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens are classes included within the type designated by the Act as "kitchen ranges and ovens."

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general program provisions, and a Subpart C, containing proposed energy efficiency improvement targets. By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. Subparts A and B were established by notice issued on May 24, 1977 (42 FR 27896, June 1, 1977). Proposed Subpart C has not yet been finalized, and a further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

The notice issued on May 24, 1977, included final test procedures for room air conditioners. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed test procedures for dishwashers. This notice also included certain program definitions which have not yet been finalized. Proposed test procedures for water heaters, television receivers, refrigerators and refrigerator-freezers, freezers and clothes dryers were issued on April 21, 1977 (42 FR 21576 et seq., April 27, 1977). Proposed test procedures for unvented home heating equipment were issued on May 4, 1977 (42 FR 23860, May 11, 1977), and proposed test procedures for automatic and semi-automatic clothes washers were issued on May 11, 1977 (42 FR 25329, May 17, 1977), including a determination that test procedures cannot be developed for any other class of clothes washers. Proposed test procedures for humidifiers and dehumidifiers were issued on May 25, 1977 (42 FR 27941, et seq. (June 1, 1977). Proposed test procedures for central air conditioners were issued on June 7, 1977 (The FEDERAL REGISTER issue of June 14, 1977). By this notice, FEA is proposing test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, including a determination to delay the publication of test procedures for any other class of the type "kitchen ranges and ovens."

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop, for specifically named types of covered products, test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS evaluated existing test procedures for measuring energy consumption of kitchen ranges and ovens.

The existing American National Standard (ANS) C71.1 for household electric ranges does not specifically relate to energy consumption, but is concerned with determining the efficiency of electric heating elements in the conventional cooking top, and other performance characteristics of conventional electric ranges. The existing International Electrical Commission standard, IEC-SC59H, for microwave ovens does not specifically relate to energy consumption, but is concerned with the determination of the power output and efficiency of microwave ovens.

NBS has transmitted to FEA a test procedure review document which recommends test procedures for measuring energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, which are classes of the broader appliance type designated by the Act as "kitchen ranges and ovens." NBS also recommended that proposed test procedures for any other class of the data are available. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice.

In developing the proposed test procedure for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, NBS consulted with the technical committees of the Association of Home Appliance Manufacturers (AHAM), the American Gas Association Laboratories (AGA Labs), and the Gas Appliance Manufacturers Association (GAMA).

The test procedures proposed today are based on discussions between NBS and the technical committees of the industry associations and on field survey dated presented in the proposed AHAM Standard Test Method for Measuring Energy Consumption of Electric and Gas Ovens and Surface Units and Microwave Ovens (ER-5-EC) on August 2, 1977, and incorporate the general approach contained in the American National Standard (ANS) C71.1 and the International Electrical Commission standard IED-SC59H. Copies of these will be made available for inspection by interested persons as provided for later in this notice.

FEA is today withdrawing the previously proposed definitions in § 430.2 of "surface unit," "electric range," and "non-electric range;" reproposing the definition of "surface unit;" and adding new definitions of "kitchen ranges and ovens" and of each of the different classes of the type "kitchen ranges and ovens." FEA is also proposing to amend the definition in § 430.2 of "basic model" by adding subparagraph (9) applying specifically to conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. In addition, § 430.2 contains definitions promulgated or proposed previously (42 FR 27896, June 1, 1977; 42 FR 15423, March 22, 1977), some of which are applicable to the test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Comments on these definitions are timely as provided below.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions.

FEA is proposing to establish an estimated annual operating cost for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens (§§ 430.22(i) (1), (2), (3), and (4), respectively). In each case, the estimated annual operating cost will be the product of the total energy consumption for the representative average-use cycle of one year (annual energy consumption) times the cost of energy (representative average unit costs as provided by the Administrator).

The annual energy consumption for a conventional range is the sum of the annual energy consumption of the conventional cooking top plus the annual energy consumption of any conventional ovens.

The annual energy consumption of the conventional cooking top is the quotient of the annual useful energy output of the conventional cooking top, as determined by the AHAM field and laboratory study, divided by the energy efficiency of the conventional cooking top.

The annual energy consumption of a conventional oven is the sum of the conventional oven annual self-cleaning energy consumption plus the conventional oven annual cooking energy consumption. The annual cooking energy consumption of a conventional oven is the quotient of the annual useful energy output for the conventional oven (4.1.3 of Appendix I) divided by the efficiency of that conventional oven. If, however, the basic model tested has more than one conventional oven, the annual useful energy output is divided by the average efficiency of the conventional ovens (4.1.2.3 of Appendix I). The annual energy consumption of the self-cleaning operation of a conventional oven is the product of the energy consumption of the conventional oven for the self-cleaning operation (3.2.1.1 of Appendix I) times 11 (representative average number of times the self-cleaning operation of a conventional oven is used per year). The representative average number of times the self-cleaning operation of a conventional oven is used per year is based on NBS' recommendation to FEA.

The annual energy consumption of a microwave oven is the sum of the annual energy consumption of any features of the oven which use energy when the microwave oven is turned off plus the quotient of the annual useful energy output divided by the oven's rated efficiency (4.5.4. of Appendix I).

The annual useful energy output of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens was determined from field survey data obtained by NBS from AHAM. In the AHAM survey these appliances were monitored during actual home use to determine the energy consumed for cooking. All modes of cooking on each appliance (e.g., broiler of an oven, griddle of a cooking top) were potentially accounted for by the energy consumption data. The appliances were then tested by the laboratory methodology proposed today to determine their efficiency. The annual useful energy output of a particular appliance was computed by multiplying its efficiency times its annual energy consumption. While the annual energy consumption figures generated by the survey potentially include all modes of cooking, the laboratory methodology used to determine the efficiency of an appliance measures only the energy consumed when the appliance is operated as it would primarily be used by consumers (e.g., baking in an oven). NBS has determined that the uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens provides data that are representative of actual consumer use in the home.

The annual useful energy output figures represent the energy actually absorbed by the food. Thus, the difference between the annual energy consumed by an appliance and its annual useful energy output represents the annual energy lost to the environment. The AHAM field survey concludes that the annual useful energy output is: 291.6 kilowatt-hours per year (995,000 Btu's per year) for conventional ranges; 238.5 kilowatt-hours per year (814,000 Btu's per year) for conventional cooking tops; 53.13 kilowatt-hours per year (181,300 Btu's per year) for conventional ovens; and 34.2 kilowatt-hours per year for microwave ovens. Copies of the AHAM survey data may be obtained for review by interested persons as provided for later in this notice.

An additional proposed measure (section 430.22(i)(5) that is likely to assist consumers in making purchasing decisions is the energy factor.

For conventional ovens (4.1.2.1. of Appendix I) and conventional cooking tops (4.2.1.1.1 of Appendix I) which utilize electric resistance heaters, and for conventional ovens (4.1.2.2.1 of Appendix I) and conventional cooking tops (4.2.1.2.-1.1 of Appendix I) which utilize gas burners without any continuously burning pilot lights, the energy factor is the quotient of the product of the following three factors: (1) The weight of a metal test block, times (2) the specific heat of the test block, times (3) the measured temperature rise of the test block; divided by the product of the energy consumed during the test.

For conventional ovens (4.1.2.2.2 of Appendix I) and conventional cooking tops (4.2.1.2.1.2 of Appendix I) which utilize gas burners with any continuously burning pilot lights, the energy factor is the quotient of the representative annual useful energy output divided by the energy input (which includes the annual energy consumed by any continuously burning pilot lights).

The annual energy consumption of any continuously burning pilot lights of a conventional gas oven is the energy consumed hourly by the pilot lights times 8,460 hours per year. The continuously burning pilot lights are consuming energy each hour of the year (there are 8,760 hours in a year). NBS has determined that 300 hours of the energy consumed by any of the oven's pilot lights contributes to the energy consumed by the conventional gas oven when the oven is being used for heating food. Therefore, the energy consumed by the continuously burning pilot lights per hour is multiplied by 8,460 rather than 8,760 hours to arrive at the annual energy consumption for the pilot lights.

The energy factor for conventional ranges (4.4 of Appendix I) is defined as the quotient of the representative average annual useful energy output divided by the annual energy consumption in kWh (Btu's) per year, as determined in 4.3 of Appendix I for the conventional range under test. For microwave ovens, the energy factor is defined as the average of the microwave oven's efficiency for the four test loads (4.5.4 of Appendix I). The microwave oven's efficiency for a specific test load is defined as the quotient of the product of the average microwave power output in watts, times the elapsed test time in seconds, divided by the product of the energy consumed during the test in watt-hours (wh) times 3600 seconds per hour (4.6.3 of Appendix I).

Among other possible applications, the energy factor may be used by FEA to determine the efficiency of conventional ranges, conventional cooking tops, conventional ovens and microwave ovens for the purposes of the efficiency improvement program described by section 325 of the Act.

FEA recognizes that there may be additional useful measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(i)(6), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix I to Subpart B. Manufacturers would, if required, only have to perform various computations while still applying the same test method contained in Appendix I. For example, if the Administrator determined that a per-day energy cost would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test procedures to calculate the estimated annual operating cost and then dividing by 365 days per year to achieve a per-day cost figure.

C. Laboratory Methodology

Proposed Appendix I to Subpart B provides for a controlled laboratory environment for measuring energy consumption for the various conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens which are available to the consumer. The proposed test procedures apply to appliances which may contain certain energy con-

suming cooking features and devices which are not accounted for in the laboratory test measurements. Such cooking features may include broilers, griddles, grills or deep-well cookers. Such devices may include automatic temperature controlled suface units, keep-warm timers or other energy consuming devices. The effect these cooking features or devices may have on the annual energy consumption of the appliance in actual use by the consumer cannot be quantified due to the lack of data on the separate energy consumption, energy efficiency, and consumer usage of these cooking features or devices. NBS, however, has determined that the proposed test procedures produce results in the laboratory which are representative of the energy that would be consumed annually by that given appliance at home. FEA specifically requests comments and data from manufacturers regarding the energy consumption, energy efficiency, and consumer usage patterns on any such cooking features or devices.

A conventional oven cooks food by heating a compartment into which the food has been placed. The food is cooked by absorbing the heat in the compartment. In the proposed test procedures for conventional ovens, an anodized aluminum alloy block is used as the standard test load. A metal block is used because it provides a standard, uniform, and repeatable means of testing the oven and reduces the variability that might occur if other loads were used. The proposed test procedures require that the temperature of the test block be raised 234° F above its initial temperature. The proposed temperature rise and block specifications are based on tests and studies done by the industry and NBS which indicate that these conditions simulate, in a controlled laboratory environment, the actual average use of the conventional oven in the home. Copies of these data may be obtained for review by interested persons as provided for later in this notice.

For conventional cooking tops a metal block is again used as the standard test load. For electric heating elements two different sized test blocks are used depending on the size of the heating element. The larger of these test blocks is used to test all gas heating elements. The differences in the size and the weight of the test blocks are proposed because they are the standard measures used in the American National Standard (ANS) C71.1 and provide repeatable and accurate test results.

The proposed test procedures for conventional cooking tops provide that the standard test block be raised 144° F. above its initial temperature (3.1.2 of Appendix I). The energy input to the gas or electric heating element is then decreased by reducing the energy input rate from its maximum value to 25 percent of its maximum value for 15 minutes in order to represent actual use conditions in the home. The proposed specified loads and temperature control procedures are based on NBS' recommendation which, in turn, is based on industry studies. Copies of these documents will be made available for inspection by interested persons as provided for later in this notice.

A microwave oven heats by the transmission of electromagnetic waves (microwave energy) to the food rather than by conduction. The energy is absorbed by the food and converted to heat. The proposed microwave oven test procedure uses four glass beakers filled with different quantities of distilled water containing one percent sodium chloride (NaCl) as the standard test loads. Glass beakers filled with the salt water solution are used because the glass transmits the microwave energy and the distilled water absorbs the microwave energy in the same manner as food does. Metal blocks would not be appropriate for the test load since metal reflects microwave energy. Specified quantities of distilled water are proposed as the test loads, rather than food, in order to provide repeatable, accurate and uniform test results. Test loads of 275, 500, 1000, and 2000 milliliter water loads raised 45±9° F above their initial temperature are proposed in order to determine the microwave oven's average power output. Based on discussions with the industry, NBS has determined that the proposed microwave oven test loads and temperature rise provide a representative simulation in the laboratory of the actual use of microwave ovens in the home.

In addition to proposing test procedures for most classes of "kitchen ranges and ovens" today, FEA hereby gives notice of its determination of further delay for the publication of proposed test procedures for any class of the type "kitchen ranges and ovens" other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Section 323(a)(3) of the Act requires that, not later than September 30, 1976, FEA shall publish proposed test procedures for kitchen ranges and ovens. Section 323(a)(6) of the Act, however, provides that FEA may delay the publication of proposed test procedures for a type of covered product (or class thereof) beyond the required dates of publication if it determines that it cannot, within the applicable time period, publish proposed test procedures and gives notice of such determination in the FEDERAL REGISTER. On October 21, 1976, FEA issued a notice including its determination of the necessity to delay the publication of proposed test procedures for kitchen ranges and ovens (41 FR 47286, October 28, 1976).

In particular, FEA intends to delay further the publication of proposed test procedures for the following three consumer products which are relatively new products and, therefore, presently represent only a small percentage of the market: (1) Cooking tops which utilize induction surface heating elements; (2) ranges which contain a conventional cooking top, a conventional oven, and a microwave oven in the same basic model unit; and (3) single compartment ovens which are capable of heating food by means of electric resistance heaters and microwave energy in the same compartment. NBS has determined that there is not sufficient data on the consumer usage of these products to develop adequate test procedures to measure their energy consumption or energy efficiency. FEA will publish test procedures for such products, as soon as practicable, unless it determines that test procedures cannot be developed which the requirements of section 323(b) of the Act and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6239(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is one year. This determination is based upon NBS' recommendation to FEA which, in turn, is based upon the premise that a cycle representing a year's usage will encompass variations such as seasonal patterns, and the effects of vacations and holidays. NBS' recommendation is available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTS on or before the effective date of test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(i) would provide for sampling of each basic model to be tested when testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 420.23(i), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption de-

scribed in § 430.22(i) there is a 95 percent probability that the mean of the values of these measures of the sample is within 5 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 5 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. Request for Particular Comments

While FEA is soliciting comments on all aspects of the proposed test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens in addition to those proposed today.

In addition, FEA is interested in receiving comments on any definitions already promulgated or proposed in § 430.2, as discussed above, as these provisions might affect the testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Comments with respect to these definitions are timely until the close of the written record, as specified below.

G. Comment Procedure

1. *Written Comment.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for conventional ranges, conventional cooking, tops, conventional ovens, and microwave ovens set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box NE., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens—Proposed Test Procedures." Fifteen copies should be submitted. All copies received by August 8, 1977, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. *Public Hearings.*—a. *Request procedures.* The time and place of the public hearing are indicated at the beginning of this preamble. The hearing will be continued, if necessary, on August 12, 1977.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m. e.d.t., on August 2, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through August 11, 1977.

FEA will notify, before 4:30 p.m., August 4, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

b. *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.d.t., August 8, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for conventional ranges, conventional cooking tops, conventional ovens and microwave ovens along with the American National Standard (ANS) C71.1, the International Electrical Commission Standard IEC–SC59H, and the field survey data presented in the proposed AHAM Standard Test Method for Measuring Energy Consumption of Electric and Gas Ovens and Surface Units and Microwave Ovens (ER–5–EC) on August 2, 1976 will also be made available for inspection at the FEA Freedom of Information Office.

H. Environmental and Inflationary Review

As required by section 7(c)(2)) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the

environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evalution of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., June 9, 1977.

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

1. Section 430.2 is amended by adding a subparagraph (9) as part of the definition of "basic model," and by reproposing the definition of "surface unit," and by adding definitions of "kitchen ranges and ovens," "conventional range," "conventional cooking top," "conventional oven," "microwave oven," and "other kitchen ranges and ovens," to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

* * * * *

(9) with respect to conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, having the same primary energy source and essentially identical functional physical and electrical characteristics.

* * * * *

"Kitchen ranges and ovens" means consumer products that are used as the principal household cooking appliances. They are designed to cook or heat different types of food by one or more of the following sources of heat: gas, electricity, or microwave energy. Each product may consist of a horizontal cooking top containing surface units and/or one or more heating compartments. They must be one of the following classes: conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and other kitchen ranges and ovens.

* * * * *

"Conventional range" means a household cooking appliance consisting of a conventional cooking top and one or more conventional ovens, in which both the cooking top and the oven (or ovens) utilize either gas burners or electric resistance heaters as the source of heat.

* * * * *

"Conventional cooking top" means a horizontal surface containing surface units heated by means of either gas burners or electric resistance heaters.

* * * * *

"Conventional oven" means a compartment or compartments intended for the cooking or heating of food by means of gas burners or electric resistance heaters. It may include a broiler.

* * * * *

"Microwave oven" means a compartment designed to heat food by means of microwave energy.

* * * * *

"Other kitchen ranges and ovens" means any class of kitchen ranges and ovens other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.

* * * * *

"Surface unit" means a unit mounted in a cooking top and designed for the heating or cooking of food.

* * * * *

2. Section 430.22 is amended by adding a paragraph (i), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(i) *Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.* (1) The estimated annual operating cost for conventional cooking tops shall be the product of the following two factors—(i) The total conventional cooking top annual energy consumption in kilowatthours (kWh) per year for conventional electrical cooking tops and in British thermal units (Btu's) per year for conventional gas cooking tops, determined according to paragraph 4.2.2 of Appendix I of this subpart, and (ii) the representative average unit cost in dollars per kWh or Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for conventional ovens shall be the product of the following two factors—(i) The total conventional oven annual energy consumption in kWh per year for conventional electric ovens and Btu's per year for conventional gas ovens, determined according to paragraph 4.1.5 of Appendix I of this subpart, and (ii) the representative average unit cost in dollars per kWh or Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(3) The estimated annual operating cost for conventional ranges shall be the product of the following two factors—(i) The total conventional range annual energy consumption, in kWh per year for conventional electric ranges and Btu's per year for conventional gas ranges, determined according to paragraph 4.3 of Appendix I of this subpart, and (ii) the representative average unit cost in kWh or Btu's as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(4) The estimated annual operating cost for microwave ovens shall be the product of the following two factors—(i) The total microwave oven annual energy consumption in kWh per year, determined according to paragraph 4.5.5 of Appendix I to this subpart, and (ii) the representative average unit costs in dollars per kWh as provided by the Administrator, the resulting product then being rounded off to the nearest dollar pear year.

(5) The energy factor for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens shall be the efficiency of the conventional range, conventional cooking top, conventional oven, and microwave oven as determined according to paragraphs 4.4, 4.2.1, 4.1.2, and 4.5.4, respectively, of Appendix I of this subpart.

(6) Other useful measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens shall be those measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix I to this subpart.

* * * * *

3. Section 430.23 is amended by adding a paragraph (i), to read as follows:

§ 430.23 Units to be tested.

* * * * *

(i) *Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.* (1) When testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is required for a measure or measures of energy consumption described in § 430.22(i) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the means of the sample is within five percent of the true mean of such measure of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (i)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (i)(1) of this section are satisfied at each rating.

* * * * *

4. Subpart B of Part 430 is amended to add an Appendix I. to read as follows:

APPENDIX I—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CONVENTIONAL RANGES, CONVENTIONAL COOKING TOPS, CONVENTIONAL OVENS AND MICROWAVE OVENS.

1. *Definitions*

1.1 "Built-in" means the product is supported by surrounding cabinetry, walls, or other similar structures.

1.2 "Drop-in" means the product is supported by horizontal surface cabinetry.

1.3 "Freestanding" means the product is not supported by surrounding cabinetry, walls, or other similar structures.

1.4 "Electric heating element" means a surface unit on which vessels are placed and then heated by electric resistance heaters.

1.5 "Gas heating element" means a surface unit on which vessels are placed and then heated by gas burners.

2. *Test Conditions.*

2.1 *Installation.*

2.1.1 *Conventional electric ranges.* Install conventional electric ranges that are freestanding, with a vertical back wall extending at least one foot above and one foot on either side of the appliance and with no side walls, with all electric resistance heaters, baking racks, and baffles in place, and in accordance with manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric resistance heaters of the conventional electric range. Install conventional electric ranges that are built-in, in an enclosure constructed in accordance with manufacturer's installation instructions. Conventional electric ranges shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.2 *Conventional gas ranges.* Install conventional gas ranges that are freestanding, with a vertical back wall extending at least one foot above and one foot on either side of the appliance and with no side walls, with all gas burners, baking racks, and baffles in place, and in accordance with manufacturer's instructions. Install conventional gas ranges that are built-in, in an enclosure constructed in accordance with manufacturer's installation instructions. Conventional gas ranges shall be connected to a gas supply line with a gas displacement meter installed between the supply line and the range according to manufacturer's specifications. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas ranges with electrical ignition devices or electrical thermostats shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas burners of the conventional gas range shall be disconnected.

2.1.3 *Conventional electric ovens.* Install conventional electric ovens with all electric resistance heaters, baking racks and baffles in place and in accordance with the manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric resistance heaters of the conventional electric oven. Conventional electric ovens shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.4 *Conventional gas ovens.* Install the conventional gas oven with all gas burners, baking racks, and baffles in place and in accordance with the manufacturer's instructions. Conventional gas ovens shall be connected to a gas supply line according to manufacturer's specifications with a gas displacement meter installed between the supply line and the conventional gas oven. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas ovens with electrical ignition devices or electrical thermostats shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas burners of the conventional gas oven shall be disconnected.

2.1.5 *Conventional electric cooking tops.* Install the electric heating elements to be tested in the conventional electric cooking top in which they will be used or in a thermally and mechanically equivalent fixture with all component parts attached in accordance with the manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric heating elements of the conventional electric cooking top. Conventional electric cooking tops shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.6 *Conventional gas cooking tops.* Install the gas heating elements to be tested in the conventional gas cooking top in which they will be used or in a thermally and mechanically equivalent fixture with all component parts attached in accordance with the manufacturer's instructions. Conventional gas cooking tops shall be connected to a gas supply line according to manufacturer's specifications and have a gas displacement meter installed between the gas supply line and the conventional gas cooking top. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas cooking tops with electrical ignition devices shall be connected to a electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas heating elements of the conventional gas cooking top shall be disconnected.

2.1.7 *Microwave ovens.* Install the microwave oven in accordance with the manufacturer's instructions. A watt-hour meter shall be installed in the circuit having a maximum error not greater than one percent.

2.2 *Energy supply.*

2.2.1 *Electrical supply.* Maintain the electrical supply to the conventional range, conventional cooking top, conventional oven and microwave oven within one percent of the center of its nameplate voltage range for the entire test.

2.2.2 *Gas supply.*

2.2.2.1 *Natural gas.* Maintain the gas supply to a unit that uses natural gas at the normal inlet test pressure immediately ahead of all controls at 7 to 10 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the gas burners to be within ±5 percent of the Btu rating specified by the manufacturer. The natural gas supplied should have a heating value of approximately 1,025 Btu's per standard cubic foot. The actual heating value, H_n, in Btu's per standard cubic foot, for the natural gas to be used in the test shall be derived from measurements made with equipment which is accurate to within 0.5 percent of its indicated value.

2.2.2.2 *Propane gas.* Maintain the gas supply to a unit that uses propane gas at the normal inlet test pressure immediately ahead of all controls at 11 to 13 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the gas burners to be within ±5 percent of the Btu rating specified by the manufacturer. The propane gas supplied should have a heating value of approximately 2,500 Btu's per standard cubic foot. The actual heating value, H_p, in Btu's per standard cubic foot, for the propane gas to be used in the test, shall be derived from measurements made with equipment which is accurate to within 0.5 percent of its indicated value.

2.3 *Air circulation.* Maintain air circulation in the room sufficient to secure reasonable uniform temperature distribution, but do not cause a direct draft on the unit under test.

2.4 *Setting the conventional oven thermostat.*

2.4.1 *Conventional electric oven.* Install a thermocouple approximately in the center of the usable baking space. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1° F of the indicated temperature. Adjust or determine the conventional electric oven thermostat setting which will provide an average internal temperature of 325±5° F above room temperature. Determine the average internal temperature from the maximum and minimum temperatures measured in three consecutive "cut-off/cut-on" actions of the electric resistance heaters by the thermostat after the specified temperature rise has been attained by the conventional electric oven. Remove the thermocouples after the thermostat has been set.

2.4.2 *Conventional gas oven.* Install five parallel-connected thermocouples, one located at the center of the conventional gas oven's usable baking space and the other four equally spaced between the center and

the corners of the conventional gas oven on the diagonals of a horizontal plane through the center of the conventional gas oven. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1° F of the indicated temperature. Adjust or determine the conventional gas oven thermostat setting which will provide an average internal temperature of 325±5° F above room temperature. Determine the average internal temperature from the maximum and minimum temperatures measured in three consecutive "cut-off/cut-on" actions of the gas burners by the thermostat after the specified temperature rise has been attained by the conventional gas oven. Remove the thermocouples after the thermostat has been set.

2.5 *Ambient temperature.* Maintain ambient test room air temperature (T_r), at 77±9°F as measured at least 5 feet and not more than 8 feet from the nearest surface of the unit under test and approximately 3 feet above the floor. The temperature shall be measured with a device that is accurate within 1°F of the indicated temperature.

2.6 *Normal nonoperating temperature.*

2.6.1 *Conventional electric oven.* Normal nonoperating temperature for a conventional electric oven is within 1 degree Farenheit of the ambient room air temperature as determined in 2.5.

2.6.2 *Conventional electric cooking top.* Normal nonoperating temperature for a conventional electric cooking top is within 1 degree Farenheit of the ambient room air temperature as determined in 2.5.

2.6.3 *Conventional gas oven.* Normal nonoperating temperature for a conventional gas oven is equivalent to within 1°F of the temperature of a conventional gas oven which has not been used, with the conventional oven door closed, for at least 24 hours in the ambient room air temperature as determined in 2.5.

2.6.4 *Conventional gas cooking top.* Normal nonoperating temperature for a conventional gas cooking top is equivalent to within one degree Farenheit of the temperature of a conventional gas cooking top which has not been used for at least 24 hours in the ambient room air temperature as determined in 2.5.

2.7 *Test blocks.*

2.7.1 *Test block size.*

2.7.1.1 *Conventional oven.* The block shall be made of aluminum alloy No. 6061, with a specific heat of 0.23 Btu's/lb °F The oven test block shall be 6.25±.05 inches in diameter, approximately 2.8 inches in height and weight 8.5±0.1 lb (W_1) The test block shall have a hole at the center of the top of the block. The hole shall be .08 in in diameter and be 0.80 in deep. The bottom of the block shall be flat to within ±.002 in. The finished test block shall be anodized with a black hard coat .005 in minimum thickness.

2.7.1.2 *Conventional cooking top.*

2.7.1.2.1 *Small surface unit.* The block shall be made of aluminum alloy No. 6061, with a specific heat of 0.23 Btu's/lb °F. The block shall be 6.25±.05 inches in diameter, approximately 2.8 inches in height and weigh 8.5±0.1 lb (W_2). The block shall have a hole at the center of the top of the block. The hole shall be .08 in in diameter and 0.80 in deep. The bottom of the block shall be flat to within ±.002 in.

2.7.1.2.2 *Large surface unit.* The block shall be made of aluminum alloy No. 6061, specific heat 0.23 Btu's/lb °F. The block shall be 9.0±.05 inches in diameter and approximately 3.0 in in height and weigh 19.0±0.1 lb (W_3). The block shall have a hole at the center of the top of the block. The hole shall be .08 inch in diameter and 0.08 in deep. The bottom of the block shall be flat to within ±.002 in.

2.7.2 *Thermocouple installation.* Install the thermocouple such that the thermocouple junction with the test block is at the bottom of the hole provided in the test block and that the thermocouple makes a good thermal contact with the bottom of the hole or with the side of the block at the bottom of the hole. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1°F of the indicated temperature.

2.7.3 *Test block temperature.* Maintain the initial temperature of the test blocks (T_i), within ±4°F of the room temperature.

2.8 *Test beakers.*

2.8.1. *Test beaker size.* The test beakers shall be made of thin walled glass. Two test beakers shall have an inside diameter of approximately 85 millimeters (mm). Three test beakers shall have an inside diameter of approximately 110 mm.

2.8.2 *Test beaker load.* Fill one of the 85 mm diameter test beakers with 275 milliliters (ml) ±1 percent of distilled water containing 1 percent by weight NaCl (sodium chloride). Fill one of the 85 mm diameter test beakers with 500-ml±1 pct of distilled water containing 1 percent by weight NaCl. Fill the 110 mm diameter test beakers with 1,000ml±1 percent of distilled water containing 1 percent of weight NaCl.

2.8.2.1 *Test beaker water load temperature.* Maintain the initial temperature of the test beaker water load within one degree Farenheit of room temperature. The temperature shall be measured with a device that assures that the measured temperature is within one degree Farenheit of the actual value.

3. *Test methods and measurements.*

3.1 *Test.*

3.1.1 *Conventional oven.* Perform a test by establishing the testing conditions set forth in 2 of this Appendix, and adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. Set the conventional oven test block approximately in the center of the usable baking space with the conventional oven at its normal nonoperating temperature. Turn oven thermostat to the setting which provides an average internal temperature of 325±5°F above ambient temperature. If there is a special control or mode of operation, set for normal baking. The conventional oven shall remain on for at least one complete thermostat "cut-off/cut-on" of the electrical resistance heaters or gas burners after the test block temperature has increased 234°F above its initial temperature.

3.1.1.1 *Self-cleaning.* Perform a test by establishing the testing conditions set forth in 2 of the Appendix. Adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. With the conventional oven at its normal nonoperating temperature, set the conventional oven self-cleaning process in accordance with manufacturer's instructions. If the cleaning process is adjustable, use the average recommended time for a moderately soiled oven.

3.1.1.2 *Continuously burning pilot lights.* Perform a test by establishing the test conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. Meter for a period (L_e) of at least 24 hours the gas consumption of the pilot lights under test.

3.1.2 *Conventional cooking top.* Perform a test by establishing the testing conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas cooking top in accordance with the manufacturer's instructions and turn off the gas flow to the conventional oven. With the conventional cooking top at its normal non-operation temperature, set the test block in the center of the hearing element under test. The small test block shall be used on electric heating elements 7 inches or less in diameter. The large test block shall be used on electric heating elements over 7 inches in diameter and on all gas heating elements. Energize the heating element at its maximum energy input rate (100 percent). When the test block reaches 144° F above its initial test block temperature, immediately reduce the energy input rate to 25±5 percent of the maximum energy input rate. After 15±0.1 minutes at the reduced energy setting, turn off the gas or electric heating element under test.

3.1.2.1 *Continuously burning pilot lights.* Perform a test by establishing the test conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas cooking top in accordance with the manufacturer's instructions and turn off the gas flow to the conventional oven. Meter for a time (L_t) of at least 24 hours the gas consumption of the pilot lights under test.

3.1.3 *Microwave oven.* Perform the tests by establishing the testing conditions set forth in 2 of this Appendix. Four tests are to be conducted with the water test loads in the following sequence: 2,000 ml, 1,000 ml, 500 ml and 275 ml. For the 2,000 ml test, set, side by side, two of the 110 mm diameter test beakers each containing 1,000 ml of the specified water load in the approximate center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. Allow one minute for changing the test load beakers between each of the tests. For the 1,000 ml test, set one of the 110 mm diameter test beakers containing 1,000 ml of the specified water load in approximately the center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. For the 500 ml test, set one of the 85 mm diameter test beakers containing 500 ml of water

load in approximately the center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. For the 275 ml test, set the 85 mm diameter test beaker containing 275 ml water load in approximately the center of the oven's load carrying surface, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F.

3.2 *Energy consumption.*

3.2.1 *Conventional oven test energy consumption.* Measure the block temperature, T_A, and the energy consumed, E_A, at the end of the last "ON" period of the conventional oven before the block reaches T_O (T_O is 234°F above the initial block temperature (T_I). Measure the block temperature, T_B, and energy consumed E_B, at the beginning of the next "ON" period. Measure the block temperature, T_C, and energy consumed, E_C, at the end of that "ON" period. Measure the block temperature, T_D, and energy consumed E_D, at the beginning of the following "ON" period. Measure any electrical energy, E_{IO}, consumed by an ignition device or thermostat of a conventional gas oven in watt-hours.

3.2.1.1 *Self-cleaning test measurement* Measure the self-cleaning conventional oven energy consumption, E_s, specified as the number of watt-hours of electrical energy or cubic feet of gas, consumed during the self-cleaning test set forth in 3.1.1 of this Appendix. Measure any electrical energy, E_{IS}, consumed by an ignition device of a self-cleaning conventional oven in watt-hours.

3.2.1.2 *Gas consumption of continuously burning pilot lights.* Measure the gas consumption of the pilot lights, P_e, specified as the cubic feet of gas consumed during the test set forth in 3.1.1.2.

3.2.2 *Conventional cooking to test energy consumption.* For the gas or electric heating element under test, measure the energy consumption, E_{CT}, and the test block temperature, T_{CT}, at the end of the 15 minute (reduced input setting) test interval for the test specified in 3.1.2 and the total time (T_T), in hours, the element is under test. Measure any electrical energy, E_{IC}, consumed by an ignition device of a gas heating element in watt-hours.

3.2.2.1 *Energy consumption of continuously burning pilot lights.* If the conventional cooking top under test has one or more continuously burning pilot lights, measure the gas consumed during the test by the pilot lights, P_e, in cubic feet of gas specified in 3.1.2.1.

3.2.3 *Microwave test cycle energy consumption.* Measure the initial, T_{Mi}, and final, T_{Fi}, temperature, in degrees Fahrenheit (°F), of the water test load for the 2,000 ml, 1,000 ml, 500 ml and 275 ml tests. The final temperature, T_{Fi}, shall be measured after the test load has been stirred to insure uniform temperature distribution. Measure the elasped time, t_i, in seconds, until the temperature rise of the water load is 45±9°F.

Measure the electrical input energy, E_i, in watt-hours consumed by the microwave oven during the elapsed time, t_i, for each test.

3.3 *Recorded values.*

3.3.1 Record the test room temperature, T_R, for each test in degrees Farenheit.

3.3.2 Record measured test block weights W_1, W_2, W_3.

3.3.3 Record the initial temperature, T_I, of the test block under test.

3.3.4 Record the conventional oven test measurements T_A, E_A, T_B, E_B, T_C, E_C, T_D, and E_D.

3.3.5 Record the measured energy consumption, E_S, for the self-cleaning conventional oven test.

3.3.6 Record elapsed time, L_o, that any conventional oven continuously burning pilot lights are under test.

3.3.7 Record the elapsed time, L_c, that any conventional cooking top continuously burning pilot lights are under test.

3.3.8 Record the gas consumption of any continouously burning pilot lights, P_e and P_c.

3.3.9 Record the total time (T_T) in hours required for the heating element test in 3.2.2.

3.3.10 For the heating element under test, record the energy consumption, E_{CT}, and the final test block temperature, T_{CT}.

3.3.11 Record the electrical input energy, E_i, the elapsed time, t_i, and initial (T_{Mi}) and final (T_{Fi}) temperature of the water load for each microwave oven test.

3.3.12 Record the heating value, H_s, as determined in 2.2.2.1 of this Appendix for the natural gas supply.

3.3.13 Record the heating value, H_p, as determined in 2.2.2.2 of this Appendix for the propane gas supply.

4. *Calculation of derived results from test measurements.*

4.1 *Conventional oven energy consumption.*

4.1.1 *Conventional oven test energy consumption.*

4.1.1 *Conventional electric oven test energy consumption.*

For each conventional electric oven of the basic model tested, calculate the test energy consumption, E_O, expressed in Btu's, and corresponding to T_O and defined as:

$$E_O=(E_{AB}\times H_e)+\left[\frac{T_O-T_{AB}}{T_{CD}-T_{AB}}\times(E_{CD}-E_{AB})\times(H_e)\right],$$

where

H_e = conversion factor of watt-hours to Btu's (3.412 Btu/wh).

$$T_{AB}=\frac{T_A+T_B}{2}$$

$$T_{CD}=\frac{T_C+T_D}{2}$$

$$E_{AB}=\frac{E_A+E_B}{2}$$

$$E_{CD}=\frac{E_C+E_D}{2},$$

where

T_O = 234°F above the initial block temperature.

T_A = block temperature at the end of the last "ON" period of the conventional oven before the test block reaches T_O.

E_A = energy consumed in watt-hours at the end of the last "on" period before the test block reaches T_O.

T_B = block temperature at the beginning of the "ON" period after the test block reaches T_O.

E_B = energy consumed in watt-hours at the beginning of the "ON" period after the test block reaches T_O.

T_C = block temperature at the end of the "ON" period in which T_B and E_B were measured.

E_C = energy consumed in watt-hours at the end of the "ON" period in which T_B and E_B were measured.

T_D = block temperature at the beginning of the "ON" period which follows the period in which T_C was measured.

E_D = energy consumed in watt-hours at the beginning of the "ON" period which follows the period in which T_C was measured.

4.1.1.2 *Conventional gas oven test energy consumption.* For each conventional gas oven of the basic model tested, calculate the test energy consumption, E, expressed in Btu's and corresponding to T_O and defined as:

$$E=(E_{IO}\times H_e)+E_O,$$

where

E_{IO} = any electrical energy consumed by an ignition device or thermostat of the conventional gas oven as measured in 3.2.1.

H_e = conversion factor of watt-hours to Btu's (3.412 Btu's/wh).

$$E_O=(E_{AB}\times H)+\frac{(T_O-T_{AB})}{(T_{CD}-T_{AB})}\times(E_{CD}-E_{AB})\times(H),$$

where

H = either H_s or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

$$T_{AB}=\frac{T_A+T_B}{2}$$

$$T_{CD}=\frac{T_C+T_D}{2}$$

$$E_{AB}=\frac{E_A+E_B}{2}$$

$$E_{CD}=\frac{E_C+E_D}{2},$$

where

T_O = 234°F above the initial block temperature.

T_A = block temperature at the end of the last "ON" period of the conventional oven before the test block reaches T_O.

E_A = energy consumed at the end of the last "ON" period before the test block reaches T_O.

T_B = block temperature at the beginning of the "ON" period after the test block reaches T_O.

E_B = energy consumed at the beginning of the "ON" period after the test block reaches T_O.

T_C = block temperature at the end of the "ON" period in which T_B and E_B were measured.

E_C = energy consumed at the end of the "ON" period in which T_B and E_B were measured.

T_D = block temperature at the beginning of the "ON" period which follows the period in which T_C was measured.
E_D = energy consumed at the beginning of the "ON" period which follows the period in which T_C was measured.

4.1.1.3 *Test energy consumption of any continuously burning pilot lights.* Calculate the test energy consumption of any continuously burning pilot lights, E_{po}, expressed in Btu's per hour and defined as:

$$E_{po} = \frac{P_o \times H}{L_o},$$

where
P_O = cubic feet of gas consumed by any pilot lights as determined in 3.2.1.2.
$H = H_n$ or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2 in Btu's per standard cubic foot.
L_O = elapsed test time in hours for any pilot lights tested.

4.1.2 *Conventional oven efficiency.*

4.1.2.1 *Conventional electric oven efficiency.* For each conventional electric oven of the basic model tested, calculate the efficiency, Eff_{EO}, using the following equation:

$$Eff_{EO} = W_1 \times C_p \times \frac{T}{E_O},$$

where

W_1 = measured weight of test block, in pounds.
C_p = specific heat of test block, or 0.23 Btu's/lb °F.
T = temperature rise of test block (234°F).
E_o = energy consumed to raise temperature of test block 234°F, as calculated in 4.1.1.1.

4.1.2.2 *Conventional gas oven efficiency.*

4.1.2.2.1 *Efficiency of a conventional gas oven without any continuously burning pilot lights.* For each conventional gas oven without any continuously burning pilot lights of the basic model tested, calculate the efficiency, Eff_{GO}, using the following equation:

$$Eff_{GO} = W_1 \times C_p \times \frac{T}{E},$$

where

W_1 = measured weight of test block, in pounds.
C_p = specific heat of test block, 0.23 Btu's/lb °F.
T = temperature rise of test block (234°F).
E = test energy consumption as defined in 4.1.1.2.

4.1.2.2.2 *Efficiency of a conventional gas oven with any continuously burning pilot lights.* For each conventional gas oven with any continuously burning pilot lights of the basic model tested, calculate the efficiency, Eff_{GP}, using the following equation:

$$Eff_{GP} = \frac{O_o}{I},$$

where

O_o = Annual useful energy output (181,300 Btu's per year)
I = Annual cooking energy consumption

$$= \frac{O_o}{W_1 \times C_P \times \frac{T}{E}} + Y_o \times E_{po},$$

where

W_1 = measured weight of test block, in pounds.
C_p = specific heat of test block, 0.23 Btu/lb °F.
T = temperature rise of test block (243°F).
E = conventional gas oven energy consumed as calculated in 4.1.1.2.

$Y_o = A - B,$

where

A = total number of hours in a year, (8760 hours per year).
B = number of hours any continuously burning pilot lights contribute to the heating of the conventional oven for cooking food, (300 hours per year).
E_{po} = test energy consumption of any continuously burning pilot lights of a conventional gas oven, in Btu's per hour, as determined according to 4.1.1.3.

4.1.2.3 *Conventional oven efficiency of a basic model.* Calculate the conventional oven efficiency, Eff_{AO}, of the basic model tested, using the following equation:

$$Eff_{AO} = \sum_{i=1}^{n} \frac{(Eff_o)i}{n}$$

where,

Eff_o = the efficiency of each oven as determined according to 4.1.2.
n = number of conventional ovens of the basic model tested.

4.1.3 *Conventional oven annual cooking energy consumption of a basic model.* Calculate the conventional oven annual cooking energy consumption, E_{oc}, of the basic model tested, expressed in kWh per year for electrical energy and Btu's per year for gas, and defined as:

$$E_{oc} = \frac{O_o}{Eff_{AO}},$$

where

O_o = conventional oven annual useful energy output expressed as 53.13 kWh or 181,300 Btu's.
Eff_{AO} = conventional oven efficiency of a basic model as determined according to 4.1.2.3.

4.1.4 *Conventional oven annual self-cleaning energy consumption of a basic model.* Calculate the conventional oven annual self-cleaning energy consumption, E_{sc}, of the basic model tested, expressed in kWh per year for electrical energy and Btu's per year for gas, and defined as:

For conventional gas ovens:

$$E_{sc} = \left(\frac{\sum_{i=1}^{n} (E_s + (E_{IS} \times H_s))_i}{n} \right) \times H \times S,$$

where
E_s = energy consumption in cubic feet of gas per oven tested according to 3.2.1.1.
E_{IS} = electrical energy consumed by an ignition device for the self-cleaning operation of a conventional gas oven.
H_s = conversion factor of watt-hours to Btu's (3.412 Btu/wh).
$H = H_n$ or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2 in Btu's per standard cubic foot.
S = 11 (representative average number of times a self-cleaning operation of a conventional oven is used per year).
n = number of conventional ovens of the basic model tested.

For conventional electric ovens:

$$E_{sc} = \left(\frac{\sum_{i=1}^{n} (E_s)i}{n} \right) \times S \times Cs$$

where
E_s = energy consumption in watt-hours per oven tested according to 3.1.1.1.
S = as defined above.
n = as defined above.
C = conversion factor of watts to kilowatts (.001 W/kW).

4.1.5 *Total conventional oven annual energy consumption of a basic model.* Calculate the total conventional oven annual energy consumption, E_{AO}, of the basic model tested, expressed in kWh per year or Btu's per year, and defined as:

$$E_{AO} = E_{oc} + E_{sc},$$

where

E_{oc} = Conventional oven annual cooking energy consumption of a basic model as determined in 4.1.3 in kWh's per year or Btu's per year.
E_{sc} = Conventional oven annual self-cleaning energy consumption of a basic model as determined in 4.1.1 in kWh's per year of Btu's per year.

4.2 *Conventional cooking top energy consumption.*

4.2.1 *Conventional cooking top efficiency.*

4.2.1.1 *Electric heating element efficiency.* Calculate the efficiency, Eff_{ES}, of the electric heating element under test, and defined as:

$$Eff_{ES} = W \times C_p \times \frac{T_{su}}{H_s \times E_{CT}}$$

where

W = measured weight of test block (W_2 or W_3), in pounds.
C_p = specific heat of aluminum: 0.23 Btu's/lb °F.
T_{su} = temperature rise of the test block: final test block temperature, T_{CT}, minus the initial testblock temperature, T_I, in °F.

H_c=conversion factor of watt-hours to Btu's, (3.412 Btu/wh).
E_{CT}=measured energy consumption, as determined according to 3.2.2, in watt-hours.

4.2.1.1.1 *Conventional electric cooking top efficiency.* Calculate the conventional electric cooking top efficiency, Eff_{EC}, using the following equation:

$$Eff_{EC}=\frac{\sum_{i=1}^{n}(Eff_{ES})_i}{n},$$

where
n=number of electric heating elements contained in the cooking top.
Eff_{ES}=the efficiency of each of the electric heating elements, as determined according to 4.2.1.1.

4.2.1.2 *Gas heating element efficiency.* Calculate the efficiency, Eff_{GS}, of the gas heating element under test, and defined as:

$$Eff_{GS}=W_s\times C_p\times\frac{T_{ru}}{E\times H},$$

where
W_s=measured weight of test block according to 3.3.2, in pounds.
C_p=specific heat of aluminum, 0.23 Btu's/lb °F.
T_{ru}=temperature rise of the test block: final test temperature T_{CF}, as determined in 3.2.2, minus the initial test block temperature, T_I.
H=either H_u or H_p, the value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

$$E=(E_{CT}+(E_{IC}\times H_c))-E_{CP},$$

where
E_{CT}=energy consumption for the gas heating element as defined in 3.2.2.
E_{IC}=electrical energy consumed by an ignition device of a gas heating element.
H_c=conversion factor of watt-hours to Btu's (3.412 Btu/wh).

$$E_{CP}=P\times T_T,$$

where

$$P=\frac{P_c}{L_c},$$

where
P_c=any pilot lights gas consumption defined in 3.2.2.1.
L_c=elasped time of the cooking top pilot lights test as defined in 3.1.2.1.
T_T=the elasped test time as defined in 3.2.2.

4.2.1.2.1 *Conventional gas cooking top efficiency.*

4.2.1.2.1.1 *Efficiency of a conventional gas cooking top without any continuously burning pilot lights.* Calculate the efficiency, Eff_{GC}, of a conventional gas cooking top without any continuously burning pilots using the following equation:

$$Eff_{GS}=\frac{\sum_{i=1}^{n}(Eff_{ES})_i}{n},$$

where
n=number of gas heating elements contained in the cooking top.
Eff_{GS}=the efficiency of each gas heating element as determined according to 4.2.1.2.

4.2.1.2.1.2 *Efficiency of a conventional gas cooking top with any continuously burning pilot lights.* Calculate the effiency, Eff_{PC}, of a gas cooking top with any continuously burning pilot lights using the following equation:

$$Eff_{PC}=\frac{O_{CT}}{I_{CT}},$$

where
O_{CT}=814,000 Btu's (annual useful conventional cooking top energy output).

$$I_{CT}=\frac{O_{CT}}{Eff_{GC}}+(A\times P\times H),$$

where
O_{CT}=the annual useful energy output as defined above.
Eff_{GC}=the gas cooking top efficiency as defined in 4.2.1.3.1.
P=the hourly energy consumption defined in 4.2.1.2.
A=the total number of hours in a year (8,760 hours).
H=either H_u or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

4.2.2 *Conventional cooking top annual energy consumption.* Calculate the conventional cooking top annual energy consumption, E_{CA}, in kWh per year for conventional electric cooking tops or Btu's per year for conventional gas cooking tops, and defined as:

$$E_{CA}=\frac{O_{CT}}{Eff},$$

where
O_{CT}=238.5 kWh per year or 814,000 Btu's per year (conventional cooking top annual useful energy output).
Eff=conventional cooking top efficiency as determined according to 4.2.1.1.1 for conventional electric cooking tops and 4.2.1.3 for conventional gas cooking tops.

4.3 *Conventional range annual energy consumption.* Calculate the conventional range annual energy consumption, E_R, in kWh per year for conventional electric ranges and Btu's per year for conventional gas ranges, and defined as:

$$E_R=E_{AO}+E_{CA},$$

where
E_{AO}=the conventional oven annual energy consumption in kWh's per year or Btu's per year as defined in 4.1.5.
E_{CA}=the conventional cooking top annual energy consumption in kWh's per year or Btu's per year as defined in 4.2.2.

4.4 *Conventional range efficiency.* Calculate the conventional range efficiency, Eff_R, and defined as:

$$Eff_R=\frac{O_R}{E_r},$$

where
O_R=291.5 kWh per year for conventional electric ranges and 995,000 Btu's per year for conventional gas ranges (conventional range annual useful energy output).
E_R=the conventional range annual energy consumption as defined in 4.3.

4.5 *Microwave oven energy consumption.*

4.5.1 *Microwave power output.* Calculate for each test load (i) the microwave power output, MP_o, in watts, and defined as:

$$(MP_o)_i=\frac{W_i\times F\times DT_i}{t_i},$$

where
W_i=size of the test load, in milliliters (ml).

$$DT_i=T_{Mi}-T_{Ii},$$

where
T_{Mi}=the final temperature in °F of the test load as defined in 3.2.3.
T_{Ii}=the initial temperature in °F of the test load as defined in 3.2.3.
F=2.32 Watt-sec/Ml °F (conversion factor used to convert milliliter, degrees Farenheit to watt-seconds).
t_i=the elapsed test time, in seconds, as defined in 3.2.3.

4.5.2 *Average microwave power output.* Calculate the average microwave power AP_o, in watts, as defined as:

$$AP_o=\frac{\sum_{i=1}^{m}(MP_o)_i}{m},$$

where
m=4 (the number of test loads).
$(MP_O)_i$=the microwave power output for each test load as defined in 4.5.1

4.5.3 *Specific microwave efficiency.* Calculate the specific microwave efficiency, e, for each test load (i), and defined as:

$$e_i=\frac{AP_o}{E_i}\times\frac{t_i}{S},$$

where
S=3,600 seconds (the number of seconds in one hour).
AP_O=the average microwave power output in watts as defined in 4.5.2.
E_i=the energy consumption as defined in 3.2.3.
t_i=the elapsed test time as defined in 3.2.3.

4.5.4 *Microwave oven rated efficiency.* Calculate the microwave oven rated efficiency, $e_{(ave)}$, and defined as:

$$e_{(ave)}=\frac{\sum_{i=1}^{m}ei}{m},$$

where
m=4 (the number of test loads).
e_i=the specific microwave efficiency as defined in 4.5.3.

4.5.5 *Microwave oven annual energy consumption.* Calculate the microwave oven annual energy consumption, E_{mo}, in kWh per year, and defined as:

$$E_{mo}=\frac{MO}{e_{(ave)}}+((PR)\times(KH)),$$

where
$e_{(ave)}$=the microwave oven rated efficiency as defined in 4.5.4.
PR=the power rating of features (such as clocks), in watts. The power rating is the power drawn from the electrical supply when the microwave oven is turned off.
MO=34.2 kWh per year (the microwave oven annual useful energy output).
KH=8.76 (the nunber of thousand hours in a year).

[FR Doc.77-16978 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-RM-27]

TRANSITION AREA AT DELTA, UTAH

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice (NPRM) proposes to alter the Delta, Utah, 700 foot transition area to provide controlled airspace for aircraft executing new VOR approach procedures developed for the Delta, Utah, Municipal Airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Rocky Mountain Region, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The official docket may be examined at the following location: Office of the Regional Counsel, Rocky Mountain Region, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Aurora, Colorado.

FOR FURTHER INFORMATION CONTACT:

Clyde A. Powers, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-538, FAA Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010, telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION: A new VOR Instrument approach procedure to runway 16 and an amended VOR Instrument approach procedure (amendment 1) to runway 34 has been developed for the Delta Municipal Airport, Delta, Utah. Accordingly, it is necessary to alter the Delta, Utah, 700 foot transition area to adequately protect aircraft executing these procedures. Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Persons desiring copies of the NPRM should contact: Rules Docket Clerk Office of the Regional Counsel, ARM-7, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

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

Accordingly, the Federal Aviation Administration proposes to amend Part 71, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

Amend § 71.181 (42 FR 440) so as to alter the following 700 foot transition area to read:

DELTA, UTAH

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Delta Municipal Airport (latitude 39°23'-00"N., longitude 112°30'35"W.); and within 10.5 miles northwest and 5 miles southeast of the Delta VORTAC 203° radial, extending from the 9-mile radius area to 18.5 miles southwest of the VORTAC; within 5 miles east of the Delta VORTAC 186° radial, extending from the 9-mile radius area to 13 miles south of the VORTAC; within 8 miles west and 6.5 miles east of the Delta VORTAC 360° radial, extending from the 9-mile radius area to 30 miles north of the VORTAC * * *

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11940, and OMB Circular A-107.

Issued in Aurora, Colorado, on June 6, 1977.

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

[FR Doc.77-17084 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-23]

FEDERAL AIRWAY

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign the VOR Federal Airway identified as V-37 between Morgantown, W. Va., and Ellwood City, Pa., to reduce aircraft radio frequency changes and provide more efficient use of the navigable airspace in and around the Greater Pittsburgh Airport Area.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77-EA-23, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before July 18, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign the VOR Federal Airway identified as Victor (V)-37 between Morgantown, W. Va., and Ellwood City, Pa. The FAA acknowledges that the proposed realignment of this airway will add one mile to the overall distance between Morgantown and Ellwood City. However, the FAA believes the benefits to be gained by reducing the number of radio changes from three to two and the improved air traffic handling capabilities will offset the extra mile of flying. This proposal should also help the pilot by reducing cockpit workload, thereby alowing him to fly and navigate better.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic

Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) to realign VOR Federal Airway V-37 in part between Morgantown, W. Va., and Ellwood City, Pa., as follows:

"INT Morgantown 331°T (336°M) and Ellwood City, Pa., 185°T (190°M) radials;

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17085 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-20]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign and redesignate the existing transition area and control zone at K. I. Sawyer Air Force Base, Michigan, to provide for adjustment of the controlled airspace to accommodate aircraft executing instrument approach procedures to K. I. Sawyer Air Force Base which approach procedures have been altered by the Air Force.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-20, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to realign and redesignate the control zone and transition area to insure segregation of aircraft using the various instrument approach procedures into K. I. Sawyer AFB in instrument weather conditions and other aircraft operating under visual conditions. The circumstance which created this action was an alteration by the Air Force of various instrument approach procedures at K. I. Sawyer AFB. These procedural changes will require the FAA to reorient the control zone extensions approximately one-half mile counter-clockwise and will allow for the return of approximately eight miles of 700' above the surface transition area to the south of the Air Force Base to the public for general aviation use. In addition, aeronautical maps and charts will reflect the revised area which will enable non-military aircraft to circumnavigate the area if required in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-20, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subparts G and F, Part 71, of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700' controlled airspace transition area and the control zone near K. I. Sawyer AFB, Michigan. Subparts G and F of Part 71 were republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440 and 355).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (42 FR 440) the following transition area is amended to read:

K. I. SAWYER AFB, MICHIGAN

That airspace extending upward from 700' above the surface within an 8.5 statute (7.1 nautical) mile radius of the K. I. Sawyer Airport.

In addition, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.171 (42 FR 355), the following control zone is amended to read:

K. I. SAWYER AFB, MICHIGAN

Within a 5 statute mile radius of the K. I. Sawyer Airport (latitude 46°21' N, longitude 87°24' W); within two statute miles each side of the extended center line of runaway 01/19, extending from the 5-mile radius zone to 7.5 statute miles north and south of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director, Great Lakes Region.

[FR Doc.77-16834 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-31]

FEDERAL AIRWAYS IN SOUTHWESTERN CALIF.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V-12, V-25, V-27, V-186 and V-485 airways in the southwestern Calif., area. This action would improve traffic handling capabilities, reduce airway distances and promote safety by segregating moving en route traffic from terminal traffic and changing airways to go direct station to station.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA

Western Region, Attention: Chief, Air Traffic Division, Docket No. 76-WE-31, FAA, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before July 18, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airways identified as V-12, V-25, V-27, V-186 and V-485 in southwestern Calif. This action would: (1) Provide a safer, more efficient flow of traffic in the Santa Barbara-Ventura area; (2) provide additional flexibility in handling IFR traffic; (3) support the "most direct route" philosophy; (4) facilitate feeder routes into Santa Barbara Municipal Airport; and (5) reduce controller workload.

ICAO CONSIDERATIONS

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) to realign VOR Federal Airways V-12, V-25, V-27 and V-485 and to extend V-186 segments in the southwest area of Calif., as follows:

1. V-12 from Santa Barbara, Calif., direct to Palmdale, Calif., and V-12 S from Santa Barbara to Palmdale via Fillmore, Calif. V-12 is presently designated from Santa Barbara to Palmdale via the Henderson INT and Fillmore without an alternate airway between these points.

2. V-25 from Ventura, Calif., direct to Santa Barbara, Calif., and V-25 W as a standard west alternate between Santa Barbara and Paso Robles, Calif. V-25 is presently designated from Ventura to Santa Barbara via the Henderson INT. There is no V-25 W between Santa Barbara and Paso Robles.

3. V-27 from Ventura, Calif., via INT Ventura 326°T (311°M) and Fillmore, Calif., 265°T (250°M) radials; INT Fillmore 265°T (250°M) and Gaviota, Calif., 143°T (127°M) radials; to Gaviota. V-27 is presently designated from Ventura to Gaviota via the Henderson INT and the Goleta INT.

4. V-186 from Fillmore, Calif., via INT Fillmore 265°T (250°M) and Santa Barbara, Calif., 123°T (107°M) radials to Santa Barbara. This is an extension of V-186 which presently stops at Fillmore.

5. V-485 from Ventura, Calif., direct to Fellows, Calif. V-485 is presently designated via an INT.

(Sec. 307(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on June 9, 1977.

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

[FR Doc.77-17086 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-19]

TRANSITION AREA AT DE RIDDER, LA.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the De Ridder, Louisiana, transition area to provide controlled airspace for aircraft executing a newly established NDB (nondirectional radio beacon) instrument approach procedure to the Beauregard Parish Airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Fed-

eral Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone, 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G, § 71.181 (42 FR 440) of FAR Part 71, the description of the De Ridder, Louisiana, transition area reflects the controlled airspace provided for the present instrument approach to the Beauregard Parish Airport. The new NDB Runway 36 approach will require alteration of the transition area to provide the necessary controlled airspace for this approach.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 18, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the De Ridder, La., transition area. The FAA believes this action will enhance IFR operations at the Beauregard Parish Airport by providing controlled airspace for aircraft executing the new NDB runway 36 instrument approach procedure established for the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, in Subpart G, 71.181 (42 FR 440), the De Ridder, La., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.) within 3.5 miles each side of the 347 bearing from the De Ridder NDB (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the NDB, and within 3 miles each side of the 191 bearing from the De Ridder NDB extending from the 5-mile radius area to 8 miles south of the NDB.

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

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

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

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.77-17087 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-19]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Aitkin, Minnesota, to provide controlled airspace for aircraft executing instrument approach procedures to Aitkin Municipal Airport which are based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-19, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the Aitkin Municipal Airport to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-19, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Aitkin, Minnesota. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

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

AITKIN, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five (statute) mile radius of the Aitkin Municipal Airport (latitude 46°32'45" N. longitude 93°40'45" W) and within 3 miles (statute) each side of the 355° (true) bearing of the Aitkin NDB, extending from the five-mile radius to 8.5 miles (statute) north of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc.77-16835 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-21]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Peebles, Ohio, to provide controlled airspace for aircraft executing instrument approach procedures to the General Electric Airport which are based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-21, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone 312 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the General Electric Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-21, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend the existing 700' controlled airspace transition area near General Electric Airport, Peebles, Ohio. Subpart G of Part 71 was republished in the Federal Register on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

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

PEEBLES, OHIO

That airspace extending upward from 700 feet above the surface within a seven nautical mile radius of the Center (latitude 38° 55'16" N, longitude 83°10'37" W) of General Electric Airport, Peebles, Ohio; excluding that portion which overlies the Salamon, Ohio transition area.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

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

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc.77-16833 Filed 6-15-77;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-AL-9]

RESTRICTED AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Eagle River, Alaska, Restricted Area identified as R-2203A and R-2203B, and to establish an additional Restricted Area R-2203C west of the present restricted area in the vicinity of Fort

Richardson, Alaska, to release to the flying public the airspace overlying the water in Knik Arm north of the shoreline. This proposed action will provide more efficient use of the navigable airspace.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 76-AL-9, FAA, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may particapte in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before August 1, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the Eagle River, Alaska, Restricted Area identified as R-2203A and R-2203B, and to establish an additional Restricted Area R-2203C west of the present restricted area in the vicinity of Fort Richardson, Alaska. Restricted area is specified airspace within which the flight of aircraft, while not wholly prohibited, is subject to restriction. Most restricted areas are designated joint use and IFR/VFR operations in the areas may be authorized by the controlling ATC facility when it is not being utilized by the using agency. On February 24, 1977, the FAA circulated the proposal as an advanced NPRM to interested persons. The notice generated 17 concurrences and no objections. Modification of the Eagle River, Alaska, Restricted Areas R-2203A and R-2203B will release to the flying public the airspace overlying the water in Knik Arm north of the shoreline and lower the ceiling from the present 18,000 feet MSL to 11,000 feet MSL. Further, R-2203A would be modified to include the southern portion of R-2203B which overlies Gwen Lake; therefore, when R-2203A is not in use, substantial airspace immediately northeast of Elmendorf would be available for aircraft operations. The new Restricted Area R-2203C west of and adjacent to R-2203B, would include that airspace from the surface to 5,000 feet MSL over land area only. This additional restricted area is required to provide needed impact area to properly train Field Artillery Battalions.

The United States Army, 172nd Infantry Brigade (Alaska), Fort Richardson, Alaska, would be the using agency for R-2203A, R-2203B and R-2203C. The controlling agency would be the FAA, Anchorage Approach Control. The restricted area would be joint use and released to other airspace users when not required by the using agency. Subpart B of Part 73 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 655).

DRAFTING INFORMATION

The principal authors of this document are Richard Huff, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.22 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (42 FR 658) to alter Eagle River, Alaska, Restricted Area R-2203A and R-2203B, and to establish R-2203C as follows:

R-2203A EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°22'00" N., Long. 149°33'48" W., thence southwesterly along the Alaska Railroad to Lat. 61°18'00" N., Long. 149°39'45" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to Lat. 61°17'15" N., Long. 149°42'25" W., to Lat. 61°17'15" N., Long. 149°36'15" W., to point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

R-2203B EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°24'34" N., Long. 149°33'48" W., thence southwesterly along the shoreline to Lat. 61°19'45" N., Long. 149°44'00" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to Lat. 61°18'00" N., Long. 149°39'45" W., thence northeasterly along the Alaska Railroad to Lat. 61°22'00" N., Long. 149°33'48" W., to point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

R-2203C EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°19'45" N., Long. 149°44'00" W., thence westerly along the shoreline to Lat. 61°19'38" N., Long 149°46'36" W., to Lat. 61°19'12" N., Long. 149°46'36" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. FAA, Anchorage Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on June 7, 1977.

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

[FR Doc.77-16832 Filed 6-15-77;8:45 am]

[14 CFR Part 77]

[Docket No. 16920; Notice No. 77-7]

OBJECTS AFFECTING NAVIGABLE AIRSPACE

Proposed Revision and Reorganization of Part 77 of the Federal Aviation Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The FAA is considering amending the rules under which the FAA determines whether an object would constitute a hazard to air navigation. The intent of this proposal is a more logical presentation of the agency functions contained in these rules. The need for this action results from experience indicating that the current rules do not fully and clearly describe the process necessary to permit adequate evaluations of objects intruding into the navigable airspace.

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

ADDRESSES: Send comments on the proposals to, Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16920, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Oreste E. Falsetti, Airspace Obstruction and Airports Branch (AAT-240), Airspace and Air Traffic Rules Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone, 202-426-8777.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

This advance notice of proposed rule making (ANPRM) is being issued pursuant to the FAA's policy for the early institution of public proceedings in actions related to rulemaking. An advance notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Communication received on or before September 12, 1977, will be considered by the Administrator before taking any action on this part. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NOTICE

Any person may obtain a copy of this advance notice of proposed rulemaking by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20791, or by calling 202-426-8058. Communications must identify the notice number of the ANPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

DISCUSSION OF PROPOSED RULE

FAR Part 77, "Objects Affecting Navigable Airspace," requires that notice of certain proposed construction or alteration be provided to the Administrator. In addition, it establishes standards for determining obstructions, and provides for aeronautical studies of obstructions, public hearings on hazardous effects of proposed construction, and FAA actions with respect to the establishment of antenna farm areas.

The proposed modification would affect all Part 77 regulatory functions, from notice requirements to discretionary review. There is a growing consensus that changes may be needed to effectively and equitably deal with the complexities surrounding many of today's construction proposals. FAA personnel have noted shortcomings with respect to Part 77 applications and have suggested regulatory adjustments. Also, industry comments have indicated areas of general misunderstanding, especially with respect to the use of the obstruction standards.

Amendments to many sections are being considered and comments on the suggested changes and alternatives to them are being solicited.

Section 77.1 lists the functions of Part 77. As now written, the first function listed is the establishment of standards for determining obstructions in navigable airspace. The requirement of notice to the Administrator of certain proposed construction or alteration follows. Although Part 77 makes no discernible attempt to establish priority of function, the notice requirement is rooted directly in Public Law and is precedent to other major actions involved in construction proposals. Section 77.1(a) could be listed as the notice requirement and read "Sets forth the requirements for all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration of any structure where notice will promote safety in air commerce."

The current § 77.1(a) states that this part—"Establishes standards for determing obstructions in navigable airspace." Sponsors and interested persons often misinterpret FAA use of the standards. They are mistakenly considered to be inviolable, and if exceeded, automatically result in a hazard determination. The function not only needs to be stated; it needs to be accompanied with a description of its limited role. A new § 77.1(b) might read: "Establishes standards for determining obstructions in navigable airspace. The standards are used to identify obstructions which are subsequently studied to determine impact on air navigation."

No mention is made in § 77.1, of discretionary review procedures. Although procedures are prescribed in Part 77, no reference to this major function is provided in this section entitled "Scope." To rectify this oversight, a new § 77.1(d) could read: "Provides discretionary review procedures so that interested persons may petition the Administrator for a review of the determination, revision or extension.

As written, § 77.1(e) states: (This part) "Provides for establishing antenna farm areas." The word "establishing" as used alone, implies that this is an FAA regulatory function. In fact, the FAA proposes the establishment of an antenna farm area; it is the Federal Communications Commission which has the statutory responsibility to establish the areas. Thus, § 77.1(e) might read: "Provides policy, procedures and considerations for FAA actions related to proposed establishment of antenna farm areas."

Section 77.3 explains in general terms the use of standards in Part 77 by the Administrator. Were § 77.1 to be revised as suggested, this section would be unnecessary and could be deleted.

Section 77.11 states that a supplemental notice is required 48 hours before the start, and upon completion, of construction or alteration that is the subject of notice. Supplemental notice allows the FAA time to adjust aeronautical procedures, if necessary. The time, as provided, is hardly enough to initiate an operation or procedure change. The notice requirement itself was intended to provide adequate advance warning of proposed surface construction or alteration. It is considered just as vital to air safety that supplemental notice of actual implementation of construction plans be provided with reasonable advance warning. It is proposed that the Regional Director be given discretionary authority to request up to a 90-day advance supplemental notice of actual start and/or completion of construction. Thus, the third sentence of § 77.11(a) might be amended to read: "It also requires supplemental notice up to 90 days, as requested by the Regional Director, before the start and upon completion of certain construction or alteration that was the subject of a notice under § 77.13(a)."

Section 77.13(b) specifies the 48-hour supplemental notice requirement. As noted above, this time is considered insufficient. As proposed, up to 90 days supplemental notice could be requested by the Regional Director, as required, on a case-by-case basis. Section 77.13(b) might be revised to read: "Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office, up to 90 days, as determined by the Regional Director, before the start of the construction or alteration."

Section 77.15(a) describes the conditions under which objects may be considered shielded and shielding locations. Under these circumstances no notice is required. However, the conditions described do not explicitly cover that situation where an object may be considered shielded but may be closer to an airport than the shielding object. In such a situation, it may be possible for an object to adversely affect air navigation. The object would not truly be shielded and should not be exempt from notice. Section 77.15(a) ought to provide for this situation and might be revised to read: "Any object which would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or set-

tlement, and which would be no closer to an airport than the shielding object, where it is determined that the structure so shielded will not adversely affect safety in air navigation."

Section 77.15(b) exempts from the notice requirement any antenna structure of 20 feet or less, except one that would increase the height of another antenna structure. In many cases, antennas of 20 feet or less have been placed on existing buildings or terrain with a resultant effect on minimum instrument flight altitudes. Obstacle Clearance Standards do not "absorb" the 20 feet or less antennas to maintain required clearance criteria. Since antennas of 20 feet or less, where placed on existing surface objects or terrain, could raise minimums, those that cause notice criteria to be exceeded should be considered under § 77.13 "Construction or Alteration Requiring Notice." Accordingly, the deletion of § 77.15 (b) is being considered.

Section 77.15 exempts from the notice requirements any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or a military service on military airports, the location and height of which are fixed by its functional purpose. Clarification is needed as to which NAVAIDs or facilities are exempt. It is suggested that the aids which should be exempt are those that are federally owned or funded because, in these cases, the FAA already has access to the information that notice under Part 77 provides. Section 77.15(c) might be amended to read: "Any federally owned or funded existing or proposed navigation facility, aid or device approved by the Administrator, and for which specific siting criteria have been prescribed."

Section 77.17(b) refers to § 77.13, "Construction or Alteration Requiring Notice," subparagraphs (a)(1) through (4). No reference is made to § 77.13(a)(5) which pertains to airport construction and should logically be included in the reference. To correct this, § 77.17(b) might be amended to read: "The notice required under § 77.13(a)(1) through (5) must be submitted * * *"

Section 77.17(b) requires that notice to FAA be made at least 30 days before the proposed construction or alteration is to begin or the date an application for a construction permit is to be filed, whichever is earlier. However, this notice requirement ignores one important factor—State or local aeronautical zoning. It is recognized that FAA responsibilities and state or local zoning are complementary in preserving and fostering flight safety in the public interest. To build or alter, a construction sponsor should be aware not only of FAA notice requirements, but also of a zoning authority's land use requirements. It is beneficial to FAA, the state or local authority, and the sponsor that the sponsor be aware of each agency's requirements. Thus, it is recommended that FAA notice requirement procedures refer to zoning requirements. This could be accomplished through the addition of a new § 77.17(b)(3) which reads: "The date a request for a variance in compliance with a state or local aeronautical zoning requirement is filed with the state or local zoning authority."

Section 77.17(b) states that a notice relating to proposed construction or alteration subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the FCC or at any time before that filing. However, this is written in a parenthetical sense. In order to more appropriately recognize the importance of this provision it is suggested that it be incorporated in a new § 77.17(c) to read as follows: "A notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for a construction permit is filed with the Federal Communications Commission or at any time before that filing." The current paragraphs (c) and (d) would be redesignated as paragraphs (d) and (e), respectively.

Section 77.17(e) requires a person to send an executed copy of the Notice of Progress of Construction or Alteration to the Chief, Regional Air Traffic Division. Notice of Progress of Construction is supplemental and supplemental notice requirements are already defined in § 77.13 (b) and (c). Thus, § 77.17(e) could be deleted because it is superfluous.

Section 77.17 deals with form and time of notice requirements. Sections 77.13 (b) and (c) now contain supplemental notice requirements. These paragraphs might more appropriately be placed in § 77.17.

Section 77.19(a) states that the FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a). (Section 77.13(a) describes construction or alteration requiring notice.) In specifying § 77.13(a) one might be led to understand that the FAA acknowledges only those notices which actually meet or exceed notice criteria. It implies that those who submit notice but are uncertain whether notice is required, are not acknowledged if notice criteria is not met. This is not the FAA's intent. Therefore, § 77.19(a) might be changed to read: "each notice submitted under this part is acknowledged in writing."

Section 77.19(c) lists three possible notice acknowledgement actions relative to proposed construction or alteration; i.e., that the proposal would not exceed a standard and would not be a hazard; that it would exceed a standard and further study is necessary. No provision is made for cases where notice is not required, though such acknowledgement is current FAA practice. Thus, it is proposed that a fourth option of acknowledgment be added. Section 77.19(c)(1) could read: "Does not require notice to the FAA." In rearrangement, existing § 79.19(c) (1), (2) and (3) would become § 77.19(c) (2), (3) and (4).

Section 77.21(a) states that, "This subpart establishes standards for determining obstructions to air navigation." Experience in handling Obstruction Evaluation cases has shown that the public sees these standards as inviolable. The belief is that once a standard is exceeded, an automatic determination of hazard must occur. Confusion arises when the FAA issues a no hazard determination despite an object's identification as an obstruction. There is little or no realization that it is within the FAA's discretion to revise flight operations or procedures. The use of the standards needs to be stated clearly to better inform the public of this alternative. Therefore, it is proposed to insert after the first sentence in § 77.21(a) the following: "These standards do not automatically classify as a hazard to air navigation an object that exceeds any standards. The standards identify certain objects as obstructions. If an object is so identified, an aeronautical study is made of the object's impact on air navigation in accordance with Subpart D of this part." It is proposed that § 77.21(a) also contain a sentence which is substantially the existing § 77.3(b): 'Standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations and referred to in the course of an aeronautical study are not set forth in this part but are contained in other publications of the Administrator." The preceding would be followed by the existing second sentence of § 77.21(a). It is also proposed that the sentence in § 77.21 (a) beginning "The standards apply to the use of navigable airspace * * *" be deleted from this section, and inserted in a reorganization of Subpart D on aeronautical studies.

As a result of the preceding proposed changes, § 77.21 entitled "Scope" would read: "This subpart establishes standards for determining obstructions to air navigation. These standards do not automatically classify as a hazard to air navigation an object that exceeds any standard. The standards are intended to identify certain objects as obstructions. If an object is so identified, an aeronautical study is made of the object's impact on air navigation in accordance with Subpart D of this part. Standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations and referred to in the course of an aeronautical study are not set forth in this part but are contained in other publications of the Administrator. This subpart applies to existing and proposed man-made objects, objects of natural growth, and terrain."

Section 77.21(c)(1) states that the standards in this subpart apply to the effect of construction or alteration proposals upon an airport, if, at the time of filing the notice required by § 77.13(a), that airport is "available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement."

This procedure does not apply to a situation where the publication of an airport as a public use facility may be in progress. The capability is needed to apply obstruction standards to structures near airports whose status has changed from personal to public use when that change has not been published. To remedy this situation the following language could be added to § 77.21(c)(1): "* * * or is in the process of being published in any of these documents." Section 77.21(c)(2) states that standards in the subpart apply to the effect of construction or alteration of proposals upon an airport if at the time of filing of the notice, that airport is: "A planned or proposed airport or an airport under construction that is the subject of a notice or proposal on file with the FAA, and except for military airports, it is clearly indicated that the airport will be available for public use." However, the question arises as to whether the mere existence of an airport plan or proposal on file with the FAA is a sufficient consideration when evaluating an object's impact on air navigation. The existence of such a plan or proposal, when there is no apparent intent to implement it, may pose severe problems for a construction sponsor. In fairness, construction proposals should be granted serious consideration when the intent to implement the airport plan is in reasonable doubt. It is proposed that § 77.21(c)(2) be amended to read: "A planned or proposed airport, when it appears from all available information that the plan or proposal will be implemented. * * *"

Section 77.23(a)(3) states that an object is considered an obstruction to air navigation if it is of a greater height than "a height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance." This subparagraph provides basic obstruction-identifying criteria with which to evaluate an object's impact on air navigation within a terminal area. A key consideration is any increase to an "established" minimum instrument altitude brought about by an object's construction. Where minimum instrument flight altitudes are established, the required obstacle clearance (ROC) is considered. When assessing impact to air navigation, the appropriate reference is the minimum flight altitude and not the ROC.

Section 77.23(a)(3), when referring to the minimum instrument flight altitude, includes in the reference the word "established." Frequently, the FAA finds it necessary to modify an established minimum instrument flight altitude. Action to initiate procedural change may occur at any time. Therefore, the FAA should be able to apply the standard to operations or procedures, including a minimum flight altitude which is in the process of being revised or which the FAA intends to establish or revise.

Section 77.23(a)(3) also refers to a departure area. With respect to a required obstacle clearance, minimum flight altitudes are not established in a departure area. Therefore, an obstruction standard cannot be applied. Without a standard, there can be no effective evaluation of an object's impact on air navigation within a departure area. Establishment or adjustment of ceiling and visibility minima, made necessary to avoid an object on departure should be considered as qualifying obstruction standard criteria.

To remedy these deficiencies, § 77.23(a)(3) could be revised to read: "A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in an increase to an established or planned minimum instrument flight altitude or the establishment or adjustment of ceiling and visibility restrictions applicable to departures within that area or segment."

The present Subpart D, entitled "Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace" includes not only studies but the issuance of determinations and conduct of discretionary reviews. It is believed that each of these functions should be given separate subpart status. Their order in a reorganization of Part 77 would be as performed. The title of Subpart D would be changed to reflect this proposed reorganization. In the reorganization, § 77.31(b) would be deleted from this subpart and transferred to a new Subpart E entitled "Determinations." Under this proposal Subpart D would be entitled "Aeronautical Studies and Related Actions." Section 77.31, "Scope" would read: "This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. These aeronautical studies consider an object's impact on the use of navigable airspace by aircraft and on air navigation facilities such as an air navigation aid, airport, federal airway, instrument approach or departure procedure, or approved off-airway route. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained." Paragraph (b) of § 77.31(b) might be deleted, consistent with limitation of Subpart D to provisions related to aeronautical studies.

The inappropriate use in Part 77 of the word "establish" with respect to antenna farm areas has already been noted. The same use of the word occurs in § 77.33(a). It would be preferable to refer to FAA procedures used in the establishment of antenna farm areas. Accordingly, § 77.33(a) might be revised to read: "Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B unless that construction or alteration would be located within an antenna farm area established in accordance with procedures of Subpart H."

Section 77.35(b)(2) uses the word "objections" with respect to replies to a proposal. During the fact-finding phase of an aeronautical study, the FAA reaches no judgmental decision point; replies to a proposal are not considered tantamount to approval or disapproval. It would be more appropriate to state that the Regional Director explores all "comments" in order to define possible problems and seek solutions to them.

Section 77.35(c) states that the Regional Director or his designee issues a determination. Under the proposed Part 77 reorganization determinations would be the subject of a separate subpart. Thus, the present § 77.35(d) would become § 77.35(c).

In the proposed reorganization of Subpart D the functions now covered would be separated. Studies, determinations and discretionary reviews would each become a subpart. Thus, § 77.37 would be placed in new Subpart E, "Determinations—Conclusion of Aeronautical Study." The new § 77.37 would contain existing §§ 77.31(b) and 77.35(c). It would also contain a provision which explains that determinations are advisory in nature and do not cancel, waive or supersede ordinances or laws of the governing authority.

The new § 77.37, "*Scope*" would read as follows:

(a) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard or no hazard to air navigation.

(b) The Regional Director or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons of the aviation community, and to persons or organizations that may be affected by the proposal such as state or local government officials, civic groups or associations.

(c) A determination is an advisory opinion as to an object's effect on air navigation. It in no way preempts, cancels, waives, or supersedes any ordinance, law, or regulation of any other governmental body or agency.

Sections 77.39 (a) and (d) refer to Subpart E, "Rules of Practice for Hearings under Subpart D." Under the suggested reorganization rules concerning discretionary review would be placed in a new Subpart F. The current Subpart E would be redesignated a Subpart G. Therefore, the references in §§ 77.39 (a) and (d) should be to Subpart G.

Section 77.39(d)(1) states that if the Federal Communications Commission is issuing a construction permit, the effective period of each final determination includes: "The time required to apply to the Commission for a construction permit but not more than six months after the effective date of the determination." It has been noted that often the six

months effective period elapses without sponsor action. The determination must then be extended, in some cases, many times. It is, therefore, proposed that, if an application for an FCC permit has been made, the effective period of a no hazard determination be 18 months. To meet this need § 77.39(d)(1) could be amended to read: "The time required to apply to the Commission for a construction permit but not more than 18 months after the effective date of the determination."

The new Subpart F would be entitled "Discretionary Review Procedures." As has already been noted, the current Subpart E would be redesignated as Subpart G. The only change would be the renumbering of its sections.

Section 77.41 would be entitled "Scope" and it would read as follows: "This subpart identifies those persons who may petition for a discretionary review of a determination issued under §§ 77.19 or 77.35, or revision or extension of a determination under § 77.39, applies to time limits within which the petition must be filed, and describes the form and manner of submittal and processing."

A new § 77.43, entitled "Petition Eligibility," would contain the text of the present § 77.37(a). A new § 77.45, entitled "Petition Submittal," would include the present § 77.37(b) redesignated subparagraph (a). Section 77.45(b) would read: "(b) A petition must contain a full statement of the aeronautical basis upon which it is made, including valid reasons why the determination, revision or extension made by the Regional Director, or his designee, should be reviewed. It should contain new information and facts not previously considered or discussed during the aeronautical study. If the petition for review of the determination, revision or extension is based on an error in procedure, application of obstruction standards or conclusion, it should be so stated."

A new § 77.47, entitled "Petition Examination and Review," would contain the text of the current § 77.37(c)(1) and (2), except that the reference to Subpart E in § 77.37(c)(2) would be changed to Subpart G. Section 77.47 would also contain a provision that acknowledgement will be made to the petitioner and to the sponsor that the petition has been received and it will be considered, and that the determination is not and will not be final pending disposition of the petition.

The current Subpart F will be redesignated Subpart H. In addition, it is recommended that the title be changed to "Antenna Farms." As has been previously discussed, the use of the word "establishment" might imply that establishing antenna farms is an FAA regulatory function when, in fact, only the Federal Communications Commission is authorized to perform this function. Therefore, it is suggested that the current § 77.71(a) be amended to reflect this.

The FAA solicits the comments of all interested persons on the foregoing proposed changes to Part 77. It also welcomes any suggestions on the need for further revision of this part.

EVALUATION OF IMPACTS

It has been determined that the regulatory impact of this proposed amendment would be minimal and that an evaluation pursuant to the policy statement published by the Secretary of Transportation (41 FR 16200) is not required.

DRAFTING INFORMATION

The principal authors of this document are William E. Broadwater, Air Traffic Service, and Richard W. Danforth, Office of the Chief Counsel.

(Secs. 313(a) and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1354, 1501); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)).)

Issued in Washington, D.C. on June 2, 1977.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.77-17083 Filed 6-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 54]

PROCEDURES GOVERNING DETERMINATION THAT INDIAN GROUP IS A FEDERALLY RECOGNIZED INDIAN TRIBE

Issuance of New Part

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Bureau proposes new regulations that would establish procedures to govern the determination that an Indian group is a federally recognized Indian tribe. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable that a uniform and objective approach be taken to their evaluation.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie N. Gay, Jr., Division of Tribal Government Services, Branch of Tribal Relations, Telephone: (202) 343-4045.

SUPPLEMENTARY INFORMATION: Various Indian groups throughout the United States, thinking it in their best interest, have requested the Secretary of the Interior to "recognize" them as an Indian tribe. Heretofore, the sparsity of such requests permitted an acknowledgment of a group's status to be at the discretion of the Secretary or representatives of the Department. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable that a uniform and objective approach be taken to their evaluation.

The authority for the Commissioner to issue these regulations is contained in (5 U.S.C. 301), and Sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

It is proposed to add a new Part 54 to Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 54—PROCEDURES GOVERNING THE DETERMINATION THAT AN INDIAN GROUP IS A FEDERALLY RECOGNIZED INDIAN TRIBE

Sec.
54.1 Definitions.
54.2 Purpose.
54.3 Who may petition.
54.4 Where the petition is to be filed.
54.5 Notice of receipt of the petition.
54.6 Form and content of the petition.
54.7 Processing of the petition.
54.8 Action by the Commissioner.

AUTHORITY: 5 U.S.C. 301; secs. 463 and 465 (25 U.S.C. 2 and 9); 230 DM 1 and 2.

§ 54.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Department" means the Department of the Interior.

(e) "Indian group," referred to also herein as "group," means any community of persons of Indian, Aleut, or Eskimo extraction.

(f) "Federally Recognized Tribe" means any Indian group within the United States that the Secretary of the Interior Acknowledges to have had and should continue to have the status of a domestic dependent sovereign.

§ 54.2 Purpose.

The purpose of this part is to establish a Departmental procedure and policy for determining which Indian groups should have the status of federally recognized Indian tribes. These regulations shall not apply to any group which has already been recognized by the Secretary of the Interior.

§ 54.3 Who may petition.

Any Indian group in the United States which believes that it has the status of a federally recognized Indian tribe may submit within one year from the effective date of these regulations a petition requesting that the Secretary acknowledge such status.

§ 54.4 Where the petition is to be filed.

A petition requesting acknowledgment that an Indian group has the status of a federally recognized Indian tribe shall be filed with the Commissioner of Indian Affairs in Washington, D.C. 20245.

§ 54.5 Notice of receipt of the petition.

Within ten days after receiving a petition, the Commissioner shall acknowl-

edge receipt of such petition and shall have published in the FEDERAL REGISTER a notice of such receipt, including the name and location of the Indian group submitting the petition and the date it was received. The notice shall also indicate where a copy of the petition may be examined locally. The notice shall invite comments concerning the petition, which comments shall be considered by the Commissioner in connection with his review as specified in § 54.7 of this part, if received by him within sixty days of the date of the notice.

§ 54.6 Form and content of the petition.

The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary to acknowledge that the Indian group has the status of a federally recognized Indian tribe. It shall include at least the following:

(a) A statement of the facts and arguments which the petitioners believe will establish that their group is a federally recognized Indian tribe which has been and should continue to be dealt with as such by the United States.

(b) A list of all current members of the group, and a copy of each available former list of members.

(c) A copy of the group's governing document or, in the absence of such written document, a statement describing fully the procedures which govern the affairs of the group and its membership standards.

§ 54.7 Processing of the petition.

(a) Upon receipt of a petition, the Commissioner shall cause a review to be conducted to determine whether the group is a federally recognized Indian tribe which has been and should continue to be dealt with as such by the United States. The review shall include consideration of the petition and, to the extent necessary, verification of the factual statements contained therein and an opportunity to present oral arguments.

(b) The Commissioner may require that the group provide additional information, especially about its members, including but not limited to the age, Indian ancestry, nature of tribal affiliation, and addresses of individual members. On the basis of this review the Commissioner shall make a written report to the petitioner and interested parties setting forth his findings and conclusions as to the group's status. All timely filed petitions shall be disposed of no later than three years from the effective date of these regulations.

(c) The Commissioner's report shall deal specifically with whether the group:

(1) Manifests a sense of social solidarity.

(2) Has as members principally persons of common ethnological origins.

(3) Exercises political authority over its members.

(4) Has a specific area which the group either presently inhabits or has inhabited historically.

(5) Is not, nor are its members, the subject of congressional legislation terminating the Federal relationship.

(6) Has been a party to a treaty or agreement with the United States, or is a successor in interest to an Indian tribe which was party to a treaty or agreement with the United States, which treaty or agreement was ratified by Congress and remains in effect. For purposes of this paragraph, "successor in interest" to a tribe means an Indian group whose members are principally descendants of the tribe in question, which has evolved from the tribe by a continuous process of social evolution, and which has, as an entity, assumed at least some of the rights, obligations, and traditions of the tribe in question. If the group has been a party to a treaty or agreement with the United States, which treaty or agreement was not ratified by Congress, the Commissioner's report shall indicate, to the extent possible, the reasons for nonratification.

(7) Has been designated a tribe by an Act of Congress, Executive Order, or judicial decision, or in the legislative history of a bill which was subsequently enacted into law.

(8) Has, or has been treated by a state or by a Federal Government Agency as having, collective rights in land, water, funds or other assets, or collective hunting and fishing rights.

(9) Has received services from any Federal or state agency (the report shall specify the exact nature and extent of such services, whether incidental or otherwise).

(10) Has as members principally persons who are not members of any other Indian tribe.

§ 54.8 Action by Commissioner.

(a) The Commissioner's report shall state his conclusion as to whether the petitioning group has had the status of a federally recognized Indian tribe and should continue to be dealt with as such by the United States.

(b) The Commissioner shall determine that an Indian group is a federally recognized Indian tribe whenever the group satisfies paragraphs (1–5) and (10) of § 54.7(c) so long as at least one other paragraph of that section is also satisfied.

(c) The Commissioner shall determine that an Indian group is not a federally recognized Indian tribe if the group fails to satisfy paragraphs (1)–(5) and (10 of § 54.7(b) along with at least one other paragraph of that section.

(d) A summary of the Commissioner's report and his determination as to the group's status shall be published in the FEDERAL REGISTER and shall be subject to review by the Secretary, who may, by acting within thirty days of such publication, supersede that determination. If the Secretary takes no action within such thirty-day period, the Commissioner's determination shall be final, and become effective immediately. If, after review, the Secretary reaches a conclusion contrary to that made by the Commissioner, he may supersede the Commissioner's determination. The Secretary's determination will be final and notice thereof shall be published in the FEDERAL REGISTER.

The primary author of this document is Mr. Leslie N. Gay, Jr., Chief, Branch of Tribal Relations, Bureau of Indian Affairs, (202) 343-4045.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affair.

[FR Doc.77-17200 Filed 6-15-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 747-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, State of Arizona

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Through this notice EPA proposes to approve, with exception, revisions to the Arizona State Implementation Plan (SIP). These revisions include State regulations for vehicle inspection/maintenance, organic compound emissions from stationary sources, definitions, particulate emissions from stationary sources, assertions of jurisdiction, ambient air quality standards, sulfur compound emissions, carbon monoxide emissions from stationary sources, nitrogen oxide emissions, and miscellaneous (general) regulations. The revisions were submitted to EPA on August 20, 1973, August 30, 1974, February 3, 1975, September 16, 1975, and January 23, 1976.

DATES: Comments by: July 18, 1977.

ADDRESSES: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, Arizona-Nevada-Pacific Islands Section (A-4), EPA Region IX, 100 California Street, San Francisco, CA 94111.

Availability of documents: Copies of the State revisions, the EPA Evaluation Report, and this FEDERAL REGISTER notice are available for public inspection during normal business hours at the EPA Region IX Library at the above address, and at the following locations:

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

Arizona Department of Health Services, Bureau of Air Pollution Control, 1740 West Adams Street, Phoenix, AZ 85007.

Arizona Department of Health Services, Bureau of Air Pollution Control, Northern Regional Office, 2501 North Fourth Street, Suite 14 Flagstaff, AZ 86001.

Arizona Department of Health Services, Bureau of Air Pollution Control,

Southern Regional Office, 5055 East Broadway, Suite C-209, Tucson, AZ 85711.

FOR FURTHER INFORMATION CONTACT:

Erik Hauge, 415-556-7595.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 28, 1972, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the State of Arizona submitted to EPA an implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). On May 31, 1972 (37 FR 10842), the Administrator approved the plan with specific exceptions. Since then, the State of Arizona has submitted to EPA numerous proposed revisions to the SIP correcting deficiencies originally identified by EPA and including new and amended regulations adopted by the State and local governments. EPA has viewed, or is in the process of reviewing, these revisions.

On August 20, 1973 and August 30, 1974 the State submitted to EPA revised rules and regulations for air pollution control. On February 3, 1975, the State submitted to EPA assertions of jurisdiction and House Bill 2200 (Chapter 35, Laws of 1974). On September 16, 1975, the State submitted to EPA amendments to its rules and regulations, including definitions, test methods and procedures, and particulate emissions from stationary sources. On January 23, 1976, the State submitted to EPA amendments to its rules and regulations, including vehicle inspection/maintenance and organic compound emissions from stationary sources. The intent of this notice is to propose EPA's actions and solicit public comments on these five submittals.

DISCUSSION OF ACTION

EPA, pursuant to its authority in 40 CFR 51.4(e) to approve different State procedures designed to assure adequate public notice and participation in hearings, has determined that, although less than 30 days public notice was sometimes given in advance of the hearings held by the State on the adoption of these amendments to the SIP, public participation measures were adequate for the adoption of these regulations.

The State regulations were adopted pursuant to the authority in Arizona Revised Statutes (ARS) Sections 36-1707, 36-1717, and 36-1772. This fulfills the requirements of 40 CFR 51.11(a) (1) and (2), that each plan shall show that the State has the legal authority to carry out the plan, including adoption and enforcement of emission standards, limitations and any other measures necessary for attainment and maintenance of national standards.

EPA has revised the five State submittals for their consistency with the other requirements of 40 CFR Part 51 and the Clean Air Act. EPA proposes to approve the submittals with the following exceptions:

1. Regulation R9-3-1005B Time of Inspection should be disapproved because it can require the inspection of new vehicles prior to sale, which is prohibited by Section 209(a) of the Clean Air Act.

2. Regulation R9-3-301 Visible Emissions: General should be disapproved because the visible emission limitation of No. 2 on the Ringelmann Chart is not an appropriate visible emission limitation for the detection of violations of any rules and regulations, as required by 40 CFR 51.19(c). EPA has determined that Ringelmann 1 or 20 percent opacity is the appropriate visible emission limitation except for brief periods of soot-blowing and start-up conditions.

3. Regulation 7-1-4.2 (R9-3-402) Sulfur Emissions: Fuel Burning Installations should be disapproved because no demonstration was made to show that the use of high sulfur oil would not interfere with attainment or maintenance of the National Ambient Air Quality Standards.

4. Regulation 7-1-1.3 (R9-3-103) Air Pollution Prohibited should be disapproved because it may allow violations of ambient air quality standards to occur within the boundaries of an operation. Areas where the public has access, both within and outside of the boundaries of an operation, must be protected pursuant to the provisions of the Clean Air Act.

5. Regulation 7-1-1.6 (R9-3-106) Exceptions should be disapproved because it is too broad and makes all emission limitations established in the regulations unenforceable.

6. *Assertions of Juridsiction* by the Director of the Bureau of Air Pollution Control over all sources within Apache, Navajo, Santa Cruz and Yavapai Counties, except with respect to Indian lands (May 8, 1973); over all sources in Cochise County (January 21, 1974); and over all existing and future mining facilities with ore concentrators and/or ore roasters, and cotton gins in Mohave County (November 1, 1974) should be approved. However, EPA proposes to disapprove the State-submitted implementation plan to the extent that the plan does not provide any legally enforceable regulations and a demonstration that such regulations will cause the attainment and maintenance of the National Ambient Air Quality Standards in Graham and Greenlee Counties.

7. Regulation 7-1-2.8 (R9-3-208) Anti-Degradation should be approved. However, the State plan should be disapproved in part because the State has failed to submit specific regulations to prevent air quality degradation in accordance with the intent of Section 101 (b)(1) of the Clean Air Act. Substitute regulations have been promulgated in 40 CFR 52.144 for the State of Arizona.

8. Regulation 7-1-4.1 (R9-3-401) Sulfur Emissions: Copper Smelters will be considered in a separate FEDERAL REGISTER action.

9. House Bill 2200 (Chapter 35, A.R.S.—April 26, 1974) Terms and Conditions for Conditional Permits will be considered in a separate FEDERAL REGISTER action.

AUTHORITY

Sections 110 and 301(a), Clean Air Act, as amended (42 U.S.C. 1857c-5 and 1857g(a), respectively).

Dated: June 7, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-17068 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR 34, 76, 95, 162, 167, and 193]

[CGD 76-086]

FIRE PROTECTION EQUIPMENT

Firehose Nozzle Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard is considering amending the fire protection equipment regulations in 46 CFR Chapter I by requiring that, except in special limited cases, only combination solid stream and water spray firehose nozzles and low-velocity water spray applicators that meet 46 CFR Subpart 162.027 may be used on Coast Guard-inspected vessels other than small passenger vessels. Straight or "smoothbore" firehose nozzles that emit only a solid stream of water are ineffective on some types of fire and lack cut-off capability. This proposal would, in effect, prohibit the use of straight firehose nozzles on both new and existing vessels.

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

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above addresses.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 76-086) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all writ-

ten comments received will be available for examination by interested persons. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule making are: Mr. Daniel Sheehan, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF PROPOSAL

On June 2, 1973, the SS *C. V. Seawitch* lost steering control in New York harbor and struck and penetrated the anchored Belgian tank vessel SS *ESSO Brussels*. The resulting disaster caused 16 deaths, $23 million dollars in damage to the vessels and their cargo, and pollution of nearby beaches.

The only firefighting equipment utilized by the *C. V. Seawitch* crew was the 1½ inch interior hoses equipped with straight-bore nozzles. The exterior firehose stations with 2½ inch hoses were all inaccessible due to the heat and flames and were not able to be used. The 1½ inch hoses were used to direct streams of water to cool exterior doors and to gain a supply of fresh air by sweeping adjacent areas to the weather deck to drive the fire and smoke away from the partially opened doors. They were considered, by the crew, to be ineffective in providing a protective screen of water. The fire main lost pressure and became ineffective about 10 minutes prior to the crew abandoning ship (approximately 50 minutes after impact).

The Marine Board of Investigation convened to investigate the *C.V. Seawitch–Esso Brussels* collision and fire issued its report on January 31, 1974. Among the findings of the board was, "The fire-fighting and survival efforts subsequent to the casualty were hampered by the limitation of the straight hose nozzles at the interior firehose stations. The subsequent loss of emergency fire main pressure, about ten minutes prior to the abandonment of the vessel, can be attributed to the many hoses left open and some without nozzles to restrain or reduce the flow. The lack of crew training in proper firefighting techniques is evident by the manner in which the hoses and fire stations were left open thereby depriving the crew of firefighting capability prior to rescue. The proper use of combination type nozzles capable of solid stream, fog, and cut-off capability in one unit, would have been more effective and prevented the loss of fire main pressure."

The Marine Board of Investigation recommended that the Coast Guard should amend the applicable regulations to require that approved combination firehose nozzles that provide solid stream, high velocity water spray, and shutoff capability must be installed at all fire station hydrants. The National Transportation Safety Board Subsequently concurred with this recommendation.

In accordance with the Marine Safety Board's recommendation, the Coast Guard proposes to amend 46 CFR 34.10–10, 34.10–90, 76.10–10, 95.10–10, 95.10–90, 167.45–5, 167.45–40, 193.10–10, and 193.10–90 to require that each length of firehose on each fire hydrant on a Coast Guard-inspected vessel other than a small passenger vessel must have a combination solid stream and water spray firehose nozzles that is approved under 46 CFR Subpart 162.027. The requirement, which now applies to all tank vessels contracted for after May 25, 1965, would be extended to tank vessels contracted before May 25, 1965, cargo and miscellaneous vessels, nautical school ships, and oceanographic vessels. The only exceptions to this requirement are in 46 CFR 95.10–10(i)(6), 95.10–90(a)(2), 193.10–10(i)(6), and 193.10–90(a), that allow a bronze garden hose nozzle on a ¾ inch hose. Combination solid stream and water spray firehose nozzles and low-velocity water spray applicators approved under Subpart 162.027 before May 26, 1965, could be continued in use after the effective date of these proposed regulations if their water spray tips and heads are designed to prevent clogging by rust or other foreign matter, or if the nozzle or fire hydrant has a self-cleaning strainer that meets the requirements under which the nozzle was originally approved. Replacement nozzles or applicators, however, would be required to meet the current standards in Subpart 162.027.

The "smoothbore" nozzle which would be replaced under this proposal emits only a solid stream of water which cannot be shut off at the nozzle. Its chief use is in fighting "Class "A" fires, for cooling decks and bulkheads, and for diverting the flow of flammable liquids. The combination solid stream and water spray firehouse nozzle, which would replace it, is more versatile, having both solid stream and high-velocity spray capabilities, and can be shut off by a valve in the nozzle. The use of the combination nozzle is flexible. The firefighter moves the valve handle from shut-off to high velocity spray and to solid stream quickly and easily as conditions warrent. The high-velocity water spray is used to beat back the heat, flames, and smoke, and to form a protective barrier between the firefighters and the fire, allowing them to move forward and approach the seat of the fire. The solid stream is then brought into play to get at the seat of the fire while the surrounding area is cooled by the high-velocity spray. When a low-velocity water spray applicator is fitted to the combination nozzle, the firefighter is able to reach over or around obstructions to smother the fire with a cooling blanket of spray.

In the specification for the combination solid stream and water spray firehose nozzle, 46 CFR Subpart 162.027, the low-velocity water spray applicator is described as though it was an integral part of the combination nozzle. In the vessel regulations, 46 CFR Parts 34, 76, 95, 167, 181 and 193, however, the applicator is treated as a separate item of equipment. This inconsistency would be eliminated by amending Subpart 162.027 to agree with the vessel regulations. In Subpart 162.027, as amended, the applicator would be a separate item of equipment but would mate with, and be approved simultaneously with, a specific make and model of combination nozzle. The number of low-velocity water spray applicators required by the vessel regulations for each vessel would not be changed. The applicator length requirements in 46 CFR 34.10–10, 76.10–10, 95.10–10 and 193.10–10, however, would be changed to conform to Subpart 162.027.

In addition, editorial changes would be made in each applicable section to simplify and clarify the firehose nozzle and applicator requirements.

This proposal would apply to new and existing vessels. The Coast Guard recognizes that manufactures and suppliers of combination nozzles may not have sufficient quantities of nozzles in stock to allow an immediate industry-wide change-over. Therefore, in order to allow orderly implementation of the proposed requirements, owners of existing vessels would be given up to two years to comply. This would allow the Coast Guard to ensure compliance with the proposed amendment at a vessel's next inspection after the effective date of the final rule.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200).

The estimated present cost of a combination nozzle that meets 46 CFR Subpart 162.027, not including the low-velocity water spray applicator, is about $150. The number of fire stations varies from vessel to vessel, but on the average there are 10 per vessel. Most tank vessels are already equipped with combination nozzles, so the proposal would affect only tank vessels contracted before May 25, 1965, passenger vessels, cargo and miscellaneous vessels, nautical school ships, and oceanographic vessels. If a total of 1,000 vessels are affected, the total industry cost to purchase the proposed combination nozzles would be $1,500,000. The cost of labor to install the nozzles on each vessel would be insignificant. If the industry is given two years to comply, the annual cost of this proposal would be less than $800,000, well below the lower limits of a major action under Executive Order 11821 and OMB Circular A–107.

This proposal benefits the shipping industry and the public by improving the capability of a vessel's crew to control or extinguish a fire, and by reducing the danger to which the fire fighters may be exposed.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 34—FIREFIGHTING EQUIPMENT

1. By deleting § 34.10–10(o), revising Table 34.10–10(o) and redesignating it Table 34.10–10(e–1), revising § 34.10–10 (n) and the first sentence of § 34.10–10 (e), and adding a new sentence to follow this first sentence and adding a new § 34.10–10(e–1), to read as follows:

§ 34.10–10 Fire station hydrants, hose and nozzles—T/ALL.

* * * * *

(e) Each fire station hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter. * * *

(e–1) Each of the number of hydrants in the locations listed in Table 34.10–10 (e–1) must have a low-velocity water spray applicator approved under Subpart 162.027 of this chapter that is of the length listed in that table.

TABLE 34.10–10(e–1).—*Hydrants with Coast Guard approved low-velocity water spray applicators*

Location	Number of hydrants with approved applicators	Approved applicator length (feet)
Living space	1	4.
Weather deck	4	10 or 12.
Machinery space	2	4.

* * * * *

(n) Each low-velocity water spray applicator under paragraph (e–1) of this section must:

(1) connect to the Coast Guard-approved combination nozzle; and

(2) have fixed brackets, hooks, or other means for stowing it next to the hydrant.

2. By revising § 34.10–90 (a)(7), and (a)(10) through (a)(13), striking the words "and facilities" and inserting the words, "facilities, and equipment, except firehose nozzles," after the word "materials" in the first sentence in paragraph (b)(1), and revising paragraph (b)(2) to read as follows:

§ 34.10–90 Installations contracted for prior to May 26, 1965—T/All.

(a) * * *

(7) Each fire pump on a tankship of 500 gross tons or more must deliver enough water to the fire main so that the topmost outlet on the fire main emits two jets of water at a Pitot tube pressure of 50 pounds per square inch through two combination solid stream and water spray firehose nozzles meeting paragraph (a)(10) of this section.

* * * * *

(10) Each fire station hydrant on a tankship of 500 gross tons or more must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027, except as allowed under paragraphs (a)(12) and (a)(13) of this section.

(11) On each tankship of 1,000 gross tons or more, the nozzle under paragraph (a)(10) of this section on each of the following hydrants must have a low-velocity water spray applicator that is approved under Subpart 162.027:

(i) At least two hydrants in the machinery and boiler spaces.

(ii) At least 25 percent of the other hydrants.

(12) Each tankship of 1,000 gross tons or more contracted for after June 30, 1951 and before January 1, 1962, must meet the following:

(i) Before (*effective date*), if the nozzle or applicator was approved under Subpart 162.027 before May 26, 1965:

(A) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(B) The fire hydrant or the nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(ii) After (*effective date*), each new or replacement nozzle must meet § 34.10–90(a)(10), and each replacement low-velocity water spray applicator must meet § 34.10–90(a)(11).

(13) Each tankship of 1,000 gross tons or more contracted for before July 1, 1951, must meet the following:

(i) Before (*effective date*), if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965:

(A) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(B) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(ii) After (*effective date*), each new or replacement nozzle must meet § 34.10–90(a)(10), and each new or replacement low-velocity water applicator must meet § 34.10–90(a)(11).

* * * * *

(b) * * *

(2) Each fire station hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter, and each of the number of hydrants in the locations listed in Table 34.10–10(e–1) must have a low-velocity water spray applicator that:

(i) Is approved under Subpart 162.027 of this chapter;

(ii) Is of the length listed in Table 34.10–10(e–1); and

(iii) Meets § 34.10–10(n).

PART 76—FIRE PROTECTION EQUIPMENT

3. By revising § 76.10–10(g) and (j) and adding new § 76.10–10(j–1) and (j–2) to read as follows:

§ 76.10–10 Fire hydrants and hose.

* * * * *

(g) Each fire hydrant must have at least one length of fire hose, a spanner, and a hose rack or other device for stowing the hose.

* * * * *

(j) Each fire hose on each hydrant must have a combination solid stream and water spray fire hose nozzle that is approved under Subpart 162.027 of this chapter.

(j–1) The following must have low-velocity water spray applicators that are approved under Subpart 162.027 of this chapter: *

(1) In the accommodation and service areas, two fire hoses having approved combination nozzles.

(2) In each propulsion machinery space containing an oil-fired boiler, internal combustion machinery, or oil fuel unit on a vessel on an international voyage or of 1000 gross tons or more, each firehose having an approved nozzle. The length of each applicator must be 4 feet.

(j–2) Fixed brackets, hooks, or other means for stowing an applicator must be next to each fire hydrant that has an applicator under paragraph (j) of this section.

* * * * *

4. By inserting the words ", except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment" in the second sentence of § 76.10–90(a)(1), and by adding new § 76.10–90(a)(6) and (7) to read as follows:

§ 76.10–90 Installation contracted for prior to May 26, 1965.

(a) * * *

(6) Before (*effective date*), each firehose nozzle must meet § 76.10–10(j), and each low-velocity water spray applicator must meet §76.10–10(j–1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(7) After (*effective date*), each new or replacement nozzle must meet § 76.10–10 (j) and each low-velocity water spray applicator must meet § 76.10–10(j–1).

PART 95—FIRE PROTECTION EQUIPMENT

5. By revising § 95.10–10 (g) and (i), and adding new § 95.10–10(i–1) and (i–2) to read as follows:

§ 95.10–10 Fire hydrants and hose.

* * * * *

(g) Each fire hydrant must have at least one length of firehose, a spanner,

and a hose rack or other device for stowing the hose.

* * * * *

(i) Each firehose on each hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter, except as allowed in Table 95.10-5(a).

(i-1) In each propulsion machinery space containing an oil fired boiler, internal combustion machinery, or oil fuel unit on a vessel on an international voyage or of 1000 gross tons or more, each firehose having an approved combination nozzle must have a low-velocity water spray applicator that is approved under Subpart 162.027 of this chapter. The length of each applicator must be four feet.

(i-2) Fixed brackets, hooks or other means for stowing an applicator must be next to each fire hydrant that has an applicator under paragraph (i-1) of this section.

* * * * *

6. By inserting the words ", except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment in the second sentence of § 95.10-90(a)(1), and adding new § 95.10-90(a) (5) and (6) to read as follows:

§ 95.10-90 Installation contracted for prior to May 26, 1965.

(a) * * *

(5) Before (*effective date*), each firehose nozzle must meet § 95.10-10(i), and each low-velocity water spray applicator must meet § 95.10-10(i-1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027-2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027-2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(6) After (*effective date*), each new or replacement nozzle must meet § 95.10-10(i), and each new or replacement low-velocity water spray applicator must meet § 95.10-10(i-1).

PART 162—ENGINEERING EQUIPMENT

7. By revising the heading of Subpart 162.027 to read as follows:

Subpart 162.027—Combination Solid Stream and Water Spray Firehose Nozzle and Low-Velocity Water Spray Applicator

§ 162.027-2 [Amended]

8. In § 162.027-2(a) by—

a. Inserting the word "and" between the words "either outlet," and "a high velocity" in the first sentence;

b. Striking the words ", and an applicator with a low-velocity water spray head", from the first sentence;

c. Striking the words "the applicator with the low-velocity head" from the second sentence and inserting in their place the words "a low-velocity water spray applicator that meets § 162.027-3(b)(2)"; and

d. By revising the third sentence to read: "The low-velocity water spray applicator has an angled tube, a low-velocity water spray head, and a connection for the combination nozzle."

9. By revising the heading of § 162.027-2(b) and adding a new § 162.027-2(c) to read as follows:

* * * * *

(b) *Nozzle size.* * * *

(c) *Spray tip and head.* Each high-velocity water spray tip and each low-velocity water spray head of a nozzle or applicator for 1½ inch hose must be designed to pass material equal in size to a ⅜ inch diameter ball. Each high-velocity water spray tip and each low-velocity water spray head of a nozzle or applicator for 2½ inch hose must be designed to pass material equal in size to a ½ inch diameter ball.

§ 162.027-3 [Amended]

10. By inserting the words "and applicators" following the words "fire hose nozzles" in the first sentence of § 162.027-3(a)(1), following the words "combination nozzles" in the first sentence of the introductory text in § 162.027-3(b), and following the words "Combination nozzles" in § 162.027-3 (c) and (d).

§ 162.027-4 [Amended]

11. By inserting the words "and applicators" following the words "combination nozzles" wherever they appear in the first sentence of § 162.027-4(a).

12. By revising the heading of § 162.027-5(a) and adding a new § 162.027-5(b) to read as follows:

§ 162.027-5 Marking.

(a) *Nozzles.* * * *

(b) *Applicators.* Each low-velocity water spray applicator must be permanently and legibly marked with the manufacturer's name and the model designation of the nozzle with which it is used.

§ 162.027-6 [Amended]

13. By inserting the words "and applicators" following the words "fire hose nozzles" in the first sentence of § 162.027-6(a) and following the words "combination nozzles" in the first sentence of § 162.027-6(b).

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

14. By striking in the third sentence of § 167.45-5(c)(1) each word after the words "50 pounds per square inch", and adding a new § 167.45-5(h) to read as follows:

§ 167.45-5 Steam fire pumps or their equivalent.

* * * * *

(h) Each fire hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter.

15. By revising § 167.45-40(c) and adding new § 167.45-40 (c-1) and (c-2) to read as follows:

§ 167.45-40 Fire fighting equipment on nautical school ships using oil as fuel.

* * * * *

(c) In the boiler and machinery spaces, at least two fire hydrants must have a firehose of a length that allows each part of the boiler and machinery spaces to be reached by the combination nozzle.

(c-1) Before (*effective date*), each firehose under paragraph (c) of this section must have a combination solid stream and water spray nozzle and a low-velocity water spray applicator that are approved under Subpart 162.027 of this chapter, except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(1) The nozzle must have a high-velocity water spray tip that meets § 162.027-2(c) of this chapter, and the applicator must have a low-velocity water spray applicator that meets § 162.027-2(c) of this chapter; or

(2) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(c-2) After (*effective date*), each new or replacement nozzle or applicator must be approved under Subpart 162.027 of this chapter.

* * * * *

PART 193—FIRE PROTECTION EQUIPMENT

18. By striking out the words "and hose with fog applicator" from the second sentence of § 193.10-10(d), revising § 193.10-10(i) and adding § 193.10-10 (i-1) and (i-2) to read as follows:

§ 193.10-10 Fire hydrants and hose.

* * * * *

(i) Each fire hydrant must have at least one length of firehose. Each firehose must have a combination solid stream and water spray nozzle that is approved under Subpart 162.027 of this chapter, except ¾ inch hose may have a garden hose nozzle that is bronze or equivalent corrosion-resistant metal.

(i-1) Each of the following must have a low-velocity water spray applicator that is approved under Subpart 162.027 of this chapter:

(1) At least one length of firehose on each fire hydrant outside, and in the immediate vicinity of, each laboratory.

(2) In each propulsion machinery space containing an oil-fired boiler, internal combustion machinery, or oil fuel unit on a vessel of 1000 gross tons or more, each firehose having an approved combination nozzle. The length of each applicator must be four feet.

(i-2) Fixed brackets, hooks, or other means for stowing an applicator must be next to each fire hydrant that has an

applicator under paragraph (i–1) of this section.

* * * * *

19. By inserting the words "except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment" in the first sentence of § 193.10–90(a)(2) and adding new § 193.10–90(a)(4) and (5) to read as follows:

§ 193.10–90 Installations contracted for prior to March 1, 1968.

(a) * * *

(4) Before (*effective date*), each firehose nozzle must meet § 193.10–10(i), and each low-velocity water spray applicator must meet § 193.10–10(i–1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(5) After (*effective date*), each new or replacement nozzle must meet § 193.10–10(i), and each new or replacement low-velocity water spray applicator must meet § 193.10–10(i–1).

(46 U.S.C. 390b, 481, and 391a; 49 U.S.C. 1655(b)(1); and 49 CFR 1.46(b) and 1.46(n)(4).)

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

Dated: June 13, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 77–17221 Filed 6–15–77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75–16; Notice 13]

AIR BRAKE SYSTEMS

Exclusions From Standard's Applicability

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposal.

SUMMARY: This notice proposes to add a small number of vehicles to the category of oversize and specialized vehicles that are permanently excluded from the applicability of Standard No. 121, Air Brake Systems, to extend the existing temporary exclusion of heavy hauler trailers and auto transporters until January 1, 1979, and to eliminate the "no lockup" requirement in the case of trailers designed exclusively for harvesting lumber or pulpwood, and inboard wheels on trailers with more than four wheels on an axle system. This proposal responds to manufacturer petitions for exclusion from some or all of the requirements of the standard because of the vehicles' distinctive configurations and functions.

DATES: Comments must be received on or before July 11, 1977.

PROPOSED EFFECTIVE DATE: Date of publication of the final rule in the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Dr. Stephen Sacks, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202 426–2153).

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Certain oversize or otherwise specialized vehicles were excluded from the standard's applicability because their functions or construction dictate oversize or distinctive operational characteristics that result in restricted highway operation (e.g., low speed, permit requirements, daytime operation) which limits hazards and the possibility of accidents. Also their distinctive configurations and low production volumes sharply increase compliance costs.

Because of unavailability of components and other constraints, certain other vehicle categories were excluded from all or some of the standard's requirements for a temporary period. The temporary exclusions that remain in effect are scheduled to end on September 1, 1977.

Several vehicle manufacturers and manufacturer trade associations have petitioned for extension of some of the temporary exclusions, or conversion of them into permanent exclusions. Also, the Truck and Bus Subcommittees of the National Motor Vehicle Safety Advisory Council and National Highway Safety Advisory Committee have recommended to the Secretary of Transportation that particular vehicle types be granted full or partial exclusions from the standard. The Subcommittees' resolution has been made a part of the public Docket No. 75–16. The American Trucking Associations (ATA) supported the resolution so that manufacturers could concentrate on the problems of "over-the-road" vehicles. This notice is responsive to the petitions and to the Subcommittees' resolution, which was forwarded by the Secretary to the NHTSA for consideration. To the degree that named petitioners' requests are not granted in the notice, they are denied.

PERMANENT EXCLUSION FROM THE STANDARD

The Truck Trailer Manufacturers Association (TTMA) petitioned for permanent exclusion of seven vehicle configurations from the standard as a whole. The Heavy Specialized Carriers Conference of the American Trucking Associations supported the TTMA petition, and a meeting between the TTMA and the NHTSA engineering staff was held in March 1977 to gather information relevant to the requested exclusions.

The standard's existing permanent exclusions for heavy specialized vehicle are as follows: any trailer with an unloaded vehicle weight of at least 95 percent of its gross vehicle weight rating (GVWR), any vehicle with an overall width of 108 inches or more, any vehicle equipped with an axle having a gross axle weight rating (GAWR) of 29,000 pounds or more, any vehicle with a maximum attainable speed of 33 mph or less, and any vehicle having a maximum attainable speed of 45 mph or less, an unloaded vehicle weight of at least 95 percent of its GVWR, and no passenger-carrying capacity. The TTMA recommended the exclusion of additional vehicle categories for the same reasons underlying the present exclusions.

The agency's analysis of the TTMA's recommendations indicates that three of them should be added to the existing exclusions, although the criteria may, in some cases, overlap somewhat with the existing exclusions. One recommendation is for expansion of the 108-inch width criterion to any width in excess of 102 inches. In all states other than Hawaii, vehicles of this width are allowed on the highway only in permit operation. It is the agency's tentative conclusion that these vehicles are operated with the same care as vehicles of 108 inches in overall width. Accordingly, they are proposed for exclusion from the standard's requirements.

The second vehicle category recommended for exclusion involves those with a gross vehicle weight rating (GVWR) of over 120,000 pounds. It is the agency's understanding that such a vehicle would always be operated under special arrangements with the state motor vehicle administrations and be restricted in its operation. In fact, the TTMA was only able to describe vehicle combinations that reach the 120,000 GVWR figure. Therefore, while the agency proposes this exclusion on the basis that it falls into the category of oversize vehicles, the agency solicits comment on whether such single vehicles actually exist and whether there are any circumstances in which they could operate in unrestricted highway use.

The third category recommended for exclusion represents an oversight in the agency's actions to exclude particularly large and specialized trailers from Standard No. 121. When the agency excluded large "low-boy" type trailers, it failed to exclude the "load divider

dolly" that is designed exclusively for use with the larger trailers to distribute the load at the upper fifth wheel plate between the towing vehicle fifth wheel and the dolly's own suspension system. In the agency's view, these specialized dollies are in effect portions of the larger "low-boy" trailers and should be excluded along with them.

In proposing these three additional permanent exclusions, it is noted that they are intended to apply to all vehicle types and not only to trailers as requested by the TTMA. For clarification, the agency also proposes that the existing exclusion for any "vehicle" with a maximum attainable speed of 33 mph or less be restricted to any "truck or bus" with such a limited top speed. This revision would simply make clear that trailers do not have a top speed because they can be towed at any speed by a towing vehicle.

PERMANENT EXCLUSION FROM SPECIFIED REQUIREMENTS OF THE STANDARD

TTMA petitioned for permanent exclusion of "logging and pulpwood trailers" from the entire standard because of the particularly hostile environment to which they are subjected, i.e., being dragged on their axles through stumpy or muddy woodland by crawler tractors. The agency granted a petition from R. E. Thomas Erectors for exclusion of these trailers from the standard's "no lockup" requirement but denied the request for exclusion from the standard's other requirements. It is the agency's position that no justification exists for eliminating other beneficial aspects of the standard such as faster actuation and release times, larger air supplies, and better brake retardation characteristics. Upon review of the TTMA materials and the presentations at the March 1977 meeting, it is still apparent that the significant problem is the susceptability to damage of exposed antilock components installed on the axles and subframe in satisfaction of the standard's "no lockup" requirement. In the agency's view, the terrain encountered in logging is virtually unique in its severity but does not affect aspects of the standard other than the "no lockup" requirements.

The Truck and Bus Safety Subcommittees of the Advisory Committee and Council recommended that refuse trucks and mobile cranes also be permanently excluded from the "no lockup" requirements of the standard. While the Subcommittees' reasoning in support of these recommendations was not stated, presentations by Grove Manufacturing and the National Solid Waste Management Association presumably formed the basis of the recommendations. As for refuse haulers, the apparent basis for recommended exclusion was the operational problem of damage to antilock components in a landfill while dumping refuse. It is the NHTSA's considered opinion that the problems are not significantly different from those encountered by the many other trucks such as dump trucks or livestock haulers, which operate off road part of the time. Unlike logging trailers whose solid, nondriving axles are used as skids to move the vehicles through extremely rough terrain, a refuse truck's rear axles are driving axles containing one or more differentials and other expensive machined components that are vulnerable to damage and which must be protected in any off-road situation. With the exception of the AC Division system, truck rear axle components are placed inside the foundation brake, where they are not exposed. Presumably then, the antilock components would receive the same protection as any other axle component. The agency tentatively concludes that the refuse vehicle is not significantly exposed to a worse terrain than dump trucks and that exclusion from the requirements of the standard would not be justified.

With regard to mobile cranes, the agency treated this category of vehicles in a series of proposals and final rule actions following extensive comment by interested persons (39 FR 40168; November 14, 1974; 40 FR 4153; January 28, 1975; 40 FR 8953; March 4, 1975; 40 FR 24915; June 11, 1975; 40 FR 38160; August 27, 1975; 40 59222; December 22, 1975; 41 FR 8783; March 1, 1976). The agency decided that those mobile cranes that are not excluded from the standard on the basis of any of the several oversize criteria should nevertheless be excluded, provided that they have a maximum attainable speed of not more than 45 mph. The agency reasoned that the complexity and expense of compliance would be unjustifiable unless the vehicles did operate in totally unrestricted high-speed operation with the rest of the stream of traffic. It was considered reasonable, therefore, to allow the manufacturer to avoid the standard entirely by limiting vehicle speed to 45 mph, or to meet the standard if it chose to add the additional 10-mph capability to take advantage of the 55-mph national maximum speed limit. Having reviewed the Grove Manufacturing testimony, the agency continues to consider the limits of the present permanent exclusion as justified and sufficient.

The TTMA also asked for permanent exclusion from all of the standard's requirements for any trailer with more than four wheels mounted on a single axle system (referring to any row of wheels arranged in a line that is perpendicular to the longitudinal axis of a vehicle, whether or not the wheels are mounted on a tube, beam, or other conventional type of solid axle). As in the case of logging trailers, the agency does not perceive the justification for exclusion of this trailer category from all the requirements of the standard. Some of these trailers are quite light and operate in unrestricted highway operation. The many benefits of more powerful, faster acting brakes are obvious and important to maximize compatibility with 121-equipped towing vehicles. The heavier vehicles in this proposed category already qualify for exclusion because of their size or axle configurations.

With respect to the "no lockup" performance requirement, the agency cannot agree with the TTMA that the presence of more than four tires on an axle system provides increased lateral stability comparable to that obtained through the "no lockup" requirement. At the same time the agency recognizes that, for an axle having more than four wheels, it is not necessary to require all of the wheels to meet the "no lockup" requirement. Thus, it is proposed that the standard be amended for these special multi-braked axles to require that only the outermost wheels meet the "no lockup" requirement.

TEMPORARY EXCLUSIONS FROM THE STANDARD

The TTMA recommended, in addition to exclusions based on specific criteria of overwidth, heavy axle size, or multitired axle systems, that all trailers presently excluded on a temporary basis as "heavy hauler" trailers until September 1, 1977, continue to be excluded permanently. The two characteristics that entitle a trailer to this exclusion are brake line designed to adapt to separation or extension of the vehicle frame, or a body that consists only of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in the unloaded condition. The TTMA and the National Automobile Transporters Association (NATA), along with various auto transporter manufacturers, also sought continuation of the exclusions for auto transporters until September 1, 1980. The ATA requested exclusion for both categories until January 1, 1979. The intent of the temporary exclusions for heavy hauler trailers and for auto transporters was to allow time for the development and application of 121 componentry for these specialized vehicles. At the time of the standard's implementation suppliers were concentrating their efforts on components for the larger highway markets.

The heavy hauler trailers in question and the auto transporters both use the highways regularly without speed or other types of restrictions. These vehicles are as susceptible to brake-related and maneuvering accidents as any other heavy commercial vehicle and the agency continues to consider that the standard should apply to them. Many of the problems of the vehicles in question may relate to the use of the smaller 15-inch wheel in place of the standard 20-inch wheel. While it is understood that the packaging of new brake components may be more difficult due to space limitations, it is also apparent that other users of 15-inch wheels (e.g., furniture vans) have been able to solve packaging and component availability problems. No data other than increased cost, limited engineering staffs, or possible compliance test problems were submitted by the petitioners in support of their requests. None of the auto transporter manufacturers have ever asked the NHTSA for clarification of the test procedures with which they are concerned. Additionally, the agency is aware that at least one antilock supplier has made several successful pro-

totype installations of complete 121 systems on auto transporters. As justification for permanent exclusion of heavy haulers, the TTMA did note that the price of "tag-a-long" trailers could in some cases be increased 25 percent by Standard No. 121 and that a substantial cost increase of this nature could result in a shift to electric or vacuum brakes.

It is apparent that manufacturers of the heavy hauler and auto transporter vehicles are not prepared to conform to the standard. The agency has for this reason granted these petitions for a limited extension because of the leadtime problem, despite the fact that manufacturers appear not to have made sufficient efforts to achieve compliance. The agency has decided to propose a delay in applicability for a limited period to provide time to determine what problems of availability or impracticability remain for these vehicles.

The date of January 1, 1979, is proposed, which is four years from the implementation of the standard for trailers and which conforms to the Subcommittees' recommendation.

Petitions for delay of nearly six years from implementation are denied because no evidence on the record justifies such a long delay. Justification for further delay would have to be specific and be brought to the agency's attention before the end of the period of extension. During the period of delay, the agency will attempt to fully catalog the problems facing manufacturers by means of specific questions addressed to them under authority of section 112 of the Act.

In this vein, the agency notes that the majority of rulemaking petitions it receives do not contain the minimum amount of justification and substantiation of requests that is necessary to permit reaching a decision to grant or deny the petition. Substantiation of a request is a necessary element of a petition under NHTSA regulations (49 CFR 552.4) and is, of course, necessary to permit a rational disposition of the petition. Therefore, when the agency receives an unsubstantiated request for rulemaking in the future, it will be returned with a request that substantiation be provided before further action is taken.

OTHER ASPECTS OF THE PROPOSAL

It is noted that the American Trucking Associations petitioned for extension of the temporary exclusion of vehicles with a GAWR for any axle of 24,000 pounds or more, or two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle. No justification for the request was cited other than the belief that suppliers' problems with Standard No. 121 make the suppliers unable to cope with the vehicles covered by these exclusions. Comments from suppliers are solicited on this question.

In a separate matter, one of the criteria for exclusion of mobile cranes is an absence of "passenger-carrying capacity." Bucyrus-Erie Company and FWD Corporation asked that the agency modify the standard to make clear that riding positions for the operating crew of a mobile crane do not constitute "passenger carrying capacity." The agency takes this opportunity to make this clarification a part of the standard by amendment of S3 of the standard.

The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. Section S3, Applicability, would be amended to read:

§ 571.121 Standard No. 121; Air Brake Systems.

* * * * *

S3 *Applicability.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to—

(a) Any vehicle that has an overall vehicle width of more than 102 inches with extendable equipment in the fully retracted position;

(b) Any vehicle that has a gross vehicle weight rating (GVWR) of more than 120,000 pounds;

(c) Any vehicle equipped with an axle that has a gross axle weight rating (GAWR) of 29,000 pounds or more;

(d) Any truck or bus that has a speed attainable in 2 miles of not more than 33 mph;

(e) Any truck that has a speed attainable in 2 miles of not more than 45 mph, an unloaded vehicle weight that is not less than 95 percent of its GVWR, and no capacity to carry occupants other than the driver and operating crew;

(f) Any trailer that has an unloaded vehicle weight which is not greater than 95 percent of its GVWR; and

(g) Any trailer composed of a trailer chassis, one or more axles, and a fifth wheel plate, and which is designed exclusively to support a portion of the weight of a trailer excluded from all the requirements of this standard.

In addition, the standard does not apply to a heavy hauler trailer manufactured before January 1, 1979; any vehicle manufactured before January 1, 1979, that in combination with another vehicle, constitutes a part of an auto transporter; and any vehicle manufactured before September 1, 1977, that has a GAWR for any axle of 24,000 pounds or more, or two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle.

2. The date "September 1, 1977" in the first paragraph of S5.3 would be changed to "January 1, 1979."

3. Section S5.3.2 would be amended by replacing the period at the end of paragraph (b) with ", or" and by the addition of a new paragraph (c) to read:

S5.3.2 * * *

(c) In the case of an axle system having more than four wheels, lockup of any wheel other than the outermost wheel at each end of the axle system.

4. A new section S5.3.2.2 would be added to read:

S5.3.2.2 When stopped in accordance with S5.3.2, any trailer designed exclusively for harvesting logs or pulpwood and constructed with a skeletal frame with no means for attachment of a solid bed, body, or container, and with an arrangement of air control lines and reservoirs designed to minimize damage in off-road operations need not meet the requirements relating to wheel lockup, but must nevertheless meet the requirements of straying within the 12-foot lane.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket.

A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons contine to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Duane Perrin and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 9, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-16992 Filed 6-15-77;8:45 am]

[49 CFR Parts 575 and 581]

[Docket No. 73-19, 74-11; Notices 15, 18]

BUMPER STANDARD

Damageability Requirements and Consumer Information

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Announcement by public meeting and proposed rule.

SUMMARY: This notice proposes three alternative amendments to Part 581,

Bumper Standard, two of which would include the establishment of a consumer information program under the combined authority of Section 112(d) of the National Traffic and Motor Vehicle Safety Act (Pub. L. 89-563) and Title II of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513). The notice would also schedule a public hearing on the issues involved in the proposal.

DATES: Comments must be received on or before August 15, 1977. Proposed effective dates:

Alternative I—Part 581 amendment, September 1, 1980.

Alternative II—Consumer Information Program, September 1, 1978. Part 581 amendment, September 1, 1980.

Alternative III—Consumer Information Program, September 1, 1978. Part 581 amendment, delay implementation of Phase II for several years beyond 1980 or, alternatively, indefinitely.

HEARING: July 28, 1977. Deadline for submission of application for financial assistance: June 29, 1977.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Bob Mewhinney, Office of Crashworthiness, Motor Vehicle Programs, NHTSA, 400 Seventh St., SW., Washington, D.C. 20590 (202-755-8896).

SUPPLEMENTARY INFORMATION: On February 24, 1977, the National Highway Traffic Safety Administration (NHTSA) published a notice (42 FR 10862) proposing to delay for 1 year until September 1, 1980, implementation of the Phase II bumper requirements. This NPRM was in response to petitions for reconsideration from Ford and General Motors (GM), concerning the final rule establishing Part 581 (41 FR 9346, March 4, 1976). GM, in its petition, had expressed concern that implementation of two sets of bumper requirements only one year part (September 1, 1978 and September 1, 1979) would result in unrecoverable costs relating to research, design, development, and tooling. Ford had described a problem relating to its design plans for compliance with fuel economy standards. It requested that the effective date for implementation of the bumper requirements be delayed until September 1, 1980, in order that design changes could be accomplished simultaneously with those made necessary by the fuel economy provisions of the Energy Policy and Conservation Act (Pub. L. 94-163). The NHTSA proposed a 1-year delay in the implementation of the Phase II requirements as a possible method for resolving the problems alleged by Ford and GM.

The February NPRM was issued by the previous Administrator of the NHTSA. The current Administrator has reexamined the issues involved in that NPRM and has determined that alternative methods of resolving petitioners' problems should also be considered. A decision has also been made to examine by this notice and hearing the possible impact on compliance with the Phase II requirements of the new Clean Air Act amendments currently being considered by Congress for implementation in either the 1980 or 1982 model year, as well as the significant fuel economy standards which become effective in the 1981 model year and any action the Secretary of Transportation might take to enhance vehicle occupant protection under Standard No. 208 (49 CFR 571.208).

The three alternatives proposed by this notice will be closely examined in light of the information submitted by all interested persons, both in written comments and oral testimony at the public meeting. If none of the three approaches appear to be superior to the currently prescribed approach (49 CFR Part 581) when examined in terms of the considerations mentioned above, the three approaches proposed by this notice will be withdrawn and Part 581 will be implemented in its present form (Phase I effective September 1, 1978, and Phase II effective September 1, 1979).

The first alternative proposed by this notice is the amendment to 40 CFR Part 581 described in the February NPRM. Under this alternative, manufacturers would not be required to meet the Phase II requirements of Part 581 until September 1, 1980. According to the February notice, such an amendment would respond to petitions for reconsideration by enabling manufacturers to better optimize their Phase I bumper systems and to coordinate their bumper redesign efforts with those planned for fuel economy purposes.

The second alternative proposed by this notice would combine a 1-year delay, until September 1, 1980, in the implementation of the Phase II bumper requirements with a consumer information program on bumper damageability, to become effective September 1, 1978. The 1-year effective date delay would be responsive to the petitions for reconsideration from Ford and GM, as described in the February 24, 1977, NPRM. The consumer information program would be established under the authority of Section 112(d) of the National Traffic and Motor Vehicle Safety Act (Pub. L. 89-563) and Title II of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513). It would remain in effect until September 1, 1980, and would provide both the agency and consumers with specific bumper damageability information. After September 1, 1980, under this proposed option, Phase II would prohibit any significant damage to the bumper, thus obviating the need for bumper damageabality information at 5 mph impact speeds.

Implementation of a consumer information program on bumper damageability would enable consumers to base their car-buying choices on what they perceive to be satisfactory bumper system performance. Car owners who live in congested urban areas where the threat of low-speed collisions may be of particular concern, would be able to rely on the bumper damageability information in selecting a more damage resistant vehicle. The information provided under the program, which would be of two kinds initially, bumper system damage and bumper system repair cost, would be based upon the results of impact tests conducted for compliance purposes under Phase I of the Part 581 bumper standard which also takes effect on September 1, 1978. A description of the bumper system damage would not only alert consumers to the crash performance capabilities of the various bumper systems, but would provide them with sufficient information to make their own assessment of the possible safety hazards of a damaged system.

Beginning with the second year of the consumer information program, passenger car insurers would be required to disclose to the NHTSA the insurance rate discounts which would be available for vehicles whose bumper systems performed at particular levels. This information would then be placed in the consumer information booklet along with the bumper system performance and repair cost information. A consumer would thus have all of the cost and performance data necessary to make an informed car-buying choice.

The NHTSA has identified, in Standard No. 215, Exterior Protection, the system whose proper functioning is important to the safety performance of the vehicle. Damage to these systems would obviously tend to create hazards. In addition, damage to the vehicle body surfaces may have a distinct effect on safety. Although such hazards are difficult to identify and quantify, a lacerated or projecting bumper surface, for example, might well pose special danger to pedestrians, either on a moving or a stationary vehicle. This agency has tentatively decided, therefore, that the information concerning damage to vehicle surfaces that will be produced by tests for compliance with Part 581 (which includes Standard 215) can be of value to the public in evaluating the performance of the tested vehicles. Such information is the type described in Section 112 (d) of the Traffic Safety Act, It is therefore proposed that 49 CFR Part 575, Consumer Information Regulations, be amended to require manufacturers to distribute bumper performance information to prospective purchasers. This information would also be highly significant to consumers in the event the agency adopted, in the future, a consumer information program based upon impacts up to 10 mph. Although not specifically proposed as an alternative, comments should address the feasibility and advisability of requiring a consumer information program for bumper and other surface area damageability that is based upon impacts at up to 10 mph. Specially, the program would be based upon the same type of testing and damage cri-

teria as currently prescribed in Part 581. The only difference would be the impact speed.

Title II of the Cost Savings Act gives the NHTSA the authority to compile damage susceptibility and crashworthiness information which will facilitate comparison by the public of the various makes and models of passenger cars. It is the agency's tentative judgment that this can be best accomplished by making available repair cost figures for the damage incurred by the bumper systems of the various passenger car models when tested in accordance with the 5 mph impact tests required by Part 581. Thus, this information would, under this proposal, be furnished to consumers along with the information proposed above to be supplied pursuant to Part 575.

The consumer information program would function in conjunction with the Part 581 Phase I compliance measures. Manufacturers would be required to determine the amount of set and dent incurred by the bumper face bar of each of its passenger car models following the prescribed Part 581 testing. If the set and dent were equal to or less than ¾ inch and ⅜ inch, respectively, that particular vehicle would be considered to have incurred "inconsequential" damage and would not be subject to any further examination. If, however, the set and dent exceeded those limits, the manufacturer would be required to examine the entire bumper system for damage. With regard to the exterior parts of the system, any type of deformation or blemish would be considered as damage. With regard to the components of the bumper system substructure, any deformation that caused a component to no longer be capable of operating in the normal manner would be considered as damage.

Manufacturers would be required to disclose in a booklet to be distributed to prospective passenger car purchasers, information pertinent to the bumper system performance of each of its passenger cars. The booklet would list all passenger car models in groups according to their interior size (e.g., subcompact, compact). The first section of the booklet would list all motor vehicle models that sustained set and dent not greater than ¾ inch and ⅜ inch, respectively. These vehicles would be labeled as having incurred "inconsequential" damage when impacted at 5 mph in accordance with Part 581 test procedures. The second section of the booklet would list all other passenger car models. Next to each model would be a detailed yet understandable description of the exterior bumper system damage incurred as a result of the 5 mph impacts. In addition, the total cost to repair the system by replacement of the damaged bumper system components (including labor costs), and the manufacturer's estimate of the lowest cost to repair the total damaged bumper system damage would be listed.

Manufacturers would be required to submit to the NHTSA all of the information required to appear in the booklet by June 1 of each year. The NHTSA would then compile the information supplied by all of the manufacturers and print a booklet containing the data as described above. A copy of the booklet would then be provided to each passenger car manufacturer by August 1 of each year. The manufacturer would be responsible for printing a sufficient number of copies of the booklet for distribution by his dealers to all prospective passenger car purchasers. The booklets with information applicable to the passenger cars of a single model year, would have to be available at each dealer's place of business by September 15 of each year. Each passenger car dealer would be required to place the booklets in a location which is obvious to prospective motor vehicle purchasers and to furnish each prospective purchaser with a copy at no charge.

Manufacturers would be required to include on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) or on a separate label affixed to the right front window of each passenger car the two total cost figures applicable to that particular vehicle. If the vehicle had incurred "inconsequential" damage, that should be indicated on the label. The label information would describe the meaning of the two figures or the "inconsequentiality" rating and would make reference to the existence of the booklet and the comparative information it contains. The manufacturer would also be required to place this damageability information in each vehicle owner's manual.

The third alternative proposed by this notice is to implement the consumer information program beginning September 1, 1978, as proposed in the second alternative, and to delay for several years beyond September 1, 1980, or perhaps indefinitely, implementation of the Phase II bumper requirements. The consumer information program would remain in effect until such time as the Phase II requirements were implemented. This alternative is proposed in acknowledgement of the major requirements with which motor vehicle manufacturers will be required to comply in the early 1980's. Major amendments to the Clean Air Act are being considered by Congress for implementation in either the 1980 or 1982 model year. In addition, substantial improvement in the fuel economy of passenger automobiles will be required for the 1981 model year. If the passive restraint option of the notice proposing to amend Standard No. 208 (42 FR 15935) is adopted, it also would become effective in the early 1980's. The agency is concerned about the burden on manufacturers to comply with these several major requirements during only a one- or two-year period. Since these requirements slated for implementation in the early 1980's involve significant safety and health matters, as well as the nation's energy policy, the agency has determined that the impact of compliance with a cost savings standard on satisfaction of these critical standards should be considered.

Implementation of all of these major requirements during the early 1980's will certainly require the concentration of significant automotive industry resources. Because such resources may have to be applied to compliance with other standards, it is possible that satisfaction of the Phase II bumper requirements would not be achieved in as cost-efficient a manner as previously anticipated. Given the mandate in Title I to provide consumers with a bumper system that will save them money, it is incumbent upon the agency to examine closely the effect of compliance with other important requirements. If it appears that a cost-efficient Phase II program cannot be effected in either the currently prescribed 1980 model year or the proposed 1981 model year, it is the agency's responsibility to reconsider those effective dates.

Comments are specifically requested on the difficulties, if any, of meeting the Phase II bumper requirements simultaneously with the other requirements due to go into effect. Additionally, the cost impact on the development of Phase II bumper systems of complying with fuel economy, emissions, and possibly passive restraint requirements is solicited.

In addition to comments on the three proposed amendments, it is requested that passenger car manufacturers responding to this notice indicate whether their passenger cars are now or will soon be capable of meeting the Phase II requirements of Part 581. It is also requested that manufacturers address the degree to which a consumer information program, such as that described in this notice, might motivate passenger car manufactuers to improve the performance of their bumper systems given the possible competitive effect of the information disclosed.

In accordance with Section 102(e)(1) of the Cost Savings Act which requires that interested persons be given an opportunity to orally present their views on any rule amending a bumper standard, a public meeting is hereby scheduled to discuss the alternatives proposed by this notice. Interested persons are invited to attend the meeting and to present oral or written comments. Persons wishing to make written comments only, must submit those comments to the docket by August 15, 1977. Persons making oral statements are encouraged to submit their comments in written form either at the meeting or by mail. All comments, both oral and written, must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion. All written submissions should be mailed to Docket No. 73-19, Notice Docket Section, National Highway Traffic Safety Administration, Room

5108, 400 Seventh Street SW., Washington, D.C. 20590.

Persons who desire to make an oral statement should contact Mr. Bob Mewhinney, Motor Vehicle Programs, NHTSA, Washington, D.C. 20590 (202–755–8896) by July 18, 1977, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at the same time. Persons whose presentations include slides, motion pictures, or any other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the NHTSA Docket Section, Room 5108, approximately 5 days after the meeting.

The meeting will be held on July 28, 1977, in the Departmental Auditorium, 14th St. and Constitution Ave., N.W., Washington, D.C., beginning at 9:30 a.m. The meeting will continue on July 29, 1977, if additional time is necessary to hear all presentations.

In addition to the public meeting, the Department also invites applications for financial assistance from individuals or organizations that wish to participate in this rulemaking proceeding on Part 581, Title II of the Cost Savings Act, and Section 112(d) of the Traffic Safety Act but are financially unable to do so. This invitation is issued pursuant to the recently established (41 FR 2863, January 13, 1977) one-year demonstration program for funding of individuals or organizations that desire to participate in designated NHTSA proceedings under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Motor Vehicle Information and Cost Savings Act, as amended, and the Highway Safety Act of 1966, as amended.

All those applications submitted before the deadline specified above will be evaluated by a panel of NHTSA and DOT officials to determine whether each applicant is eligible to receive funding under the regulations. In general, an applicant is eligible if (1) it represents an interest the representation of which can reasonably be expected to contribute to a full and fair determination of the issues in the proceeding, (2) its participation is reasonably necessary to represent that interest, (3) it can competently represent that interest, and (4) it lacks sufficient financial resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the panel either will select the applicant which can make the strongest presentation or, will select more than one applicant if the eligible applicants seek to present significantly different points of view or proposals. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim. Interested persons may obtain a copy of the regulations for the demonstration program from Jeannette Feldman, Office of the Administrator, NHTSA, 400 Seventh St. SW. Washington, D.C. 20590 (202–426–1590) regarding the July 28, 1977, hearing.

Each application submitted pursuant to this notice should identify which of these or other issues the applicant proposes to address and the manner in which the applicant proposes to do so.

Applicants are urged to submit their applications by the deadline specified above. Under the regulations for the demonstration program, consideration of late applications is at the discretion of the panel of officials that will review the applications.

The principal author of this notice is Karen Dyson, Office of Chief Counsel.

In consideration of the foregoing, it is proposed that the NHTSA take one of the following three courses of action (I, II, or III below):

I

In 49 CFR Part 581, Bumper Standard, § 581.5 would be amended as follows:

§ 581.5 [Amended]

(1) In § 581.5(b) the date "September 1, 1979" in the title and the text is changed to "September 1, 1980."

(2) In § 581.5(c)(8) the phrase "from September 1, 1978 to August 31, 1979" is changed to "from September 1, 1978 to August 31, 1980."

(3) In § 581.5(c)(10) the date "September 1, 1979" is changed to September 1, 1980."

II

The same amendments as proposed in I would be made, and in addition 49 CFR Part 575, Consumer Information Regulations, would be amended by adding a new § 575.107 to read as follows:

§ 575.107 Bumper performance.

(a) *Scope.* This section requires passenger car manufacturers to provide information on the damage and cost of repair of bumper systems that have been subjected to impact tests under 49 CFR Part 581.

(b) *Purpose.* The purpose of this section is to provide information to car buyers on the damage susceptibility and crashworthiness of passenger car bumper systems in order to enable them to assess the safety of those systems and their cost of repair.

(c) *Application.* This section applies to passenger cars and passenger motor vehicles manufactured from September 1, 1978 until August 31, 1980.

(d) *Definitions.* "Exterior damage" means any blemish or deformation of the exterior surface areas of the bumper system.

"Substructure damage" means any deformation of a component of the bumper system substructure which causes such component to be no longer capable of performing in the normal manner.

(e) *Requirements.* (1) Each manufacturer shall, following the prescribed testing for compliance with 49 CFR Part 581, measure the bumper face bar of each of its passenger car models to determine whether it meets the requirements of § 581.5(c)(11) of this chapter.

(2) If a vehicle does not meet the requirements of § 581.5(c)(11) of this chapter, the manufacturer shall examine the entire bumper system and determine the following information:

(i) Which bumper system components have incurred exterior damage.

(ii) Which bumper system components have incurred substructure damage.

(iii) The cost to replace each component that has incurred the type of damage described in paragraph (e)(2)(i) and (ii) of this section.

(iv) The number of hours of labor required to repair the damaged bumper system by replacement of the components described in paragraph (e)(2)(i) and (ii) of this section.

(v) The total cost of labor to accomplish the repair by replacement described in paragraph (e)(2)(iv) of this section, computed based upon the hourly labor cost figure supplied by the NHTSA.

(vi) An estimate of the lowest cost to repair the bumper system components described in paragraph (e)(2)(i) and (ii) of this section.

(3) Each manufacturer shall include either on the label required by Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), or on a separate label affixed to the right front window of each vehicle, and in each owner's manual, the following information:

(i) If the vehicle meets the requirements of § 581.5(c)(11) of this chapter, a statement that when subjected to crash tests at 5 mph the vehicle bumper system sustained "inconsequential" damage.

(ii) If the vehicle does not meet the requirements of § 581.5(c)(11) of this chapter, a statement that when subjected to crash tests at 5 mph the vehicle bumper system sustained damage which (*a*) to repair by replacement of damaged components would cost _____ dollars (including labor costs) and (*b*) to repair by the most economical means would cost _____ dollars.

(iii) A statement that the vehicle dealer has, at no charge, a booklet listing the type of damage incurred by the vehicle bumper systems of all passenger car models when subjected to 5 mph crash tests, and the cost to repair that damage.

(3) Each manufacturer shall supply to the NHTSA, by June 1 of each year, the following information concerning the passenger car models it intends to sell as manufactured in the model year beginning the following September:

(i) A description, in terms readily understandable by a prospective passenger car purchaser, of the exterior bumper system damage incurred following testing under Part 581 of this chapter.

(ii) The total cost, including labor, to repair by replacement the components damaged, as described in paragraph (e)(2)(i) and (ii) of this section.

(iii) The lowest cost, estimated by the manufacturer, to repair the components

damaged, as described in paragraphs (e)(2) (i) and (ii) of this section.

(5) Each insurer of motor passenger cars shall, by June 1 of each year, beginning June 1, 1979, supply the NHTSA with specific information indicating the amount of insurance rate discount it will provide for certain described levels of bumper performance.

(6) The NHTSA shall compile the information described in paragraph (e)(4) and (5) of this section and print a booklet, as described in paragraph (e)(7) of this section. A copy of this booklet shall be supplied to each passenger car manufacturer by August 1 of each year.

(7) Each manufacturer shall publish a supply of booklets, in sufficient number to be distributed to all prospective purchasers, and distribute them by September 15 of each year to all dealers that offer their passenger cars for sale to the public. The booklets shall contain the following:

(i) The title "Bumper Damageability and Cost Informaton."

(ii) A first section listing all vehicle models that sustained "inconsequential" bumper system damage when subjected to crash tests at 5 mph.

(iii) A second section listing all other vehicle models in groups according to their interior size.

(iv) Next to each model entry in the second section shall a description of the exterior bumper system damage in terms readily understandable by prospective passenger car purchasers, the total cost, including labor, to repair by replacement the damaged bumper system components, the lowest estimated cost to repair the bumper system damage, and, beginning September 1, 1979, the issuance rate discount provided by the various passenger car insurers for certain secified levels of bumper performance.

(v) An hourly labor cost to be supplied to the manufacturers by the NHTSA and used in the booklet to compute the total labor costs for repair of a damaged bumper system.

(8) Each passenger car dealer shall provide to prospective passenger car purchasers, without charge, the "Bumper Damageability and Cost Information" booklet described in paragraph (e)(7) of this section.

(9) Each passenger car dealer shall maintain the booklets in a location that is easily observable by prospective passenger car purchasers.

(10) No passenger car dealer shall remove or alter the bumper damageability sticker affixed by a manufacturer pursuant to paragraph (e)(3) of this section.

III

§ 581.5 [Amended]

1. In 49 CFR Part 581, Bumper Standard, the dates "September 1, 1979" which appears in § 581.5(b) and § 581.5(c)(10), and "August 31, 1979" which appears in § 581.5(c)(8) are deleted, and the requirements of those paragraphs are indefinitely postponed.

2. The same amendment to 49 CFR Part 575 (§ 575.107) as proposed in II would be made except that subsection (c) would read as follows:

§ 575.107 Bumper performance.

* * * * *

(c) *Application.* This section applies to passenger cars and passenger motor vehicles manufactured on or after September 1, 1978.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the ocmplete comments should be submitted to the Office of Chief Counsed at the above address, with tn indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); Sec. 201, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1941); delegation of authority at 49 CFR 1.50 and 501.8.)

NOTE.—It is hereby certified that the economic and inflationary impacts of these proposed amendments have been carefully evaluated in accordance with Office of Management and Budget Circular A-107.

Issued on June 13, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-17293 Filed 6-14-77;11:14 am]

Title 50—Wildlife and Fisheries

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

PART 18—MARINE MAMMALS

Proposed Designation of Marine Otter as a Marine Mammal

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Director of the Service proposes to add the marine otter (*Lutra felina*) to the list of species formally designated as marine mammals for purposes of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407). The Director's judgment that it is appropriate to list the marine otter at this time is based on available biological data concerning the species. Although the marine otter is presently listed as an endangered species and is therefore protected by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), this proposed listing would afford the species additional protection.

DATE: Interested persons are invited to participate in this rulemaking by submitting written comments on or before July 18, 1977.

ADDRESS: Comments should be addressed to the Director (FWS/LE), United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036, and should make reference to file number REG 18-02-09. All comments timely received will be available for public inspection between 7:45 a.m. and 4:15 p.m., Monday through Friday, in Suite 600 of the Service's office at 1612 K Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Rupert Bonner, Marine Mammal Coordinator, Division of Wildlife Assistance, United States Fish and Wildlife Service, Suite 1200, 1612 K Street, NW., Washington, D.C. 20006, 202-343-8961.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under authority of section 112 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1382). The Fish and Wildlife Service has determined that (1) this proposed rule is not a major Federal action significantly affecting the human environment and requiring preparation of an environmental impact statement and (2) that this proposed rule does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Section 3(5) of the Act (16 U.S.C. 1362(5)) defines the term "marine mammal" as "any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this chapter, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin." A species which satisfies this definition and is formally listed as a marine mammal in § 18.3 of Title 50, Code of Federal Regulations, is subject to the restrictions and protective provisions of the Act. This rulemaking would add the marine otter to the list of marine mammals in § 18.3.

The species primarily inhabits the coastal waters of South America, from Central Peru to Cape Horn, Chile, but is also known to ascend rivers to at least 650 meters above sea level. Two subspecies of the marine otter are recognized: the first from southern Chile and the second from northern Chile and Peru.

Only very limited population data are available with regard to the marine otter found at the northern end of the Chilean range, but in Peruvian waters the population is estimated to be as small as 200 to 300 specimens. In the Cape Horn and southern Tierra del Fuego region, the species is nearly extinct. (See Administration and Status Report of the Marine Mammal Protection Act of 1972, United States Fish and Wildlife Service (1975); (1976)). Copies of these reports may be obtained by writing to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. For these reasons, the Marine Mammal Commission has independently recommended to the Director that the marine otter be formally listed in § 18.3.

DRAFTING INFORMATION

The principal author of this proposal is David R. Endres, a legal specialist for the Division of Law Enforcement, United States Fish and Wildlife Service.

PROPOSAL

It is proposed to amend the definition of "marine mammal" contained in § 18.3 of Part 18, Subchapter B, Chapter I of Title 50, Code of Federal Regulations, to read as follows:

§ 18.3 Definitions.

In addition to the definitions contained in section 3 of the Act (16 U.S.C. 1362) and in Part 10 of this subchapter, and unless the context requires otherwise, in this Part 18:

* * * * *

"Marine mammal" means any specimen of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name	Date listed
Ursus maritimus	Polar bear	Dec. 21, 1972
Enhydra lutris	Sea otter	Do.
Odobenus rosmarus	Walrus	Do.
Dugong dugong	Dugong	Do.
Trichechus manatus	West African manatee.	Do.
Trichechus inunguis	West Indian manatee.	Do.
Trichechus senegalensis	Amazonian manatee.	Do.
Lutra felina	Marine otter	June 16, 1977

NOTE.—Common names given may be at variance with local usage.

* * * * *

Dated: June 6, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77-17199 Filed 6-15-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2 p.m., June 27, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street NW., Washington, D.C. 20006.

The Committee will meet to consider, for the third time, a study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart, as well as tentative recommendations stemming from the study.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JUNE 9, 1977.

[FR Doc.77-17106 Filed 6-15-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GALLINA PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Galinna Planning Unit, USDA-FS-R3 FES Adm. 76-06.

The environmental statement considers a proposed plan of management for 59,780 acres of National Forest in the vicinity of Galinna, New Mexico, Rio Arriba and Sandoval Counties.

The final environmental statement was transmitted to CEQ on June 8, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, New Mexico 87102.

Santa Fe National Forest, Federal Building, Santa Fe, New Mexico 87501.

A limited number of single copies are available upon request to the Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Deputy Regional Forester, Resources Region 3.

JUNE 8, 1977.

[FR Doc.77-17254 Filed 6-15-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30779; Order 77-6-62]

AIR CHARIOT LTD. AND McCULLOCH INTERNATIONAL AIRLINES, INC.

Order Setting Application for Hearing

On April 22, 1977, Air Chariot Ltd. (Chariot) and McCulloch International Airlines, Inc. (MIA) filed a joint application requesting approval, pursuant to section 408 of the Act, of a Purchase Agreement entered into on February 11, 1977, between Chariot and FGH Financial Corp. (FGH) which provides for the transfer to Chariot of 81 percent of the outstanding stock of MIA, now held by FGH, and three Lockheed Electra aircraft and other FGH assets.[1] Chariot also requests section 408 approval of a mutually dependent Purchase Agreement entered into on March 29, 1977, between Chariot and McCulloch Properties, Inc. (Properties) which provides for the transfer to Chariot of the 19 percent balance of MIA's outstanding stock.

Certain other aspects of the transactions in question require Board approval under sections 408 and 409 of the Act. Chariot and MIA request approval of a proposed dry lease of a B-720 aircraft by Chariot to MIA, Chariot having entered into a purchase agreement to buy the aircraft upon Board approval of the basic Purchase Agreements. Approval is also sought for certain interlocking relationships subject to Board approval under section 409 of the Act, which may arise by reason of approval of the Purchase Agreements as well as certain interests shareholders of Chariot have in Jet Avia, Ltd. (Jet), a registered air taxi operator. Board approval is also sought for the common control relationship between Jet, on the one hand, and Chariot and MIA, on the other. Jet, along with MIA and Chariot, requests an exemption from the Board's Economic Regulation, 14 CFR 298, which would otherwise prohibit the continuation of the air taxi operations after consummation of the Purchase Agreements. Finally, Chariot proposes, pursuant to the Board's Economic Regulations, 14 CFR 215, to change the name of MIA, such name change being a condition of the Chariot/Properties Purchase Agreement.

No comments in response to this application were filed.[2]

Upon consideration of the pleadings and all the relevant facts, we have decided to set the joint application of Chariot and MIA for hearing.

Accordingly, It is so ordered. That: 1. The joint application of Air Chariot Ltd. and McCulloch International Airlines, Inc., Docket 30779, be and it hereby is set for hearing, at a time and place hereafter to be designated; 2. The issues in the proceeding instituted by 1 above shall include the following:[3]

(a) Will the proposed acquisition of 81 percent of the stock of McCulloch International Airlines, and the aircraft and the assets set forth in the agreement by the applicants, by Air Chariot Ltd. through FGH Financial Corp. and of 19 percent of McCulloch International Airlines' stock through McCulloch Properties, Inc. be consistent with the public interest under sections 102 and 408(b) of the Federal Aviation Act of 1958, as amended?

(b) Will the proposed acquisition result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the acquisition?

(c) Will approval of the proposed acquisition create interlocking relationships within the meaning of section 409 of the Act and, if so, shall these rela-

[1] On May 20, 1977, the joint applicants filed a Motion for Expeditious Issuance of Notice of Prehearing Conference and Establishment of Other Procedural Dates. Except to the extent granted herein, the Motion will be denied.

[2] Teamsters Local No. 2707 filed a formal request to be made a party to Docket 30779. The request will be granted.

[3] These issues do not encompass the question of the proposed dry lease of a B-720 by Chariot to MIA and the proposal to change MIA's name, neither of which need be resolved in an evidentiary hearing. However, facts concerning these questions may be developed during the course of the proceeding, and the Board proposes to separately resolve them if the proposed agreement is approved.

tionships be approved as not adverse to the public interest?

(d) If the proposed acquisition is approved, what terms, conditions, and limits, if any, shall the Board apply?

(e) If the proposed acquisition is approved, shall Jet Avia Ltd. be given an exemption to permit it to continue as an air taxi operator under section 298 of the Board's Regulations?

3. McCulloch International Airlines, Air Chariot Ltd., Jet Avia Ltd., FGH Financial Corp., McCulloch Properties, Inc., and Teamsters Local No. 2707 be and they hereby are made parties to the proceeding in Docket 30779;

4. Motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers shall be filed 5 days thereafter; and

5. The joint applicants' Motion for Expeditious Issuance of Notice of Prehearing Conference and Establishment of Other Procedural Dates be and it hereby is granted to the extent indicated herein and denied in all other respects.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17287 Filed 6-15-77;8:45 am]

[Docket Nos. 28985, 21389; Order 77-6-65]

ALLEGHENY AIRLINES, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June, 1977.

By Order 74-11-45, November 8, 1974, Docket 21389, the Board authorized Allegheny Airlines, Inc., to suspend service at Kokomo-Logansport-Peru, Indiana (Kokomo), for a 7-year period.[1] The authority was made subject to a number of conditions, including that Air Wisconsin, Inc. (or another acceptable Part 298 carrier), provide a minimum level of service and that Allegheny notify the Board within 30 days of its plans for service at Kokomo in the event that Air Wisconsin ceased providing regularly scheduled commuter service.

On February 19, 1976, Air Wisconsin notified the City of Kokomo that it intended to terminate its service effective April 1, 1976. By the terms of its suspension Allegheny would have been required to resume service on May 1, 1976. On March 2, 1976, Allegheny filed a petition in Docket 28985 requesting the deletion of Kokomo from its certificate for Route 97. On March 17, 1976, Allegheny filed two petitions: one in Docket 28985 requesting the issuance of an order directing all parties to show cause why Allegheny's certificate should not be amended to delete Kokomo, and one in Docket 21389 requesting modification of Order 74-11-45 so as to eliminate the substitute-service requirement imposed therein until the Board rules on the deletion request in Docket 28985. By Order 76-4-185, April 30, 1976, the Board (1) deferred action on Allegheny's petition for an order to show cause and on its deletion application and (2) waived for 90 days the requirement that Allegheny resume Kokomo service. Further, the Board suggested that Allegheny seek another Part 298 replacement carrier for Kokomo during the 90-day period and, if unable to reasonably secure such replacement service, describe its efforts in this regard in any further request for extension of its suspension authority.

On July 9, 1976, Allegheny filed a petition for extension of its suspension at Kokomo, without replacement, for an indefinite time period pending Board action on its deletion application. By Order 76-7-128, served August 12, 1976, the Board denied Allegheny's request for an indefinite suspension and granted it 30 days to prepare to reinstitute service or find an acceptable replacement carrier. On August 18, 1976, Allegheny filed a petition for reconsideration of Order 76-7-128 requestiong a six-month extension of its suspension authority at Kokomo, without replacement, until March 1, 1977. By Order 76-8-144, August 27, 1976, the Board extended Allegheny's suspension until March 1, 1977 in order to afford the carrier and Kokomo additional time to explore solutions to the problem of air service at Kokomo.

On February 8, 1977, Allegheny filed an application requesting (1) extension of its suspension authority at Kokomo until 60 days after final decision on its application to delete Kokomo in Docket 28985 and (2) that the Board act expeditiously and grant Allegheny's application for the deletion of Kokomo.[2]

In support of its requests, Allegheny states, inter alia, that: CV-580 service by Allegheny in the Kokomo-Indianapolis market would produce substantial losses;[3] since Convairs are used primarily on the eastern portion of Allegheny's system and Allegheny is in the process of eliminating CV-580's from its fleet, the resumption of Kokomo service would require the ferrying of a Convair to Indianapolis solely for the purpose of serving that point; Skystream Airlines, a commuter air carrier, provides nonstop and one-stop service to Chicago, Detroit, Indianapolis, and South Bend; Kokomo is not isolated from the air transportation network, having convenient access to three major airports (Indianapolis, Fort Wayne, South Bend); Allegheny has not served the community for several years and Kokomo does not expect or want Allegheny to provide large-aircraft service to the local airport; and, under these circumstances, Kokomo should be deleted from Allegheny's certificate.

No answers opposing Allegheny's application were filed.

The Kokomo Board of Aviation Commissioners (Kokomo) filed an answer stating that it has no objection to Allegheny's request for an extension of its suspension pendente lite. Kokomo further stated that it has always been the community's desire to be served by a commuter air carrier providing a reasonable pattern of service; that provision of CV-580 service by Allegheny at Kokomo would not be in the best interests of the community and would be uneconomical for Allegheny; and that, until final decision on Allegheny's deletion request, Kokomo prefers to function with a commuter air carrier in lieu of Allegheny's CV-580's.

Upon consideration of the pleadings and all relevant facts, we have decided to issue an order to show cause proposing (1) to authorize the suspension of Allegheny's service at Kokomo and (2) dismiss Allegheny's application and motion, in Docket 28985, for an order to show cause the deletion of Kokomo.

We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for Route 97 so as to suspend Kokomo thereon.[4] As a result of events occurring subsequent to Allegheny's renewal request, specifically the current consideration by Congress of legislative proposals for providing service to small communities, we believe that it is appropriate to suspend, rather than to delete, Allegheny's service obligation. The facts and circumstances which we have tentatively found to support our proposed ultimate conclusions appear below.

Kokomo has not been a strong traffic-generating point. Since 1965, enplanements have exceeded 15 per day only twice, in 1966 (16.9) and 1969 (16.4).[5] With the introduction of Air Wisconsin's more frequent small-aircraft service in 1969, the number of passengers using Air Wisconsin's service declined from 9,589 passengers in 1970 to only 4,544 passen-

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[1] The original suspension authority was granted for a period of 5 years by Order 69-11-8, November 4, 1969. The order also granted suspension authority at Marion, Indiana, but Marion was subsequently deleted from Allegheny's certificate for Route 97 by Order 72-10-26, October 10, 1972. The original suspension was subject to the condition that replacement service would be provided by air taxi operators that operated at least three round trips daily between Kokomo and Chicago.

[2] On February 16, Allegheny filed a request for a waiver of the timeliness of filing requirements of section 377.10(c) of the Board's regulations so as to automatically extend the effectiveness of the authority granted by Order 76-8-144 beyond March 1, pursuant to 5 U.S.C. 558(c), pending final decision on its suspension application. Allegheny's waiver request was granted by Order 77-2-127, February 25, 1977.

[3] This is the smallest aircraft in Allegheny's fleet.

[4] We also tentatively find that Allegheny is fit, willing, and able to properly perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[5] Enplanements were: 5,985 in 1969 (both Allegheny and Air Wisconsin); 4,894 in 1970; 3,262 in 1971; 2,935 in 1972; 2,825 in 1973; 2,529 in 1974 and 2,219 in 1975.

gers in 1975, or an average of only 2.6 passengers per flight. This level of traffic cannot economically support certificated service with the 50-seat aircraft that would be used by Allegheny.

Further, the Board has already found that service by Allegheny at Kokomo would be uneconomic. See Order 69-11-8, November 4, 1969. There, the Board found that suspension would reduce Allegheny's economic losses by approximately $230,000. Due to the declining traffic at Kokomo, the losses the carrier could expect to incur were it required to restore service with 50-seat CV-580 aircraft would be substantially greater than the losses forecast in 1969.

Nor is there any reason to believe that the traffic experience and the financial results for service by Allegheny at Kokomo have any reasonable chance of meaningful improvement in the foreseeable future, especially in light of the ample and convenient transportation alternatives currently available to Kokomo travelers. Skystream Airlines provides Beech-99 service between Kokomo and Detroit, Chicago, South Bend, and Indianapolis. Moreover, Kokomo has access to a medium hub, Indianapolis (58 road miles and 70 minutes driving time), and two small hubs, Fort Wayne (78 road miles and 94 minutes driving time), and South Bend (88 road miles and 106 minutes driving time). In addition, Kokomo receives motor coach and passenger rail service to Chicago, Indianapolis, and other Midwest cities. Thus, the city is not isolated from the national air transportation network. Consequently, we tentatively find and conclude that restoration of large-aircraft service at Kokomo by Allegheny will produce benefits that are too limited when compared with the costs involved, to warrant continuation of certificated local service at that point and that deletion of Kokomo would be consistent with a long line of Board cases involving the termination of certificated service following unsuccessful operations.[8]

Nonetheless, we have tentatively determined that as a matter of policy Allegheny's certificate obligation should be suspended rather than deleted and, therefore, that Allegheny's deletion application and motion for an order to show cause in Docket 28985 should be dismissed. Our determination stems from the fact that the Board has recently proposed legislation which, if adopted by Congress, would authorize the Board to implement a new Small Community Service Program.[9] Under the program, all small communities which cannot support certificated air service but which are currently named in the certificates of air carriers (either active or suspended points) will be initially eligible for federally subsidized service.[10] Kokomo has been included in the list of eligible communities that accompanied the Board's legislative proposal. An alternate approach, contained in S. 292, introduced by Senators Pearson and Baker, would provide Federal assistance for air service to small communities through the limited certification of commuter operators. Both programs have a common policy theme—i.e., all small communities currently named in certificates of public convenience and necessity would be eligible for Federally supported service irrespective of traffic generation or cost. While we have no doubt that any newly enacted legislation could go back and "pick up" points recently deleted, we believe it is preferable, from an administrative standpoint, to retain currently certificated points which no longer justify the continued imposition of a service obligation on a local service carrier as suspended points in the carrier's certificate. Consequently, we tentatively find that the public convenience and necessity require the suspension of Allegheny's authority at Kokomo. Finally, the community preference for commuter air carrier service in lieu of service by Allegheny with CV-580's lends support to our decision that the show-cause procedure is appropriate.[11]

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it in ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience, and necessity of Allegheny Airlines, Inc., for Route 97 so as to suspend Kokomo-Logansport-Peru, Inc., thereon, and dismissing the application of Allegheny in Docket 28985 and all motions filed therein;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; and answers to such objections may be filed 10 days thereafter;[12]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; Air Wisconsin, Inc.; Skystream Airlines, Inc.; Governor, State of Indiana; Mayor, City of Kokomo; Mayor, City of Logansport; Mayor, City of Peru; Airport Manager, Kokomo Municipal Airport; Indiana Aeronautics Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:[13]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17289 Filed 6-15-77;8:45 am]

[8] See Eastern Air Lines Deletion of Bowling Green, Ky., Order 72-7-25 July 7, 1972, *aff'd* sub nom. Bowling Green-Warren County v. CAB, 479 F. 2d 553 (6th Cir. 1972). See, also, Eastern Air Lines Deletion of Rome, Ga., Order 72-1-60, January 18, 1972; Eastern Air Lines Waycross Deletion Case, Order 72-5-50, May 12, 1972; Allegheny Airlines Deletion of Marion, Ind., Order 72-10-26, October 10, 1972; Frontier Airlines Deletion of Moab, Utah, Order 76-10-84, October 19, 1976; and most recently, Allegheny Airlines Service to Glen Falls, Order 77-2-49, February 10, 1977.

[9] The Board's program before the Senate Aviation Subcommittee on March 21, 1977.

[10] Under the Board's proposal, points which are currently not named in carrier certificates will be eligible for addition to the program after a three-year phase in period.

[11] It is found that the action herein will not constitute a "major" Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969, inasmuch as Allegheny has no operations at Kokomo.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[13] Statement of Commissioner Johnson, dissenting, filed as part of the original document.

[Docket 30635]

ARIZONA SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 13, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circu-

late its material on or before June 24, 1977, and the other parties on or before July 6, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 10, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-17285 Filed 6-15-77;8:45 am]

[Docket 30826]

P. T. MERPATI NUSANTARA AIRLINES

Amendment of Foreign Air Carrier Permit; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on June 16, 1977 (42 F.R. 29033), is postponed to June 30, 1977, 9:30 a.m. (local time), in Room 1003 B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 10, 1977.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc.77-17286 Filed 6-15-77;8:45 am]

[Docket No. 25659; Order 77-6-37]

PIEDMONT AVIATION, INC.

Investigation of the Local Service Class Subsidy Rate; Order Requiring Subsidy Refund

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of June, 1977.

By this order, the Board is requiring Piedmont Aviation, Inc. (Piedmont), to make a refund to the Civil Aeronautics Board in the amount of $1,788,000 which reflects the effects of completely removing the carrier's tax allowance from its subsidy computations for calendar year 1975. The factual support for the decision is set forth below.

Section III. A. of the Rate Formula of Class Rate VII, as adopted in Order 74-1-123, issued January 24, 1974, states that a carrier is in a tax position only if the carrier is incurring a liability under the Internal Revenue Code of 1954 for the payment of Federal income taxes. Section III. B. of the Rate Formula provides that a tax allowance shall be payable only to those carriers determined to be in a tax position, with such a determination to be based on an evaluation of the carrier's filed actual Federal income tax return, as amended and/or modified, or on the basis of a pro forma tax return filed with the Board pursuant to other parts of the Rate Formula.

As an integral part of the third and fourth reviews of Class Rate VII,[1] the Board provided Piedmont, among others, with a tax allowance in anticipation of a Federal tax liability for calendar year 1975. This allowance was provided because Piedmont had made a showing in the base period of Class Rate VII that it would incur a Federal tax liability at that time,[2] and subsequent examinations of Piedmont's profitability mandated the retention of the carrier's tax allowance. However, Piedmont submitted to the Board a pro forma tax return for calendar year 1975 showing both a net loss for its airline division and an overall corporate net loss.[3] In addition, a recent audit,[4] conducted to verify the accuracy of Piedmont's reports, also revealed that the airline had a net loss for calendar year 1975. Consequently, under the provisions of Class Rate VII, the carrier is not entitled to a tax allowance for calendar year 1975.[5]

During calendar year 1975, Piedmont was provided with a tax allowance of $1.248 million for its eligible operations. Pursuant to Section III. G.4., the carrier is required to refund this amount pertaining to the tax allowance.

The Board has also recomputed Piedmont's subsidy rates effective January 1—June 30, 1975, and July 1—December 31, 1975, excluding the tax allowance. (See Appendices A and B, respectively.) Pursuant to authority in Section IV. C. 8.[6] of the Rate Formula, Piedmont's profit offset from ineligible services has been recomputed without a tax allowance. The removal of taxes from this computation results in increased ineligible profits to be shared. The government's share of these increased ineligible profits amounts to $1.134 million.

Because of similar authority found in Section VIII. B. 8. of the Rate Formula, Piedmont's eligible improvement/deficiency has been recomputed for the same review periods, without a tax allowance, which produces a smaller improvement in the third review period and a smaller deficiency in the fourth review period. However, due to the provision that the eligible deficiency can be used to offset ineligible profits, the recomputation indicates that an increase of $594,000 in the eligible deficiency should be recognized. Netting this amount against the increased ineligible offset of $1.134 million produces a $.54 million refund which, in addition to the tax allowance refund of $1.248 million, provides for a total refund of $1.788 million.

[1] See Orders 74-12-119, issued December 30, 1974, 74-12-120, issued December 30, 1974, 75-7-64, issued July 14, 1975, and 75-8-41 issued August 8, 1975.

[2] See order 73-10-1, issued October 1, 1973.

[3] The pro forma tax return was submitted pursuant to directions contained in Order 76-4-101, issued April 20, 1976, pertaining to the establishment of Class Rate VII.

[4] All other local service carriers were similarly audited.

[5] This order does not affect the tax allowance paid to Piedmont for the period from January 1, 1976, to June 30, 1976, pursuant to Order 76-2-39, issued February 11, 1976, or the tax allowance being paid on and after July 1, 1976, pursuant to Order 76-12-159, issued December 30, 1976, which fixed the final rate for Class Rate VIII.

[6] "Federal taxes to be recognized in Section IV. B. 1 (b) shall be derived based on the following formula:

$$R-I=A,\ \frac{A}{X}=Y,\ Y-A=T$$

where:

R=Return computed in Section IV. B. 1(a);
I=Allocated interest expense;
A=Amount subject to tax;
X=Complement of federal tax rate;
Y=Amount subject to tax plus tax; and,
T=Tax.

Federal tax computations under this Section shall be subject to the applicable provisions and definitions set forth under Section III of this rate. However, no taxes shall be provided for ineligible services unless a carrier has excess profits after taxes available for offset to reduce the need of the eligible services."

The recomputation of the effective subsidy rates employed herein is consistent with prior practice under Class Rate VII.[7]

Based upon the foregoing, the Board finds and concludes that Piedmont was not in a tax position during calendar year 1975 and, therefore, was not entitled to a tax allowance for the period. Consequently, Appendix L of Order 74-12-120 and Appendix L of Order 75-7-64 will be amended to reflect our findings and conclusions stated herein, and Piedmont will be required to refund $1,788,000.[8] (See Appendix C.)

ACCORDINGLY, *it is ordered*, that:

1. Appendix L to Order 74-12-120, as it applies to Piedmont Aviation, Inc., is amended as follows: The daily tax rate shown under "Federal Taxes Section III" is eliminated; the daily rate under "Eligible Improvement/Deficiency" is amended to read —978.08 and, the daily rate under "Ineligible Profit Offset Section IV" is amended to read —6,284.93;

2. Appendix L to Order 75-7-64, as it applies to Piedmont Aviation, Inc., is amended as follows: The daily tax rate shown under "Federal Taxes Section III" is eliminated; the daily rate under "Recognized Eligible Improvement/Deficiency" is amended to read +3,158.90; the daily rate under "Ineligible Profit Offset Section IV" is amended to read —3,158.90; and, the daily rate in footnote 6 is amended to read —3,767.12;

3. Piedmont Aviation, Inc., is hereby ordered to refund to the Civil Aeronautics Board $1,788,000;

4. This order shall become effective on the fifteenth day after service hereof, unless prior to that date exceptions, together with supporting reasons, shall have been filed with the Board by any party to this proceeding. If exceptions and supporting reasons are filed by any party within the prescribed time, the effective date of this order shall be stayed, only for the party or parties filing exceptions, pending further action by the Board; and

5. This order shall be served upon all parties to this proceeding.

[7] See Orders 74-7-76, July 18, 1974, 74-12-120, December 30, 1974, 76-2-111, February 27, 1976, and 77-4-5, April 1, 1977.

[8] The details of the method of reimbursement will be formulated by the CAB Comptroller.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—*Piedmont Aviation, Inc.—Comparison of subsidy need determinations—Year ended Sept. 30, 1974* [1]

[Amounts in dollars]

	Eligible	Ineligible	System
Third review computations:			
Reported operating breakeven need	2,309	(9,284)	(6,915)
Subsidy ratemaking adjustments	(943)	(677)	(1,620)
Adjusted operating breakeven need	1,426	(9,961)	(8,535)
Return on adjusted investment	4,849	5,358	10,207
Federal tax provision	1,194	2,231	3,425
State tax provision	8	15	23
Total subsidy need	7,477	(2,357)	5,120
Adjusted base ceiling	8,244		
Ineligible profit offset	(1,178)	1,178	
Eligible improvement/deficiency [2]	(384)		
Six-month subsidy rate recognized [3]	6,682		
Revised computations:			
Reported operating breakeven need	2,309	(9,284)	(6,915)
Subsidy ratemaking adjustments	(943)	(677)	(1,620)
Adjusted operating breakeven need	1,426	(9,961)	(8,535)
Return on adjusted investment	4,849	5,358	10,207
Federal tax provision			
State tax provision	8	15	23
Total subsidy need	6,283	(4,588)	1,695
Adjusted base ceiling	6,966		
Ineligible profit offset	(2,294)	2,294	
Eligible improvement/deficiency [2]	(357)		
Sixth-month subsidy rate recognized [3]	4,345		

[1] Third review of Class Rate VII (see orders 74-12-119, Dec. 30, 1974, and 74-12-120, Dec. 30, 1974).
[2] Recognized deficiency cannot be greater than ineligible profit offset per section VIII of the rate formula (see order 74-12-120).
[3] Annualized rate for the 6-month period Jan. 1, 1975, to June 30, 1975.
[4] Cannot exceed adjusted base ceiling.

APPENDIX B.—*Piedmont Aviation, Inc.—Comparison of subsidy need determinations—Year ended Mar. 31, 1975* [1]

[Amounts in dollars]

	Eligible	Ineligible	System
Fourth Review Computations:			
Reported operating breakeven need	5,719	(7,472)	(1,753)
Subsidy ratemaking adjustments	(956)	(793)	(1,749)
Adjusted operating breakeven need	4,763	(8,265)	(3,502)
Return on adjusted investment	4,873	5,933	10,806
Federal tax provision	1,381	2,500	3,881
State tax provision	15	26	41
Total subsidy need	11,032	194	11,226
Adjusted base ceiling	8,150		
Ineligible profit offset			
Eligible improvement/deficiency [2]			
Six-month subsidy rate recognized [3] [4]	8,150		
Revised computations:			
Reported operating breakdown need	5,719	(7,472)	(1,753)
Subsidy ratemaking adjustments	(956)	(793)	(1,749)
Adjusted operating breakdown need	4,763	(8,265)	(3,502)
Return on adjusted investment	4,873	5,933	10,806
Federal tax provision			
State tax provision	15	26	41
Total subsidy need	9,651	(2,306)	7,345
Adjusted base ceiling	6,902		
Ineligible profit offset	(1,153)	1,153	
Eligible improvement/deficiency [2]	1,153		
Six-month subsidy rate recognized [3] [4]	6,902		

[1] Fourth review of Class Rate VII (see orders 75-7-64, July 14, 1975 and 75-8-41, Aug. 8, 1975).
[2] Recognized deficiency cannot be greater than ineligible profit offset per section VIII of the rate formula (see order 74-12-120).
[3] Annualized rate for the 6-month period July 1, 1975, to Dec. 31, 1975.
[4] Cannot exceed adjusted base ceiling.

Appendix C.—Piedmont Aviation, Inc., computation of actual amount to be refunded [1] *for calendar year 1975*

Description	Change due to recalculation (in thousands)	Daily rate	Amount (in thousands)
Period Jan. 1, 1975 to June 30, 1975 [2]			
Annual CR VII tax allowance [3]	$1,248	$3,419.18	$619
Increase in the ineligible profit offset [4]	1,116	3,067.53	553
Decrease in the eligible improvement [4]	(27)	73.97	(13)
Subtotal			1,159
Period July 1, 1975 to Dec. 31, 1975 [5]			
Annual CR VII tax allowance [6]	1,248	3,419.18	629
Increase in the ineligible profit offset [7]	1,153	3,158.90	581
Increase in the eligible deficiency [7]	(1,153)	3,158.90	(581)
Subtotal			629
Total			1,788

[1] Computed on the basis of applying daily rates times the number of days in the period.
[2] This period contains 181 d.
[3] Annual tax allowance from appendix F-1 of Order 74-12-119.
[4] See appendix A.
[5] This period contains 184 d.
[6] Annual tax allowance from appendix F-1 of Order 75-7-64.
[7] See appendix B.

[FR Doc.77-16916 Filed 6-15-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL RESEARCH FOUNDATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00114. Applicant: Children's Hospital Research Foundation of the Children's Hospital Medical Center, Elland and Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 400 with High Tilt Goniometer and Accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the following investigations: (1) Studies of the ultrastructural pathology of Reye's Syndrome and related hepatic encephalopathies including: High resolution analysis of the ultrastructure of mitrochondrial membranes and mitochondrial matrix protein structure, a search for virus particles and provirus structures in liver, muscle and brain tissues, a classification of influenzalike viral agents isolated from the tissues of Reye's Syndrome patients by passage in embryonated eggs, monkey kidney tissue culture fibroblasts and ferrets, and a search for influenza virus proteins in affected tissues using ferritin labelled and peroxidase labelled specific immune globulins, (2) Study of the ultrastructural pathology of brain biopsies of infants and children with unexplained, progressive, severe brain disorders, (3) Study of the ultrastructural pathology of the jejunal mucosa of infants affected by intractable diarrhea, (4) Study of the ultrastructure of the bile canaliculus in congenital disorders of biliary secretion including a study of the anatomy of pericanalicular microfibrils and microtubules, and (5) a study of the plasma membrane of the duodenal mucosal epithelium during calcium absorption to determine the significance of microvillus dense bodies. In addition, the article will be used in the training of postdoctoral fellows in pediatric gastroenterology.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26,

1976). Reasons: The foreign article is equipped with a eucentric goniometer stage and a guaranteed resolution of 5 Angstroms (point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instruments which provided an equivalent eucentric goniometer and resolving power at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17202 Filed 6-15-77;8:45 am]

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

The place and time for the meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee scheduled for Tuesday, July 12, 1977, at 9:30 a.m. in Room 6511 has been changed to 1:30 p.m. in Room 5611, Main Commerce Building. The agenda and other information relating to the Subcommittee meeting, as published in the FEDERAL REGISTER, (42 FR 2934), on Tuesday, June 7, 1977, remain unchanged.

Dated: June 13, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-17215 Filed 6-15-77;8:45 am]

LEHIGH UNIVERSITY AND UNIVERSITY OF COLORADO

Consolidated Decision on Applications For Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00067. Applicant: Lehigh University, Metallurgy and Materials Science Dept., Whitaker Laboratory Bld. No. 5, Bethlehem, Pa. 18015. Article: PW6570/00C Scanning Attachment for EM 300, Adaptor; and accompanying accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is an attachment to an existing electron microscope that provides the facility to scan the electron beam across the specimen with a beam diameter from 250 to 2.5 nm. The STEM facility will be used to investigate the following materials problems:

(1) Solute redistribution occurring during selected phase transformations.

(2) Solute profiles occurring in meteorites.

(3) The fine scale structure of iron meteorites which have been shocked and cosmically reheated.

(4) The fine structure of hot-pressed and as-crept specimens of SiC and Si_3N_4 manufactured from the powder.

(5) The identification of particles in the Bi-MnBi directionally solidified eutectic.

(6) Theecrystalline structure of polyethylene.

The equipment will also be used in a course in Electron Metallography to introduce students to the most recent advances in electron optical applications. Application received by Commissioner of Customs: December 19, 1976. Advise submitted by the Department of Health, Education, and Welfare on: March 22, 1977.

Docket number: 77-00147. Applicant: University of Colorado, Department of Buying and Contracting, Willard Administrative Center 160, Boulder, Colorado 80309. Article: Ultrahigh Resolution Scanning System EM-100C ASID-4D and accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is an accessory to be used in conjunction with an existing electron microscope in a wide variety of research and teaching projects. Investigations to be carried out involve the study of the structure of biological cells and tissues including nerve tissues, phenomena associated with neurological diseases; tumors and comparable normal tissues; and various types of plant cells especially valuable in displaying fundamental features of cell division and morphogenesis. The article will be used primarily in the course "MCDB 490/590: Workshop in Electron Microscopy", which introduces students to standard preparative techniques for both scanning and transmission electron microscopy. Application received by Commissioner of Customs: March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

COMMENTS: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17206 Filed 6-15-77;8:45 am]

OHIO STATE UNIVERSITY

Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00115. Applicant: The Ohio State University, College of Pharmacy, 500 W. 12th Avenue, Columbus, Ohio 43210. Article: Electron Microscope, Model EM 9S-2 including spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the course Pharmacy 894 which is designed primarily for educating graduate students in the medical biological sciences in the techniques and interpretations of electron microscopic data. The students will devote a brief initial period in learning how to operate the electron microscope. The bulk of the time will be devoted to instruction of students in the techniques of preparation of the sample for electron microscopic examination and interpretation of electron micrographs.

Comments: No comments have been received with respect to this application. Decision: Application approved. No in-

strument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 17, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17207 Filed 6-15-77;8:45 am]

U.S. ARMY MEDICAL RESEARCH INSTITUTE OF INFECTIOUS DISEASES AND GEORGE WASHINGTON UNIVERSITY

Consolidated Decision on Applications For Duty-Free Entry of Isotachophoresis Apparatus

The following is a consolidated decision on applications for duty-free entry of Isotachophoresis Apparatus pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00122. Applicant: U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), Bacteriology Division, Suite B1, Building 1425, Fort Detrick, Frederick, MD 21701. Article: Tachophor, Model LKB 2127-001 with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules including: proteins, peptides, metabolites from plant and animal tissues. Investigations will include studies on in vitro and/or in vivo reactions between molecules following increase, decrease or absence of one or all of the reacting molecules. Application received by Commissioner of Customs: February 9, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: January 27, 1977.

Docket Number: 77-00138. Applicant: HEW/FDA National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Tachophor complete, with Power Supply Unit, Analyzer Unit equipped with Perspex Electrode Houses, Lamps and Filter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules including proteins, peptides, and metabolites from plant and animal tissue. Investigations will include studies on in vitro and/or in vivo reactions between biological molecules following increase, decrease, or absence of one or all of the reacting molecules. The objective pursued in the course of these investigations is to understand the interrelationship between biological molecules and to correlate these changes with chemical alterations seen in human diseases. Application received by Commissioner of Customs: February 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: December 28, 1977.

Docket Number: 77-00145. Applicant: The George Washington University, Lab for Virus and Cancer Research, Department of Medicine, Ross Hall, Room 526, 2300 I St. NW., Washington, D.C. 20037. Article: Tachophor (LKB-2127-001) complete, with Power Supply Unit, Analyzer Unit and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the elucidation of the roles of various substances on a molecular level in disease states, particularly in regard to cancer, and to provide information necessary to design separatory systems capable of recovering such substances from complex mixtures of substances in sufficient quantity and integrity to allow for their use in diagnostic systems and for further immunological and biochemical analyses. The article will also be used to quantitate subtle alterations in the materials used in experiments and to monitor experiments in other systems. Application received by Commissioner of Customs: March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: February 2, 1977.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides sensitivities in nanomole quantities with sample volumes of 0.1 to 50 microliters. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda that the capability described above is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to each of the foreign articles for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17205 Filed 6-15-77;8:45 am]

National Oceanic and Atmospheric Administration

TRANSFER OF A FISHING VESSEL TO FOREIGN OWNERSHIP

Receipt of Application for Approval

Notice is hereby given that on May 24, 1977, the Maritime Administration of the Department of Commerce received an application from Messrs. Richard J. and Raymond L. Wrathell, 15104 N. 19th Street, Lutz, Florida 33549, for the approval of the sale of the 30.3' registered length fishing vessel R & R, O.N. 280321, to Mr. Pham Cong Hanh, 66069 49th Avenue, St. Petersburg, Florida and Dung Viet Mai, 1572 Delaware Avenue, St. Petersburg, Florida. Such approval is required by Sections 9 and 37 of the Shipping Act, 1916, as amended (36 U.S.C. 808.835), because the applicants are citizens of Vietnam. The vessels will be modified to be admeasured at under 5 net tons and will be operated primarily in the fishery for shrimp.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application.

Accordingly, the Service solicits the written comments of interested persons in regard to this application. Such comments should be address to the Director, National Marine Fisheries Service,

Washington, D.C. 20235, and received no later than July 18, 1977. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: June 13, 1977.

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

[FR Doc.77-17265 Filed 6-15-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY FOOD AND NUTRITION PROGRAM

Solicitation of Applications for Grants for the Community Food and Nutrition Program Funded Under Section 222(a)5) of the Economic Opportunity Act, as Amended

Notice is hereby given that the Community Services Administration (CSA) is soliciting applications for funding Community Food and Nutrition Program (CFNP) projects with Fiscal Year 1977 funds.

All policies and procedures promulgated by CSA Instruction 6132-2, Community Food and Nutrition Program, published in the FEDERAL REGISTER (42 FR 12047) on March 2, 1977, including the application process and categories of eligible applicants, apply to these fundings. In addition, consistent with the interim rule published in the FEDERAL REGISTER (42 FR 27593) on May 31, 1977, program emphases have been defined for Fiscal Year 1977 fundings and the percent of effort for each emphasis in each state has been set based on needs assessments and other consultations. (See attachment 1.)

Potential applicants are reminded that the regular A-95 procedures apply. Therefore, applicants are encouraged to submit their notification of intent to the appropriate clearinghouse(s) as soon as they decide that they will apply for funds.

Following are the program emphases for the Fiscal Year. They are derived from the eligible activities outlined in the basic policy statement (CSA Instruction 6132-2) but provide greater specificity:

ADVOCACY

Advocacy projects are designed to improve access to, and to expand the participation of eligible participants in, the various Federal food programs, e.g., food stamps, school lunch and breakfast, child care feeding, WIC, elderly feeding, etc. Advocacy activities may include: efforts to monitor, study and evaluate program operation when coupled with a plan to implement findings, recommendations, etc. in a manner which will improve program operation; legal and paralegal representation of eligible participants; community education and outreach efforts designed to inform eligible participants about the various food programs, the benefits available thereunder and to assist such persons in obtaining benefits; and efforts to plan, develop and implement food and nutrition policies and programs. In-so-far as is practical, advocacy efforts should be directed at effecting institutional changes in program policy and operations.

Examples of acceptable advocacy projects include, but are not limited to: 1. The development of a state or local coalition to insure community input in the implementation process of the major revisions of the food stamp program. Activities would include the development of the coalition, education of the members to the issues, solicitation of comments on proposed state and Federal regulations, negotiations with the state on the development of the state plan of operation and certification manual, and negotiation and monitoring of the implementation of the revision;

2. A community education/outreach effort designed to inform people of food stamp program revisions and to assist persons in obtaining benefits. Activities might include the development and distribution of informational materials, development of a media campaign, the development of a speakers bureau, training of personnel of other organizations, coordination of volunteers who provide transportation and prescreening services, negotiations to alter practices which prevent participation, and direct representation of applicants in their efforts to obtain benefits;

3. A short term study of the school breakfast program, the results of which would be used to expand program operation. Activities would include an analysis of the existing program operation and roadblocks to participation, the development of a school breakfast coalition to make recommendations and negotiate with school food officials, and formal meetings with the school board to provide community input into the decisions about the operation of the program.

SELF-HELP

Self-help projects are designed to directly involve the poverty community in efforts to improve access to food production and distribution processes designed to improve their nutritional well-being and to foster self-sufficiency. Self-help activities may include: efforts to develop alternative food production and distribution mechanisms which are community-owned and controlled; efforts to develop and utilize other community resources in the continuation of such activities; and, efforts to provide lower cost food stuffs to low-income people. Self-help activities will not be funded as continuing activities. All present and prospective grantees must have a specific plan for phasing out funding of particular projects.

Examples of acceptable self-help projects include, but are not limited to: 1. The development of a community food sale cooperative operated by the people it serves and designed to provide lower cost food to its membership. Activities would include organizing the co-op, assisting in establishing the physical and legal entity, providing training to operators, assisting in negotiating contracts with farmers and wholesalers for food delivery, assisting in seeking alternative sources of funds, and assisting in the development of other similar projects;

2. The development of a food production operation such as a greenhouse operation which would provide both lower cost food through distribution networks in the low-income community and provide employment opportunities to low-income people; and

3. Cooperative programs for the production of food or animals for family consumption.

SUPPLEMENTAL

Supplemental projects are designed to fill the voids in existing Federal feeding programs or to establish programs on a pilot basis. Acceptable supplemental activities may include the provision of services which are tangential to but necessary for the operation of existing Federal feeding programs. Supplemental programs will not be funded on a continuing basis. They must either be capable of being supported by another food program or by other funding sources within a specified period of time.

CRISIS RELIEF

This category is intended to meet temporary emergency needs of households through the direct provision of foodstuffs or direct access to food. Applicants desiring funding under this category must specifically delineat the need and explain why direct services are not duplicative or substitutes for already existing programs. Preference will be given to applicants who combine direct service efforts with activities designed to transfer the responsibility for the continuation of direct service activities within a specified period of time or which mobilize or organize community resources to provide crisis relief.

APPLICATION SUBMISSION

Closing date for receipt of applications is July 26, 1977. Applications should be submitted to the appropriate CSA Regional Office.

GRACIELA (GRACE) OLIVAREZ,
Director.

State	Advocacy	Supplemental programs	Self-help	Crisis relief

Attachment 1.—Program emphases listing by each State's percent of fiscal year 1977 funding level

State	Advocacy	Supplemental programs	Self-help	Crisis relief
Region I:				
Maine	35	60	5	0
Connecticut	73	5	11	11
Rhode Island	63	11	21	5
Vermont	37	0	53	10
Massachusetts	58	16	16	10
New Hampshire	47	0	51	2
Region II:				
New York	85	0	5	10
New Jersey	95	0	2	3
Puerto Rico	69	0	21	10
Virgin Island	82	0	16	2
Region III:				
Pennsylvania	35	24	25	16
Maryland	35	24	25	16
Delaware	35	25	25	16
West Virginia	35	24	25	16
Virginia	35	24	25	16
District of Columbia	35	24	25	16
Region IV:				
Mississippi	15	50	18	17
Kentucky	33	23	29	15
North Carolina	33	27	25	15
South Carolina	33	29	23	15
Tennessee	33	30	22	15
Florida	15	37	30	18
Georgia	33	27	25	15
Alabama	33	24	27	16
Region V:				
Illinois	64	5	26	5
Indiana	64	21	5	10
Michigan	64	5	26	5
Minnesota	59	5	26	10
Wisconsin	100	0	0	0
Ohio	48	27	15	10
Region VI:				
Arkansas	35	39	16	10
Louisiana	35	13	42	10
New Mexico	35	45	10	10
Oklahoma	35	25	24	16
Texas	35	35	15	15
Region VII:				
Iowa	35	34	21	10
Missouri	35	42	13	10
Kansas	36	44	8	10
Nebraska	35	50	10	5
Region VIII:				
Wyoming	37	26	32	5
Utah	64	21	10	5
North Dakota	60	19	16	5
South Dakota	35	22	40	3
Montana	35	16	44	5
Colorado	37	32	21	10
Region IX:				
Arizona	35	39	16	10
California	35	48	10	7
Hawaii	35	48	10	7
Nevada	35	39	16	10
Regim X:				
Washington	38	25	22	15
Idaho	38	22	25	15
Oregon	38	12	35	15
Alaska	33	15	37	15

An amount equal to 5% of each state's allocation shall be set aside in each Region for program support projects intended to strengthen local programs thru the provision of training and technical assistance and to assist in coordination of anti-hunger efforts throughout the state including communication of successful methods and techniques.

[FR Doc.77-16912 Filed 6-15-77;9:30 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Extension of Time

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Consumer Product Safety Commission extends the time period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop a standard for an indefinite period until jurisdictional questions concerning aluminum branch circuit wiring have been resolved.

FOR FURTHER INFORMATION CONTACT:

Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7770.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission has been in the process of developing a mandatory consumer product safety standard for aluminum branch circuit wire systems since it formally began a proceeding on November 4, 1975 under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). It has previously extended the period within which it must propose a consumer product safety standard for the aluminum wire system or withdraw the notice of proceeding until May 1, 1977, in order to discuss with the National Fire Protection Association and other organizations modification of the National Electric Code as an alternative to a mandatory federal standard. A detailed history of this action and of the standard development activities appears in the FEDERAL REGISTER of January 18, 1977 (42 FR 3342).

On March 11, 1977, the United States District Court for the District of Delaware in *Kaiser Aluminum and Chemical Corporation* v. *United States Consumer Product Safety Commission*, Civil Action No. 76-44 (D. Del.) concluded that aluminum branch circuit wire and aluminum branch circuit wiring systems are not consumer products as that term is defined in section 3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)). The Court issued an order in that matter on March 30, 1977. On May 25, 1977, the Department of Justice filed a notice of appeal of the Court's decision on behalf of the Commission. In view of the District Court's ruling, the Commission has decided that pending resolution of the jurisdictional question it will suspend activity under section 7 of the CPSA, including staff efforts toward modification of the NEC. Accordingly, the Commission is extending the period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop a standard for an indefinite period until resolution of the jurisdictional question.

The Commission's decision is limited to activities under section 7 of the CPSA and does not apply to any activities related to section 15 of the CPSA or enforcement of subpoenas issued under section 27 of the CPSA regarding aluminum branch circuit wire.

Dated: June 10, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-17072 Filed 6-15-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (the Board) will meet on July 21-22, 1977, in the Compass and Viking Room of the Admiral Kidd Club located at the Naval Training Center, San Diego, California. Sessions of the meeting will commence at 8:15 a.m. and terminate at 4:30 p.m. on Thursday, July 21, 1977, and commence at 8:30 a.m. and terminate at 11:30 a.m. on Friday, July 22, 1977.

The Board will discuss the Navy's Instructional Development Program and Computer Managed Instruction. Board members will observe course development procedures and visit various training sites. The merits of existing training and instructional systems under development will be reviewed in order to provide recommendations to the Secretary of the Navy at the Executive Session on July 22, 1977.

For further information, contact:

Dr. Francis Kelly, Assistant Branch Head, Professional Education (991EB), 800 North Quincy Street, Arlington, Va. 22203, (202) 692-4636.

Dated: June 9, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-17266 Filed 6-15-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00053A; FRL 747-4]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Scientific Advisory Panel; Cancellation of Meeting

The two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel scheduled for Monday, June 20, and Tuesday, June 21, 1977, has been cancelled due to problems associated with scheduling topics for review by the Panel. Notice of this meeting was published in the FEDERAL REGISTER on June 3, 1977 (42 FR 28572).

For further information contact: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-567), Room E-315, EPA, 401 M St., SW., Washington, D.C. 20460, telephone 202-755-4851.

(Sec. 25(d) of FIFRA, as amended (86 Stat. 97; 89 Stat. 751; 7 U.S.C. 136(a) et seq.) and sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: June 13, 1977.

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

[FR Doc.77-17297 Filed 6-15-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 862]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 13, 1977.

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

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

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21460-CD-TC-(3)-77 Autophone of Laredo, Inc. Consent to Transfer of Control from Autophone of Laredo, Inc., transferor, to Paul E. Russum, transferee. Stations: KLF536 and KWH344, Laredo, Texas; and KUO642, Zapata, Texas.

21468-CD-TC-(2)-77 Haviland Telephone Company, Inc. Consent to Transfer of Control from Howard Ellis, transferor to Shareholders of Haviland Telephone Company, transferees. Stations: KAQ634, Haviland, Kansas; and KAQ646, Conway Springs, Kansas.

21469-CD-AL-77 Bertha C. Mathews dba Mathews Telephone Answering Service. Consent to Assignment of License from Mathews Telephone Answering Service, assignor to J.J., Inc., assignee. Station: KGI274, Great Falls, Montana.

21470-CD-TC-(2)-77 Fulmont Communications, Inc. Consent to Transfer of Control from Howard D. Hinkle, transferor to Charles J. Bertuch, Jr., M.D., transferee. Stations: KWU350 and KWU352, Amsterdam, New York.

21471-CD-TC-(4)-77 Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kircos, transferor to Rahn J. Parris, transferee. Stations: KWT996 and KUD204, Port Huron, Michigan; and KLF-591 and KWA 673, Benton Harbor, Michigan.

21472-CD-TC-(2)-77 Business Service Center, Inc. Consent to Transfer of Control from June E. Stevens, personal representative of the estate of Robert L. Stevens, transferor to Paul R. Bartell, transferee. Stations: KTS230 and KTS231, nr. Rothschild, Wisconsin.

21473-CD-P/L-77 Southwestern Bell Telephone Company (KKB392), C.P. to change antenna system operating on 152.66 MHz located 1.5 mile NNW of Eureka, Texas.

21474-CD-TC-(3)-77 Ace Commercial Services, Inc. Consent to Transfer of Control from John R. Laws, transferor to George E. Donavan, transferee. Stations: KQZ740, KQZ741 and KUS286, Columbus, Mississippi.

21475-CD-P-77 Prospect Communications (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located 5.5 miles ESE of Lawrenceburg, Tennessee.

21476-CD-P-77 Southwestern Bell Telephone Company (KBM505), C.P. to change antenna system operating on 152.63 MHz located 3 miles NW of Dodge City, Kansas.

21477-CD-MP-77 Radio Relay New York Corp. (KAA282), modification of CP to change antenna system and relocate facilities operating on 158.70 MHz to be located at 40 West Mosholu Parkway, Bronx, New York.

21478-CD-P-77 Metrotec, Inc. (KTS283), C.P. to relocate facilities operating on 35.22 MHz to be located at Rt. 55, 0.5 miles North of Rt. 118, Medina, Ohio.

21479-CD-P-77 Pat's Mobilephone, Inc. (new), C.P. for a new station to operate on 152.06 MHz to be located in center of town, Collinwood, Tennessee.

21480-CD-P-77 Carolina Telephone and Telegraph Company (new), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 111 W. Calhoun Street, Whiteville, North Carolina.

21481-CD-P-(2)-77 Arvig Telephone Company (KCI305), C.P. to change antenna system operating on 152.57 and 152.81 MHz located at West of Equation Avenue, Pequot Lakes, Minnesota.

21482-CD-P-77, Aricall, Inc. (KIY779), C.P. to change frequency from 454.100 MHz, control, to 454.150 MHz, and relocate facilities to be located at Westgate Office Building, Asheville, North Carolina, Loc. No. 2.

21483-CD-ML-77 Morris Communications, Inc. (KPL904), modification of License to change base frequency from 454.275 MHz to 454.350 MHz at Loc. No. 2: Oconee County Memorial Hospital, Seneca, South Carolina.

21484-CD-P-77 Answering Service of Trenton, Inc. (KED352), C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 3: North Gate Apartments, 7th and Linden Streets, Camden, New Jersey.

21485-CD-P-(4)-77 The Pacific Telephone and Telegraph Company (KMA612), C.P. to replace transmitters operating on 152.69 and 152.72 MHz at Loc. No. 2; change antenna system operating on 152.57 MHz, replace transmitters on 157.83, 157.95 and 157.98 MHz, test and relocate from Loc. No. 1 to Loc. No. 2: 95 Almaden Avenue, San Jose, California.

21486-CD-P-(2)-77 Anser-Quik Enterprises, Inc. (new), C.P. for a new 1-way station to operate on 158.70 MHz, base and standby, to be located at Roosevelt Avenue, 500 feet West of Intersection with Pine Knoll Blvd., Pine Knoll Shores, North Carolina.

21487-CD-P-77 H. I. Pierce dba Business Communications Company (new), C.P. for a new station to operate on 152.06 MHz to be located 6½ miles North of Great Falls, Montana.

21488-CD-P-77 Pat's Mobilephone, Inc. (new), C.P. for a new 1-way station to operate on 152.24 MHz to be located at center of town, Collinwood, Tennessee.

21489-CD-MP-(2)-77 Area-Wide Paging System, Inc. (KWU399), modification of CP to change antenna system operating on 454.175 and 454.325 MHz located at Terminal Tower Building, Cleveland, Ohio.

21491-CD-P-77 Tel-Page Corporation of Wisconsin (new), C.P. for a new 1-way station to operate on 35.22 MHz to be located at First Wisconsin Bank Building, Milwaukee, Wisconsin.

21493-CD-P-4-77 A Plus Communication of Puerto Rico, Inc., dba Caribbean Mobile Telephone System (KWU360), modification of CP to change antenna system operating on 454.125, 454.150, 454.175 and 454.225 MHz located at intersection of Avenida Pinero and Avenida San Patrico, Caparra Heights, Puerto Rico.

MAJOR AMENDMENT

21042-CD-P-77 Radio Telephone Service, Inc. (KRH665), amend location operating on 152.24 MHz to read WKYT-TV tower on North side of U.S. 60, 2.8 miles East of New Circle Road, Lexington (Fayette) Kentucky. All other particulars to remain as reported on PN No. 852 dated April 4, 1977.

RURAL RADIO SERVICE

60296-CR-P/L-77 Puerto Rico Communications Authority (new), C.P. and License for a new rural subscriber station to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454 500, 454.525, and 454.550 MHz to be located at Bo. Montones IV Carr. 917 Km. 7.9, Las Piedras, Puerto Rico.

60327-CR-P-77 McClellanville Telephone Company (new), C.P. for a new Temp-fixed station to operate on 158.07 MHz to be located at any temporary-fixed location within the territory of the grantee.

60328-CR-TC-77 Autophone of Laredo, Inc. Consent to Transfer of Control from Autophone of Laredo, Inc., transferor to Paul E. *Ruasum, transferee. Station: WAY69, Temp-Fixed.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

MAJOR AMENDMENTS

50015-CG-P-(3)-77 Offshore Telephone Company (new), Amend frequency 488.-525 to read 488.625 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

50017-CG-P-(3)-77 Offshore Telephone Company (new), Amend to delete frequencies 488.075 and 488.125 MHz. Add frequency 488.150 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

50018-CG-P-77 Offshore Telephone Company (new), Amend frequency 488.250 MHz to read 488.400 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE

2415-CF-P-77 The Chesapeake and Potomac Telephone Company of Virginia (KJG52), 3305 Huntington Avenue, Newport News, Virginia (lat. 36°59'01" N., long. 76°25'57" W.): C.P. to add transmitter on frequencies 10675.OH 10795.OH MHz toward Norfolk and replace antenna on 6234.3V 10795V MHz toward Norfolk, Virginia.

2416-CF-P-77 Same (KJG53), 120 W. Bute Street, Norfolk, Virginia (lat. 36°51'11" N., long. 76°17'25" W.): C.P. to add frequencies 11325H, 11245H MHz toward Newport News 5952.6V 11265V, 11345H MHz toward Hampton and replace antenna on 5982.3V, 11245V MHz toward Newport News and 11445H MHz toward Hampton, Virginia.

2417-CF-P-77 Same (KIW79), 131 East Queen Street, Hampton, Virginia (lat. 37°-01'35" N., long. 76°20'34" W.): C.P. to add frequencies 10895V, 11055V, 11135H MHz toward Norfolk and replace antenna on 6204.7H, 10755V MHz toward Norfolk, Virginia.

2664-CF-P-77 American Telephone and Telegraph Company (KLV40), 2.5 miles NE of Crossroad, Misaissippi (lat. 30°47'50" N., long. 89°44'17" W.): C.P. to change polarization from vertical to horizontal on frequencies 3930, 4010, 4170 and from horizontal to vertical 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Pine, Louisiana.

2665-CF-P-77 Same (KLV45), 0.9 mile N of Pine, Louisiana (lat. 30°55'12" N., long. 90°00'43" W.): C.P. to change polarization on frequencies from horizontal to vertical 3750, 3830, 3910, 3990, 4070 MHz toward Crossroads, 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Wilmer, from vertical to horizontal 3890, 3970, 4130 MHz toward Crossroads, and 3890, 3970, 4130 MHz toward Wilmer.

2666-CF-P-77 Same (KLV46), 2.3 miles NW of Wilmer, Louisiana (lat 30°50'41" N., long. 90°22'35" W.): C.P. to change polarization on frequencies from vertical to horizontal 3930, 4010, 4170, and from horizontal to vertical 3710, 3790, 3870, 3950, 4030 MHz toward Pine, Louisiana.

2667-CF-P-77 Same (KLV49), 2 miles W of Starhill, Louisiana (lat. 30°45'42" N., long. 91°20'30" W.): C.P. to correct coordinates, change polarization from vertical to horizontal on frequencies 3890, 3970, 4130 MHz toward Pride 3970, 4130 MHz toward Innis and from horizontal to vertical 3750, 3830, 3910, 3990, 4070 MHz toward Pride, 3750, 3830, 3910, 4070, 4150 MHz toward Innis.

2668-CF-P-77 American Telephone and Telegraph Company (KLV48), 9 miles NE of Pride, Louisiana (lat. 30°41'06" N., long. 90°59'18" W.): C.P. to change polarization from vertical to horizontal on frequencies 3930, 4010, 4170 MHz toward Starhill, Louisiana.

2669-CF-P-77 Same (KLV50), 1 mile S. of Innis, Louisiana (lat. 30°51'53" N., long. 91°40'21" W.): C.P. to change polarization from vertical to horizontal on frequencies 3850, 3930, 4010, 4170 and from horizontal to vertical on 3710, 3790, 3870, 3950 MHz toward Starhill, Louisiana.

2731-CF-P-77 The Mountain States Telephone and Telegraph Company (new), 27 West First Street, Elfrida, Arizona (lat. 31°-41'10" N., long. 109°41'16" W.): C.P. for a new station on frequency 2162.0V MHz toward Mule Pass on azimuth 226.9 degrees.

2732-CF-P-77 Same (KPS86), 1.6 miles NW of Bisbee, Arizona (lat. 31°28'20" N., long. 109°57'14" W.): C.P. to add a new point of communication on frequency 2112.0V MHz toward Elfrida, Arizona on azimuth 46.7 degrees.

2674-CF-P-77 Commonwealth Telephone Company (WBB364), 17 Main Street, Towanda, Pennsylvania (lat. 41°46'13" N., long. 76°26'34" W.): C.P. to add a new point of communication on frequencies 2116V, 2124V MHz toward Towanda PR2 on azimuth 27.7 degrees and from passive reflector to Armenia on azimuth 268.0 degrees.

2675-CF-P-77 Same (new), Armenia 2.6 miles SW of Sylvania, Pennsylvania (lat. 41°46'06" N., long. 76°51'47" W.): C.P. for a new station on frequencies 2166.0H, 2174.0H MHz toward Mansfield on azimuth 282.5 degrees and 2166.0V, 2174.0V MHz toward Towanda PR2 on azimuth 87.7 degrees and from passive reflector to Towanda on azimuth 207.7 degrees.

2676-CF-P-77 Same (WBB285), 2.25 KW W of Mansfield, Pennsylvania (lat. 41°48'30" N., long. 77°06'23" W.): C.P. to add new point of communication on frequencies 2116H, 2124H MHz toward Armenia on azimuth 102.3 degrees.

2491-CF-P/ML-77 American Telephone & Telegraph Company (KEA 87), 6.0 miles West of Windsor, New York (lat. 42°06'54" N., long. 75°44'44" W.): Construction permit and license to change receive station location from Binghampton, New York to new location at Vestal (WICZ-TV) New York, on azimuth 262.6 degrees. Existing frequency (3810.0H MHz) unchanged.

2642-CF-P-77 Satellite Networks, Inc., (new), Milwaukee, 10510 North Point Washington Road, Mequon, Wisconsin (lat. 43°12'31" N., long. 87°55'19" W.): Construction permit for news station—11385.0V MHz toward Wisconsin Center, Wisconsin, on azimuth 174.9 degrees.

2683-CF-P-77 Satellite Networks, Inc. (new), Elk Horn, 3.3 miles WNW of Cordelia Junction, California, Napa, California (lat. 38°13'51" N., long. 122°11'42" W.): Construction permit for new station—6375.2V MHz toward Vollmer Peak, California, on azimuth 183.2 degrees.

CORRECTION

2622-CF-AL-(24)-77 Microwave Transmission Corporation. Application for assignment of radio station licenses and construction permits. This entry appearing in Public Notice May 31, 1977 is corrected to delete all reference to Section 214 Applications. All other particulars remain the same as previously reported.

MAJOR AMENDMENT

9897-CF-P-73 Mid-Kansas, Inc. (new) Newton, Kansas (lat. 38°04'16" N., long. 97°-22'06" W.): Application amended to change station coordinates to foregoing coordinates. Other particulars (PN 7/16/73) unchanged.

[FR Doc.77-17261 Filed 6-15-77;8:45 am]

[Docket Nos. 21171 and 21172;
File Nos. BPH-9923 and BPH-10,022]

FAITH TABERNACLE, INC. AND KILIBRO BROADCASTING CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Faith Tabernacle, Inc. Ashland, Oregon (Req: 101.7 MHz, No. 629; 3 kW (H & V);—1298 ft.) and Kilibro Broadcasting Corporation, John D. Feldman, Arthur B. Hogan and Arnold D. Sias Joint Venture, Ashland, Oregon (Req: 101.7 MHz, No. 269; 3 kW (H & V); —310 ft.) for construction permits.

Adopted: May 31, 1977.

Released: June 9, 1977.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of Faith Tabernacle, Inc. (hereinafter "Faith") and Kilibro Broadcasting Corp., John D. Feldman, Arthur B. Hogan, and Arnold D. Sias, a Joint Venture (hereinafter "Kilibro"), requesting a construction permit for a new FM broadcast station in Ashland, Oregon. Faith is the licensee of standard broadcast station KDOV, and the partners in Kilibro own Rogue Radio Corp., the licensee of standard broadcast station KCMX. Both stations are located in Ashland, Oregon.

2. In its compositional study, Faith lists 16 manufacturing firms in Ashland, and shows that area employment in manufacturing, construction, transportation, etc., is 11,800. Although these figures clearly show that labor is an important element in the community, Faith failed to interview any leaders of labor. Question and Answer 16 of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), indicate that an ascertainment showing is defective if leaders of a significant group in the community are not consulted. A limited ascertainment issue will therefore be specified.

3. Faith proposes a specialized format of predominantly religious programming. Kilibro, in contrast, proposes general market programming. Thus, the relative need for these different types of programming will be considered under the standard comparative issue. Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, Footnote 9 at 397 (1965). In addition, Kilibro proposes duplication of the programming of KCMX during five to ten percent of its proposed schedule. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

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

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Faith Tabernacle, Inc. to ascertain the problems of labor in the area to be served and the means by which the applicant proposes to meet those problems.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

[1] Since there are directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2- to 10-mile sector are obtained, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage, as required by Section 73.313(e) of the Commission's Rules.

7. *It is further ordered*, That the applicants herein, to avail themselves of the opportunity to be heard, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.77-17259 Filed 6-15-77;8:45 am]

[Docket Nos. 21258 and 21259, File Nos. BPH-9366 and BPH-9667]

TOWN AND COUNTRY RADIO, INC. AND CHERAW BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Applications For Consolidated Hearing on Stated Issues

In re applications of Town and Country Radio, Inc., Cheraw, South Carolina. Requests: 103.1 MHz, Channel 276A; 3kW (H&V); 300 ft. and Cheraw Broadcasting Company, Inc., Cheraw, South Carolina. Requests: 103.1 MHz, Channel 276A; 3kW (H&V); 300 ft. for construction permits.

Adopted: June 3, 1977

Released: June 8, 1977

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of Town and Country Radio, Incorporated [Town and Country], licensee of standard broadcast station WCRE, Cheraw, South Carolina; and Cheraw Broadcasting Company, Inc. [Cheraw Broadcasting], requesting a construction permit for a new FM broadcast station in Cheraw, South Carolina.

2. Section 73.210 of the Commission's Rules specifies, inter alia, that the main studio of an FM station is to be located within the community of license. It also provides that upon sufficient showing, the main studio may be located outside the community. Both applicants propose main studios outside of Cheraw, Town and Country proposes to locate its main studio and transmitter at the transmitter site of station WCRE which is located .2 miles outside of the city limits. The proposed FM station will duplicate a substantial amount of WCRE's programming and utilize personnel of WCRE. Cheraw Broadcasting proposes to locate its main studio and transmitter site 4.4 miles south of Cheraw. This site is located on a main highway and is within approximately five minutes driving time from downtown Cheraw.

The proposed studio locations are convenient to Cheraw and raise no possible question of de facto change in station location. Under these circumstances, we believe that adequate justification has been provided for use of the proposed studio locations if either of the applications is granted. Radio Station WINI, 29 FCC 2d 396 (1971).

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Both applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order on the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to section 1221(c) of the Commission's Rules, in person, or by attorney shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of

such notice as required by § 1.594(g) of the rules.

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

[FR Doc.77-17258 Filed 6-15-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1848]

FORWARDING SERVICES, INC.

Order of Revocation

By letter dated May 11, 1977, Mr. John M. Revolinski, President, Forwarding Services, Inc., 1310 Prairie, Cotton Exchange Bldg., Suite 704, Houston, TX 77002 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1848 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 8, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is Ordered, that Independent Ocean Freight Forwarder License No. 1848 issued to Forwarding Services, Inc., be returned to the Commission for cancellation.

It is Further Ordered, that Independent Ocean Freight Forwarder License No. 1848 be and is hereby revoked effective June 8, 1977.

It is Further Ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Forwarding Services, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-17290 Filed 6-15-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-77 (PGA77-6) (DCA77-2)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 8, 1977.

Take notice that on May 19, 1977, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Twenty-Second Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of July 1, 1977.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Sections 20 and 22 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on July 1, 1977, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	*Substitute 22nd revised sheet No. 3-A*
G-1 Demand	$1.78
G-1 Commodity	115.10¢
SG-1 Commodity	128.10¢
I-1 Commodity	120.95¢

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected 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 §§ 1.8 and 1.10. All such petitions or protests should be filed on or before June 22, 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.77-17243 Filed 6-15-77;8:45 am]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Petition for Declaratory Order or Alternatively Petition to Amend Further

JUNE 8, 1977.

Take notice that on May 20, 1977, Cities Service Gas Company (Cities Service), P.O. Box 25128, Oklahoma City, Oklahoma 73125, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, (Petitioners) filed in Docket No. CP64-89 a joint petition pursuant to § 1.7 (c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order declaring that the gas purchased by Natural from the Groskopf Well in the Watonga-Chickasha Trend field, or other wells in the field, may be exchanged at an existing exchange point, the Anthony No. 1 Exchange Point in Grady County, Oklahoma, under their present certificate authorization issued in the instant docket without an amendment thereto, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners states that on January 2, 1964, they were granted authorization to construct and operate certain facilities and to exchange natural gas between themselves. Under the terms of a gas exchange agreement dated September 30, 1963, Petitioners exchange up to 40,000 Mcf of gas per day through May 1, 1964, it is said. Pursuant to the Commission's order of January 2, 1964, as amended, Petitioners were authorized to construct and operate certain additional exchange facilities, and exchange 60,000 Mcf of gas per day during the period ending May 1, 1980, pursuant to the gas exchange agreement dated September 30, 1963, as amended. Applicant indicates that on March 26, 1976, the Commission authorized the establishment of the Anthony No. 1 Exchange Point in the Watonga-Chickasha Trend Field in Grady County, Oklahoma, and that on February 26, 1976, Petitioners amended the subject gas exchange agreement to provide that additional gas purchased by Natural from the Groskopf well also located in the Watonga-Chickasha Field would be delivered to Cities Service for Natural's account at the Anthony No. 1 exchange point. Petitioner indicates that it did not amend its certificate at that time because the total volume of gas exchanged at Anthony No. 1 exchange point did not exceed the 5,000 Mcf per day limit for said exchange point or the 60,000 Mcf per day limit on the total volume of gas exchanged. Application indicates that recent communications between the Petitioners have now created uncertainty whether the certificate of public convenience and necessity should be amended to provide for the said exchange point even though the total amount of gas exchanged does not exceed the limit authorized for this exchange point.

No new facilities were installed by Cities Service to effectuate the receipt of gas from the Groskopf well, and Natural has installed at its expense the necessary gathering facilities to deliver the volumes of gas from the Groskopf well to the Anthony No. 1 exchange point, it is said. Petitioners state that since they anticipate that volumes of gas from other wells in the immediate vicinity of the Anthony No. 1 exchange point may become available to Natural, Petitioners request that no amendment to the certifiacte of public convenience and necessity is needed.

Petitioners state that in the event the Commission determines that the gas from an additional well or wells may not be exchanged at the existing exchange point without further amendment of the order of January 2, 1964, Petitioners, in the alternative, request hereby further amendment of said order to authorize the exchange as proposed.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1977, file with the Federal Power Commission, Washintgon, 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 Commisison 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.77-17235 Filed 6-15-77;8:45 am]

[Project No. 1273]

CITY OF PAROWAN, UTAH

Land Withdrawal (Additional), Utah

JUNE 6, 1977.

On May 22, 1975, the City of Parowan, Utah, filed map Exhibit K, sheet 1 (FPC No. 1273-2) as part of an application for new license (minor) for the constructed Center Creek Project, designated as Project No. 1273, and located near the City of Parowan in the State of Utah.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described insofar as title thereto remains in the United States is, from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

All portions of the following described subdivisions lying within the project boundary as shown on map Exhibit K, sheet 1 (FPC No. 1273-2):

SALT LAKE MERIDIAN, UTAH

T. 34 S., R. 8 W.,
Sec. 30, lots 2, 3, 4, E½SW¼;
Sec. 31, lots 1, 2, 3, NE¼NW¼.
T. 34 S., R. 9 W.,
Sec. 24, lot 1, SE¼NW¼;
Sec. 25, lots 1 and 5.

The total area of U.S. lands affected by this notice is approximately 17.40 acres. Of these lands, approximately 17.32 acres have been previously reserved for power purposes on June 6, 1934, for Project No. 1273.

Copies of the aforementioned map exhibit have been transmitted to the Geological Survey, Bureau of Land Management, and Forest Service.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17246 Filed 6-15-77;8:45 am]

[Docket No. CP72-300]

COLUMBIA GAS TRANSMISSION CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Petition to Amend

JUNE 7, 1977.

Take notice that on May 26, 1977, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S. E., Charleston, West Virginia 25314, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, (Petitioners) filed in Docket No. CP72-300 a petition to amend the Commission's order of October 24, 1972, issued in the instant docket (48 FPC 872) pursuant to Section 7 of the Natural Gas Act so as to authorize the exchange of natural gas between Petitioners at seven additional delivery points and certain other operational changes, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners indicate that on October 24, 1972, the Commission authorized them to exchange natural gas and to construct and operate certain facilities for such exchanges. Petitioners' exchange agreement dated June 1, 1972 was filed with the Commission as Columbia's Volume 2 Rate Schedule X-35 and Consolidated's Volume 2 Rate Schedule X-17, it is said. Petitioners state that they have amended the subject exchange agreement with a letter agreement dated April 26, 1977.

It is stated that Columbia proposes to deliver gas to Consolidated at three additional points:

(1) Up to 150 Mcf of gas per day to Consolidated's three-inch Line No. H-20465 in Sandy River District, McDowell County, West Virginia;

(2) Up to 75 Mcf of gas per day to Consolidated's six-inch Line No. H-18155 in Browns Creek District, McDowell County, West Virginia; and

(3) Up to 300 Mcf of gas per day at a point near Consolidated's Well No. 10842 in Big Creek District, McDowell County, West Virginia.

The interconnecting facilities required for the above new points of delivery would be constructed by Columbia under authorization issued by the Commission on October 26, 1976 at Docket No. CP77-33, it is said.

It is stated that Consolidated proposes to deliver gas to Columbia at four additional points:

(1) Columbia has installed interconnecting facilities and agrees to receive gas from Consolidated at the W. W. McCoy No. 1 Well at the connection with Columbia's six-inch Line No. E-115 in Washington District, Jackson County, West Virginia. Volumes received at this point of delivery would be included in the previously authorized maximum exchange volume of 1,000 Mcf per day;

(2) Up to 500 Mcf of gas per day to Columbia's six-inch Line No. V-45 in Stafford District, Mingo County, West Virginia;

(3) Up to 800 Mcf of gas per day to Columbia's ten-inch Line R in Duval District, Lincoln County, West Virginia; and

(4) Up to 20 Mcf of gas per day to Columbia's two-inch Line No. SW-3919 in Malden District, Kanawha County, West Virginia.

No additional facilities would be required to deliver gas at the above four additional points, it is said.

Petitioners state that the volumes of gas to be exchanged are local production needed by them to assist in maintaining adequate and reliable service to their customers.

Petitioners further request the following changes in their presently effective tariffs:

(1) Redelivery by Columbia in Paragraph Sixth thereof shall be at an interconnection between Consolidated's Line No. TL-255 and Columbia's Line No. EM-105 near its Rockport Compressor Station, which is the point that has been mutually agreed upon for such redelivery;

(2) In Paragraph Seventh percent retainage to be reduced from 20 percent to 5 percent due to the current cost of gas;

(3) In Paragraph Eighth Provision is made for monthly balancing in lieu of the daily and monthly balancing and year end adjustment previously in effect; and

(4) In Paragraph Ninth the measurement pressure base is to be reduced from 15.325 psia to 14.73 psia in conformity with the current operating practice of Columbia and Consolidated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17225 Filed 6-15-77;8:45 am]

[Docket Nos. RP71-15 and RP75-28 (PGA77-V4) (DCA77-2)]

EAST TENNESSEE NATURAL GAS CO.

Rate Filing Pursuant to Tariff Rate Adjustment Provisions

JUNE 8, 1977.

Take notice that on May 16, 1977, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Twenty-First Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective July 1, 1977.

East Tennessee states that the sole purpose of this revised tariff sheet is: (1) to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed May 16, 1977, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee); (2) to adjust East Tennessee's rates for a negative Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account determined in accord with Section 22.3 of the General Terms and Conditions in order to reflect the flow-through of the jurisdictional portion of the curtailment credits received from Tennessee for the period from October 1, 1976 through March 31, 1977; and (3) to adjust East Tennessee's rates pursuant to § 24.8 of the General Terms and Conditions to

recover curtailment credits given its customers.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17239 Filed 6-15-77;8:45 am]

[Docket No. CP77-408]

EL PASO NATURAL GAS CO.

Application

JUNE 8, 1977.

Take notice that on May 23, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-408 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 10,000 Mcf of natural gas per day for Southwest Gas Corporation (Southwest) on a best effort, 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 Southwest capacity as may otherwise exist from time to time in Applicant's interstate pipeline system pursuant to the terms of a gas transportation agreement dated May 4, 1977, between Applicant and Southwest.

It is stated that Southwest has contracted with Kimbark Operating Company (Kimbark), a small producer, to purchase the natural gas production from seven wells in the San Juan Basin production area, San Juan County, New Mexico, and La Plata County, Colorado, and that Applicant is advised that the aggregate initial productive capability of the seven Kimbark wells is projected to be approximately 1,800 Mcf per day during the first year.

Applicant states that it would gather, process and transport the gas that Southwest would purchase from the seven wells on a best efforts basis through the use of its existing facilities and that it would deliver equivalent quantities, less shrinkage, to Southwest at existing delivery points on its mainline transmission system. Applicant indicates that pursuant to the terms of the gas transportation agreement it may retain 10 percent of the total number of Btu's contained in the gas which it receives for Southwest's account as compensation for such shrinkage as occurs in the gathering and processing of such gas prior to its introduction into Applicant's mainline transmission system and an additional 5 percent of the Btu's contained in such gas after giving effect to the reduction for field shrinkage as compensation for compressor fuel usage and gas lost or unaccounted for in the transportation of such gas through applicant's mainline system.

It is stated that Applicant has agreed to acquire the right-of-way for, and to construct, own and operate certain gathering pipelines and appurtenances thereto which are necessary to attach 6 of the Kimbark wells to Applicant's existing San Juan Basin gathering system, and that Southwest has agreed to construct gathering facilities necessary to connect the remaining well (Kimbark-Penrose No. 1) to Applicant's system. Applicant would construct the necessary metering facilities for all of the wells to be attached to Applicant's system, it is said. Applicant states that Southwest has agreed to reimburse Applicant for the actual cost of acquiring such rights-of-way and its construction of the gathering facilities (estimated to be some $175,550) together with associated carrying charges and related Federal and state taxes, including income taxes, through the payment of a facilities surcharge on the transportation gas volumes.

It is stated that Southwest would pay Applicant the following charges:

(a) for each Mcf of transportation gas delivered by Applicant at delivery points in the State of Arizona, the rate in effect and reflected from time to time as the "Mainline Transmission Charge, Arizona" set forth on Sheet No. 1-D.2 of Applicant's FPC Gas Tariff, Third Revised Volume No. 2, or superseding sheet or tariff; and

(b) for each Mcf of transportation gas delivered by Applicant at the delivery point on the boundary between the States of Arizona and Nevada, the rate in effect and reflected from time to time as the "Mainline Transmission Charge, Nevada" set forth on Sheet No. 1-D.2 of Applicant's FPC Gas Tariff, Third Revised Volume No. 2, or superseding sheet or tariff.

As compensation for the gathering and processing operations to be performed by Applicant on Southwest's behalf through the use of existing facilities in Applicant's San Juan Basin field gathering system, Southwest would pay Applicant the rates in effect and reflected from time to time as the production area charge, field gathering and the production area charge, processing, respectively, it is said.

It is stated that to the extent that the quantity of transportation gas available to Southwest on any day exceeds its need for additional gas supplies to serve its customers' priority 1, 2, and 3 end-use requirements, Southwest would sell such excess gas to Applicant at Applicant's receipt points and that on any day when Applicant is (i) rendering transportation service thereunder for Southwest and (ii) otherwise allocating gas to Southwest for service to Southwest's priority 3 customers, Southwest would also sell to Applicant at Applicant's receipt points a quantity of gas equal to 25 percent of the aggregate quantity of transportation gas which Southwest is tendering to Applicant if such sale would require Southwest provided, however, that Southwest would not be obligated to sell such 25 percent quantity or any portion thereof to Applicant if such sale would require Southwest to curtail or interrupt service to its own priority 1 and 2 customers.

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, 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.77-17247 Filed 6-15-77;8:45 am]

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Petition to Amend

JUNE 8, 1977.

Take notice that on May 26, 1977, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 a petition to amend the Commission's order of April 2, 1975, as amended, issued in the

instant docket (53 FPC ____), pursuant to Section 7 of the Natural Gas Act so as to authorize the Lea No. 3 exchange point located in Lea County, New Mexico, as a new exchange point between Petitioner and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner indicates that pursuant to the Commission's order issued April 2, 1975, as amended, at Docket Nos. CP74–126 and CP74–162, Petitioner and Natural, respectively, were granted authorization to construct and operate facilities and to exchange gas in quantities aggregating up to 65,000 Mcf daily. Petitioner states that since the issuance of such authorizations, Natural has acquired additional gas supplies in proximity to Petitioner's gathering system in Lea County, New Mexico. In order to avoid construction of gathering facilities which would be duplicative of Petitioner's existing gathering facilities in such area, as well as the incurrance of the associated costs, and to aid Natural in the maintenance of natural gas service to customers served from its pipeline system, Petitioner and Natural have executed amendatory agreement no. 7 dated April 28, 1977, further amending the gas exchange agreement dated September 24, as previously amended, it is said.

Pursuant to the terms of the amendatory agreement no. 7, Natural would deliver, or cause the delivery of, exchange gas to Petitioner for Natural's account from the Mark Production Federal E No. 1 Well, which is presently connected to Petitioner's existing gathering system located in Lea County, New Mexico (Lea No. 3 exchange point). It is stated that Natural would reimburse Petitioner for 50 percent of the total costs and expenses incurred by Petitioner for labor and materials utilized in the installation of measurement and pipeline facilities required to connect said well to Petitioner's existing gathering system. The total costs to be shared by Petitioner and Natural are $52,450, and the facilities would be used to connect the Mark Production Federal E Well No. 1 to Petitioner's existing gathering system, it is said.

Petitioner states that the gathering facilities it has constructed in order to attach the Mark Production Federal E Well No. 1 to its existing gathering system are as follows:

Approximately 1.46 miles of 4½ inch O.D. pipeline, with appurtenances, including a 4½ inch O.D. standard orifice meter run, commencing at the wellhead of the Mark Production Federal E Well No. 1 and terminating at a point of interconnection with the existing 6⅝ inch O.D. Petroleum Corporation's McKay West Federal No. 1 well-tie pipeline in Lea County, New Mexico.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any heaing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17246 Filed 6-15-77;8:45 am]

[Docket No. CS73-34]

GREAT SOUTHERN OIL & GAS CO., INC.

Petition for Waiver

JUNE 8, 1977.

Take notice that Great Southern Oil & Gas Co., Inc. (Applicant), P.O. Box 52957, OCS, Lafayette, Louisiana 70505, filed a petition for waiver of § 157.40(c) of the Commission's Regulations.

Applicant states that insofar as he may make any sales of gas produced from properties acquired from Edgewater Oil Co., Inc., a small producer which had in turn acquired its interest from Monterrey Pipe Line Company, a large producer, he will not seek a higher price than the applicable ceiling rate established by the Commission for comparable sales by large producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 30, 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 the 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.77-17232 Filed 6-15-77;8:45 am]

[Docket No. CI77-500]

HUNT OIL CO.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 19, 1977, Hunt Oil Company (Hunt), 2900 First National Bank Building, 1401 Elm Street, Dallas, Texas, 75202, filed in Docket No. CI77-500 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, authorizing the sale of gas to United Gas Pipe Line Company attributable to Hunt's gas production from the John R. Zavesky Well No. 1, Karnes County, Texas, pursuant to the terms of that certain contract dated January 5, 1977. It is Hunt's understanding that United will transport such gas in interstate commerce for resale for ultimate public consumption.

Hunt states that it intends to contract for the sale of gas from the John R. Zavesky Well No. 1 with an intrastate gas purchaser at the end of the period of this application.[1]

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 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 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.77-17244 Filed 6-15-77;8:45 am]

[Docket No. ER77-400]

IOWA PUBLIC SERVICE CO.

Cancellation

JUNE 8, 1977.

Take notice that Iowa Public Service Company (Iowa) on May 23, 1977, tendered for filing a cancellation of service supplied by Iowa to Farmers Cooperative Light and Power Company, located at Goldfield, Iowa. Iowa indicates that said agreement is to be cancelled by its own terms as of July 25, 1977, and that Humboldt County Rural Electric Cooperative is to be the successor in interest of Farm-

[1] Applicant proposes to sell and deliver to United up to 1,000 Mcf of gas per day at $1.90 per Mcf at 14.65 psia.

ers Cooperative Light and Power Company. Iowa indicates that it has supplied electric energy at wholesale under an agreement dated July 25, 1972, designated Rate Schedule FPC No. 21, as supplemented.

Iowa proposed an effective date of cancellation of this service of July 25, 1977.

Iowa indicates that a copy of the notice of cancellation has been mailed to Farmers Cooperative Light and Power Company and Humboldt County Rural Electric Cooperative.

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 Capital 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 June 16, 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.77-17222 Filed 6-15-77;8:45 am]

KANSAS CITY POWER & LIGHT CO.

[Docket No. ER77-406]

Filing of Change in Rate Schedule

JUNE 7, 1977.

Take notice that on May 27, 1977, Kansas City Power & Light Company (KCPL) tendered for filing a Municipal Wholesale Firm Power Contract dated May 9, 1977, between KCPL and the City of Slater, Missouri. KCPL requests an effective date of June 27, 1977. KCPL indicates that the Contract terminates the Municipal Wholesale Firm Power Contract, dated December 11, 1967, KCPL Rate Schedule FPC No. 64, and provides for rates and charges for wholesale firm power service by KCPL to the City of Slater.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 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.77-17228 Filed 6-15-77;8:45 am]

[Docket No. RP76-90]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Proposed Revised Tariff Sheets

JUNE 8, 1977.

Take notice that on May 27, 1977, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 N. St. Joseph Avenue, Hastings, Nebraska 68901, proposes, pursuant to Section 4 of the Natural Gas Act, the withdrawal of certain Tariff Sheets presently under suspension and the substitution therefor of Revised Tariff Sheets, all as more fully set forth in the May 27, 1977, filing which is on file with the Commission and open to public inspection.

Kansas-Nebraska states that on December 27, 1976, it filed with the Commission the following revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 to be effective February 1, 1977:

Second Revised Sheet No. 14
First Revised Sheet No. 24
Original Sheet No. 24A
Original Sheet No. 24B
Original Sheet No. 24C
First Revised Sheet No. 25
Original Sheet Nos. 36 through 37

According to Kansas-Nebraska these tariff sheets contain a proposed plan for allocating Kansas-Nebraska's delivery capability on a non-discriminatory basis. By order of the Commission issued January 26, 1977, these tariff sheets were accepted for filing and suspended until July 1, 1977.

Subsequent to the December 27, 1976 filing and during the hearings held on the issue of whether the proposed filing should be acted upon under Section 7 or Section 4 of the Natural Gas Act, Kansas-Nebraska claims that it stated its intention of making certain changes in the filed tariff sheets. Accordingly, Kansas-Nebraska requests that the following tariff sheets submitted on December 27, 1976 be withdrawn:

First Revised Sheet No. 24
Original Sheet No. 24A
Original Sheet No. 24B
Original Sheet No. 24C

In substitution thereof, Kansas-Nebraska proposes the following revised tariff sheets:

First Substitute First Revised Sheet No. 24. Kansas-Nebraska states that the last sentence of Section 13.b.(2) has been revised to clarify when the replacement of an existing generating unit is considered an additional sale.

Substitute First Revised Sheet No. 24A. Kansas-Nebraska states that an additional sentence was added to place a limitation on the amount of gas Kansas-Nebraska would be permitted to inject into storage when reducing deliveries to customers in Steps 1 through 4. In addition, the phrase "more than 50 Mcf" in Step 7 has been changed to "50 Mcf or more."

Substitute First Revised Sheet No. 24B. Kansas-Nebraska states that a clause has been added to clarify when notice is to be given in force majeure situations.

Substitute First Revised Sheet No. 24C. Kansas-Nebraska states that the addition of material on proceeding sheets moves the lines at the bottom of Original Sheet No. 24B onto Sheet No. 24C. There is no other change on this sheet.

In addition, Kansas-Nebraska has filed Second Revised Sheet No. 15. Kansas-Nebraska states that an additional sentence has been added to Section 5 of Rate Schedule IOR-1 and IOR-2 to deal with curtailment of gas under the IOR Rate Schedule.

Kansas-Nebraska requests that the tendered tariff sheets be suspended until July 1, 1977, in conformance with the Commission's order of January 26, 1977, and Kansas-Nebraska further requests such waivers of the Rules and Regulations as are necessary, particularly a waiver of § 154.66, to assure an effective date of July 1, 1977.

Kansas-Nebraska states that a copy of this filing is mailed to each of Kansas-Nebraska's customers and interested state commissions and all parties of record in Docket No. RP76-90 and that a copy of this filing is also available for publis inspection in a convenient form and place at Kansas-Nebraska's offices at Hastings, Nebraska and Phillipsburg, Kansas.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17240 Filed 6-16-77;8:45 am]

[Docket No. ER77-404]

LOUISIANA POWER & LIGHT CO.

Proposed Electric System Interconnection Agreement

JUNE 7, 1977.

Take notice that on May 31, 1977, the Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated May 24, 1977. According to LP&L the agreement provides for the delivery of emergency electric service to the City of Monroe, Louisiana (City), and also provides when elected by the City, service

schedules for Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L indicates that the City will continue taking only emergency assistance service.

LP&L states that the City is experiencing a shortage of fuel and problems with generation which may require extensive emergency assistance immediately and therefore requests waiver of the Commission's formal notice requirements. LP&L further states that there is no change in the facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 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 petion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17226 Filed 6-15-77;8:45 am]

[Docket No. CI77-510]

McCORMICK 1975 OIL AND GAS PROGRAM, ET AL.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 20, 1977, McCormick 1975 Oil and Gas Program, et al. (Applicants) 1204 Tenneco Building, Houston, Texas 77002 filed in Docket No. CI77-510 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, for the sale of gas produced from certain leases in the West Beckville Field Area, Panola County, Texas to United Gas Pipe Line Company, pursuant to a gas purchase contract dated May 4, 1977.

Applicants are the sellers under that certain gas purchase contract with United Gas Pipe Line Company dated May 4, 1977 West Beckville Field Area, Panola County, Texas.

Applicants state that no construction of facilities is necessary to take deliveries of gas from Applicants.

Applicants are advised that United Gas has an existing gas supply emergency on its system and the proposed 1 year gas sale contract sought herein is needed to assist United Gas in meeting its commitments to its customers. Applicants indicate that they have no subsequent commitment of the subject gas.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 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 herein, 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.77-17245 Filed 6-15-77;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Filing of Refund Report

JUNE 8, 1977.

Take notice that on May 31, 1977 Montaup Electric Company (Montaup) tendered for filing a refund report in accordance with the Commission's order approving a settlement agreement in the captioned proceeding entered on February 25, 1977.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 27, 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.77-17241 Filed 6-15-77;8:45 am]

[Docket No. RP74-100 (PGA77-6)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

JUNE 8, 1977.

Take notice that on May 25, 1977, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Substitute Twelfth Revised Sheet No. 4, proposed to be effective July 1, 1977.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in Nation's rates of 20 cents per Mcf on Substitute Twelfth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected 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, 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 and 1.10). All such petitions or protests should be filed on or before June 22, 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.77-17238 Filed 6-15-77;8:45 am]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Certification of Settlement Agreement

JUNE 7, 1977.

Take notice that on May 11, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement for Settlement of Rate Proceeding together with the record in the proceeding. The proposed agreement disposes of all issues in the 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 July 1, 1977, reply comments are due no later than July 15, 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.77-17244 Filed 6-15-77;8:45 am]

[Docket No. ER77-43]

PACIFIC POWER & LIGHT CO.

Presiding Administrative Law Judge's Certification of Proposed Settlement to Commission

JUNE 8, 1977.

Take notice that on May 17, 1977, Presiding Administrative Law Judge Isaac D. Benkin (ALJ) certified to the Com-

mission, pursuant to § 1.18 of the Rules of Practice and Procedure, a contract between Pacific Power & Light Company (PP&L) and Montana Light & Power Company (ML&P) relating to rates for electric power sales between those two parties. The ALJ indicates that the contract, which has been executed by both parties, carries a May 1, 1977, effective date. The ALJ also indicates that the contract has been submitted by counsel for PP&L as a settlement of all issues in dispute in this proceeding.

According to the ALJ the proceeding was initiated on November 5, 1976 by PP&L's filing of a rate schedule for sales of electricity to ML&P. Moreover, states the ALJ, prior to that date, service to ML&P had been governed by a letter agreement, dated February 3, 1973, and that under that agreement, PP&L had supplied electric power to ML&P on a month-to-month basis. The ALJ indicates that by order issued February 4, 1977, the Commission suspended the PP&L filing until July 7, 1977, and directed that a hearing to be held to determine whether the rates contained in the November 5, 1976, filing are just and reasonable.

According to the ALJ, although not expressly stated in the May 1, 1977, agreement, the terms contained therein presumably supersede those in the PP&L filing and that if deemed just and reasonable by the Commission, therefore, the agreement would render moot the issues set down for hearing in the Commission's February 3, 1973 order.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be submitted on or before June 20, 1977. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17234 Filed 6-15-77;8:45 am]

[Docket No. ER76-505]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Rate Schedule Supplements

JUNE 8, 1977.

Take notice that Public Service Company of New Hampshire on April 19, 1977 tendered for filing, purportedly in accordance with the Commission order issued March 18, 1977 approving the Settlement Agreement in Docket No. ER76-505, rate schedule supplements in connection with the following rate schedules:

Concord Electric Company, FPC No. 24
Town of Ashland, New Hampshire, FPC No. 28
The New Hampton (New Hampshire) Village Precinct, FPC No. 29
Exeter & Hampton Electric Company, FPC No. 35
New Hampshire Electric Cooperative, Inc., FPC Nos. 50 & 71
Town of Wolfeboro, New Hampshire, FPC No. 72

The Public Service Company of New Hampshire states that copies of this filing have been furnished to each of the customers listed and the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard on whether said filing is in accordance with the Commission order issued March 18, 1977, 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 and 1.10). All such petitions or protests should be filed on or before June 17, 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.77-17233 Filed 6-15-77;8:45 am]

[Docket No. ID-1813]

S. HALE LULL

Application

JUNE 7, 1977.

Take notice that on May 12, 1977, S. Hale Lull, Vice President of Northeast Utilities Service Company, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17227 Filed 6-15-77;8:45 am]

[Docket No. E-6859]

SOUTHERN CALIFORNIA EDISON CO. AND PACIFIC GAS & ELECTRIC CO.

Proposed Agreement

JUNE 8, 1977.

Take notice that on October 26, 1976, Southern California Edison Company (Edison) filed a letter of agreement concerning payments for headwater benefits furnished by Edison to Pacific Gas and Electric Company (Pacific). Pacific proposed to increase its annual headwater payments to Edison from $72,000 to $83,000 commencing with the payment for 1972. Edison and Pacific agree that this increased payment shall remain in effect for a minimum of five annual payments. Thereafter, the annual payments amount may be reviewed and readjusted upon the written request of either party to the other in order to provide for revisions that may be appropriate by reason of changes in facilities, cost of interest, depreciation, or maintenance, or in pertinent operating conditions which might result in changes in benefits; provided that any future readjustment shall be applied only prospectively to payments made after the date of the readjustment, and shall also remain in effect for a minimum of five annual payments.

Any person desiring to be heard or to protest said proposed agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 22, 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.77-17242 Filed 6-15-77;8:45 am]

[Docket No. RP73-64 (PGA77-2) (DCA77-2)]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 8, 1977.

Take notice that Southern Natural Gas Company (Southern), on May 17, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1977. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items:

(1) A Current Adjustment, pursuant to Section 17.3 of the General Terms and Conditions of Southern's FPC Gas Tariff, for an increase in cost of purchased gas to jurisdictional customers of $52,992,-170 or 11.190 cents per Mcf.

(2) A Surcharge Adjustment for Purchased Gas Costs, pursuant to Section 17.4 of the General Terms and Conditions

of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs of 6.78 cents per Mcf, which is a net increase of 1.905 cents per Mcf above the present Surcharge Adjustment. The Surcharge Adjustment is made up of two parts. The first part of 3.603 cents per Mcf is for all unrecovered purchased gas costs in the Unrecovered Purchased Gas Cost Account as of March 31, 1977 except those unrecovered costs due to Opinion No. 770–A. The second part, or 3.165 cents per Mcf, is the Surcharge Adjustment for unrecovered purchased gas costs due to Opinion No. 770–A for increases effective July 27, 1976 through December 31, 1976 and will be in effect for the entire year of 1977.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's FPC Gas Tariff of 2.344 cents per Mcf.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 22, 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.77-17237 Filed 6-15-77;8:45 am]

[Docket No. CP77-411]

SOUTHWEST GAS CORP.

Application

JUNE 8, 1977.

Take notice that on May 25, 1977, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-411 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant has signed two contracts with independent natural gas producers to purchase natural gas from wells in the San Juan Basin in northern New Mexico and southern Colorado. Applicant indicates that the subject gas is intended primarily to provide protection of Applicant's priority 1, 2, and 3 customers in southern Nevada and Arizona. It is asserted that Applicant has experienced significant curtailments by El Paso of Applicant's priority 3 requirements in the past and believes such curtailments would continue and worsen in the future. It is stated that Applicant's priority 1 and 2 gas requirements have already grown beyond the cut-off levels prescribed in the Commission's Opinion No. 697-A in Docket No. RP72-6.

Applicant states that it has signed agreements with El Paso in which El Paso has agreed: (1) To construct and operate facilities and (2) to gather, process, and transport the subject gas to the existing delivery points for Applicant's market areas. Such transportation service would be provided by El Paso on a best efforts basis using such idle capacity as may exist from time to time in El Paso's interstate pipeline system, it is said.

Applicant further states that it would sell to El Paso volumes of natural gas determined by Applicant on a daily basis to be excess. Applicant indicates that it would reimburse El Paso for the actual costs incurred by El Paso in acquiring all necessary rights-of-way and constructing the needed gathering facilities, together with associated carrying charges and related Federal and state taxes, including income taxes. Applicant states that it would also pay a transportation charge to El Paso for volumes transported for Applicant by El Paso.

It is stated that El Paso agrees to pay Applicant for the quantities of excess gas sold by Applicant, and purchased by El Paso the same price which Applicant is itself obligated to pay Seller(s) from whom it purchases such quantities; provided, however, that in the event of deregulation of the wellhead price of natural gas sold for resale in interstate commerce, El Paso would not be obligated to pay a price in excess of the highest price then being paid by El Paso to others for gas of similar quality in the San Juan Basin.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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.77-17249 Filed 6-15-77;8:45 am]

[Docket No. CI77-298]

TENNECO INC. AND AMOCO PRODUCTION CO. ET AL.[1]

Investigation Certificates Abandonment; Order Setting Investigation for Hearing and Granting Interventions

JUNE 6, 1977.

Before Commissioners: Richard L. Dunham, Chairman, Don S. Smith, and James G. Watt.

By order issued March 8, 1977, the Commission instituted an investigation into the matters raised in a pleading filed on February 28, 1977, by Tenneco Inc. (Tenneco). Tenneco requested in the pleading that the Commission issue a declaratory order resolving alleged uncertainties as to whether the necessary authority had been obtained under the Natural Gas Act in connection with the release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Company (Tennessee), an interstate pipeline and a division of Tenneco, for sale by independent producers to channel Industries Gas Company (Channel), an intrastate pipeline which is also a Tenneco subsidiary. In the March 8, 1977, order the Commission required the affected producers to respond to these issues.

Tenneco filed on March 18, 1977, a supplement to its first petition providing additional information on certain fields already mentioned and information concerning additional fields previously unmentioned. In its Supplemental Order, issued April 4, 1977, the Commission directed the additional affected producers to file a response to the matters raised in Tenneco's supplemental petition.

In response to requests for extensions of time within which to file the producer responses, the date for filing responses to Tenneco's February 28, 1977, petition was extended to April 20, 1977, by notice issued April 11, 1977.

In response to the public notice of Tenneco's pleadings, the parties listed in Appendix B filed petitions to intervene, notices of intervention or responses.

Based on Tenneco's two petitions and the producer comments filed in response thereto, we have constructed a brief out-

[1] The other producer respondents are listed in Appendix A.

line of the facts surrounding the transactions referred to by Tenneco. We shall set forth these facts below by reference to the producing fields which are involved.

(1) SEELIGSON FIELD, JIM WELLS COUNTY, TEXAS

Shell Oil Company (Shell) and the predecessors of Atlantic Richfield Company (ARCO), Mobil Oil Corporation (Mobil) and Sun Oil Company (Sun) entered into a contract dated May 25, 1948, with the predecessor of Tennessee Gas Pipeline Company (Tennessee) to sell natural gas from the Seeligson Field in Jim Wells County, Texas. Production from this field was dedicated to this contract without depth limitation. After the Phillips[1] decision each of the producers applied for and received certificates of public convenience and necessity authorizing these sales.

Subsequently, each of the producers entered into a replacement contract with Tennessee dated March 1, 1958, which extended the term of the original contract and limited the dedications of leaseholds for sales of gas to Tennessee to the depth intervals made subject to the Texas Railroad Commission approved unitization agreement for the Seeligson Field Unit. The Seeligson Unit was limited to reservoirs above the base of the 20-C4 zone. In addition, the replacement contracts contained a provision under which the reserves committed to the contracts could be reduced if Tennessee did not take or pay for the required contract quantity and a procedure under which gas available in excess of Tennessee's purchases could be deemed to be surplus gas available for sale to other purchasers.

Each of the producers filed the replacement contracts with the Commission as supplements to their respective rate schedules. Furthermore, Arco and Sun applied under Section 7 of the Natural Gas Act for amendments to their certificates to correspond to the terms of the 1958 replacement contracts. The Commission granted Sun's application by order issued June 9, 1960, but rejected Arco's application by letter dated April 18, 1969, on the grounds that "no further certificate authorization is required".

Each of these producers then executed contracts in 1965 for the sale of gas to Channel from reservoirs below the depth limitation of the Seeligson Unit. Then in April of 1966 the producers contracted to sell to Channel surplus gas from the Seeligson Unit.

(2) RIVERSIDE—O'NEIL FIELDS, NUECES COUNTY, TEXAS

On November 30, 1945, a predecessor of Amoco contracted to sell gas to Tennessee from the Riverside and O'Neil Fields. The contract provided for a purchase quantity equal to the amount "Buyer may from day to day elect to take * * *". This contract expired by its terms on May 1, 1956, and was not renewed, although deliveries continued under the terms of the rate schedules filed by Amoco. The sale to Tennessee was certificated on June 19, 1959, in Docket No. G-7503.

On February 2, 1965, Amoco contracted to sell Channel gas which Tennessee elected not to take. Amoco conveyed its interests in the Riverside Field to Clinton Oil Company (now Energy Reserves Group, Inc.) effective December 31, 1969. In early 1974 Clinton executed a contract with Tennessee which did not cover all the Riverside Field acreage which had been covered by the 1945 Tennessee contract. On March 16, 1970, Tennessee elected not to continue taking gas from the O'Neil Field lease. Peninsula Exploration Company (Peninsula) acquired a portion of the Riverside Field acreage below 6,900 feet which was covered by the 1945 contract but not by the 1974 Clinton-Tennessee contract. On December 1, 1974, Peninsula contracted to sell gas from this acreage below 6,900 feet to Channel.

(3) SOUTHWEST PHEASANT FIELD, MATAGORDA COUNTY, TEXAS

In 1959 Mobil and ARCO contracted to sell gas to Tennessee from the Southwest Pheasant Field. The gas was to be used by Tennessee for compressor fuel within the State of Texas. These contracts terminated in 1965 and on February 15, 1965, and May 4, 1965, Mobil and Arco contracted to sell to Channel gas from the acreage previously covered by the Tennessee contracts. As of the date of Tenneco's first petition, sales from this acreage were still being made by Mobil and Arco to Channel. By contract dated March 11, 1977, Mobil has agreed to sell and Tennessee has agreed to purchase gas from this field. On March 14, 1977, Mobil filed an application for a certificate and for temporary authorization to initiate the sale. By letter order issued April 8, 1977, the Commission issued to Mobil a temporary certificate in Docket No. CI77-328.

(4) EDINBURG FIELD, HIDALGO COUNTY, TEXAS

On April 1, 1952, Tennessee contracted to purchase gas from Mobil, Arco, Sun and Rio Bravo Oil Company (Bravo) from the Edinburg Field. The contract provided that the producers would sell to third parties gas produced from wells at insufficient pressure to enter Tennessee's lines. The contract also provided that if Tennessee did not take (or pay for, if available and not taken) sufficient gas to keep the producers' leases in force and effect, then the producers could sell to others such quantities of gas necessary to keep the leases in force and effect. Each of the producers obtained a certificate from the Commission for their respective sales.

The producers contracted on September 1, 1966, to sell to Channel gas from the Edinburg Field acreage covered by the Tennessee contract. These sales, which were purportedly made in volumes exceeding the producers' delivery obligations under the Tennessee contract, were terminated in late 1973.

(5) CHESTERVILLE FIELD, COLORADO COUNTY TEXAS

By contract dated December 1, 1946, Mobil, Amoco, Monsanto Company, Continental Oil Company (Continental) and Shell agreed to sell to Tennessee gas from the Chesterville Field. Tennessee was given the discretion to determine, within certain limitations, the quantity of gas to be purchased under the contracts. These sales were certificated by the Commission. In 1966 and 1967 the producers contracted to sell to Channel gas from this field which Tennessee elected not to take. Tennessee later elected to take all gas from the Chesterville area and the deliveries to Channel were terminated in 1974.

(6) BAY CITY FIELD, MATAGORDA COUNTY, TEXAS

Skelly Oil Company (now Getty Oil Company) contracted on June 28, 1948, to sell to Tennessee gas produced from all horizons down to 8,800 feet in the Bay City Field. The contract provided that the reserves dedicated could be reduced if Tennessee did not take or pay for the required contract quantity for a specified time period. The sale was certificated on June 7, 1956, in Docket No. G-5331. The contract was amended by letter dated May 11, 1966, adding a provision allowing Skelly to sell any excess gas not taken by Tennessee to other parties. This amendment was filed as a supplement to Skelly's FPC Gas Rate Schedule No. 10 and accepted by the Commission in a letter order dated June 25, 1966.

By contract dated July 25, 1966, Skelly sold to Channel all excess gas from acreage covered by the Tennessee contract as well as gas produced from depths below 8,800 feet. These excess gas sales are no longer continuing.

(7) BRAYTON FIELD, NUECES COUNTY, TEXAS

In 1949 Tennessee contracted with D. H. Perry, et al. (later Puenticitas Oil Company) to purchase gas in the Brayton Field. The contract provided that reserves could be released from the contract dedication if Tennessee did not take or pay for the required contract quantity for a specified period of time. This sale was certificated in 1954. By contract amendment dated August 2, 1965, the Perry and Simmonds sands were deleted from the reserves covered by the contract pursuant to the above provision. In 1973 after Puenticitas decided to abandon the remaining wells the Puenticitas-Tennessee contract was terminated and the Commission granted abandonment on September 26, 1974, in Docket No. CI74-358. Puenticitas contracted on August 3, 1965, to sell to Channel gas from the Perry and Simmonds sands, and an additional sand was dedicated to

[1] *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954).

Channel on April 21, 1966. These sales ceased in 1971.

J. C. Storm obtained from Puenticitas an interest in the Brayton Field and contracted on December 21, 1969, to sell to Channel gas from depths not then covered by the previous contracts. South Texas Oil and Gas Producing Company, Inc. then obtained Storm's interest and the contract covering the sale was amended to cover all depths in the acreage covered by the original Tennessee contract. Sales under this contract are continuing.

Forest Oil Corporation (Forest) also sold to Tennessee gas produced from the Brayton Field under a contract certificated in Docket No. G–2954. This contract contained a release of reserve provision similar to the clause in the Puenticitas-Tennessee contract, and the Perry and Simmonds sands were released from the contract on March 7, 1966. By contract dated December 1, 1965, Forest sold to Channel gas from the Perry and Simmonds sands. These sales were later discontinued.

(8) Cold Springs Field, San Jacinto, Texas

On June 5, 1950, Continental contractd to sell to Tennessee gas produced from the Cold Springs Field without depth limitation. After the sale was certificated in 1956 the contract was amended on March 21, 1967, to limit the dedicated acreage to the 9,000 to 10,312 foot zone. This amendment was filed as a rate schedule supplement and accepted by the Commission. In 1968 Continental contracted to sell gas to Channel from depths other than the 9,000 to 10,312 foot zone under the same acreage covered by the Tennessee contract. The Channel contract was terminated in 1973.

(9) North Garwood Field, Colorado County, Texas

On November 3, 1953, Tennessee contracted with a predecessor of Marathon Oil Company to purchase gas from the North Garwood Field. A certificate authorizing this sale was issued on December 1, 1958, in Docket No. G–11816. Marathon assigned its interest in four leases to Neil E. Hanson who applied for and received certificate authorization. These leases were then assigned to Goldrus Drilling Co. and then to Goldking Properties, Inc. (Goldking), for which Goldking Production Company is agent and operator. According to Goldking, Tennesse was unwilling to install the necessary compressor and gathering line in order to receive deliveries of the gas, and therefore the contract with Tennessee expired by its own terms. By contract effective September 1, 1972, Goldking contracted to sell to Channel gas from the four leases, and gas is currently being delivered at a rate of 418 Mcf per day from four wells to Channel under the terms of this contract.

(10) Stratton—Agua Dulce Field, Jim Wells, Kleburg and Nueces Counties, Texas

On August 15, 1952, predecessors of Champlin Petroleum Company (Champlin) contractd to sell to Tennessee gas from the Stratton-Agua Dulce Field. The contract provided that the producer was authorized to sell gas to others in order to maintain ratable takes. The sale was certificated in Docket No. G–2999. Pursuant to the ratable take provision, Champlin sold gas from this field to Channel as evidenced by a letter agreement date June 7, 1972. The sales were discontinued in 1973.

In their responses to Tenneco's petitions, Arco, Mobil and Amoco request that the investigation into these matters be discontinued on the grounds that such a proceeding would not be in the public interest. Essentially, these producers argue that it would not be proper to look into transactions which took place years ago, especially where the affected producers have relied on "the long-standing actions and approvals" by the Commission. We do not agree that this investigation should be terminated merely because many of the transactions involved are several years old, particularly where these transactions may have involved violations of th Natural Gas Act and the Commission's Regulations thereunder. Furthermore, we cannot accept the argument that no further action be taken with respect to Tenneco's petition on the ground that the producers have relied on Commission actions, for it is not clear at this time that all of the necessary Commission authorization was obtained regarding the transactions at issue. Therefore, we find that this investigation should not be discontinued, and, in view of the many legal and factual questions that are presented by Tenneco's pleadings and the producers' responses thereto, we believe that the issues cannot be resolved without a full evidentiary proceeding.

Among the issues to be addressed by the parties in this proceeding is the question of whether a producr has complied with the requirements of the Natural Gas Act when gas formerly dedicated to the interstate market is sold intrastate pursuant to a surplus gas provision in the contract with the purchasing interstate pipeline which was certificated by the Commission. Another issue to be addressed is the question of the legal effect of the filing and acceptance of a contract amendment as a supplement to a producer's rate schedule. The parties should also address the question of remedies if it is determined that the provisions of the Natural Gas Act were not complied with, including the possibility of payback. Finally, we direct the parties to address the question of whether violations of the Natural Gas Act have occurred such that the penalty provisions of Section 21 of the Act should be invoked. Of course, we do not intend to limit the issues in this proceeding to those discussed above.

In lieu of filing a response to Tenneco's pleadings, Sun filed on April 20, 1977, a motion to dismiss Tenneco's petition for a declaratory order and to dismiss the order issued March 8, 1977, instituting this investigation. Sun states that Tenneco has no standing to file a petition for a declaratory order because Tenneco is not subject to the Commission's jurisdiction. We reject this contention and note that the real question is whether the matters raised in such a petition are appropriate for a Commission determination. Clearly, possible violations of the Natural Gas Act by natural gas producers come within the ambit of the Commission's jurisdiction. Sun also alleges that Tenneco's pleading merely represents an attempt to raise a defense in damage suits pending against Tenneco in state court proceedings in the District Court of Harris County, Texas.[1] We cannot permit the allegation of potential impact on state court proceedings to deter us from our duty to insure that the Natural Gas Act is properly enforced. Finally, Sun notes that Tenneco filed its petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure, and, according to Sun, the subject matter of the petition is not a valid subject of a petition under this section. Section 1.7(c) of the Rules provides that issuance of a declaratory order is designed "to terminate a controversy or remove uncertainty." Tenneco's petition was properly filed pursuant to this section in that the matters raised therein involve a number of uncertainties with regard to compliance with the Natural Gas Act. For these reasons we shall reject Sun's April 20, 1977, motion to dismiss.

In its Notice of Intervention filed on March 23, 1977, the Public Service Commission of the State of New York (New York) requests that the producers mentioned in Tenneco's February 28, 1977, petition be directed to immediately cease any future gas deliveries to Channel and that Tennessee be ordered to cease transportation of the gas to Channel. Furthermore, New York asks that Channel be directed to stand ready to deliver to Tennessee an amount of gas equivalent to that which it has received from the producers where no abandonment authorization has been secured. We believe that it would be inappropriate to grant New York's requests at this time. As noted previously, it is necessary that these matters be fully explored in an evidentiary hearing before the Commission may make a reasoned determination as to whether the necessary Commission authorizations have been obtained regarding these transactions.

The Tennessee Public Service Commission filed on March 21, 1977, a request that the matters raised in Tenneco's pleadings filed in this docket be set for hearing. For the reasons noted above we shall grant this request.

On May 25, 1977, FMC Corporation (FMC) filed a motion for reconsideration of our March 8, 1977 order urging the deferral of this investigation on the grounds that Tenneco has yet to submit a complete statement of the facts and

[1] *FMC Corp.* v. *Tenneco Inc.*, et al., No. 1,055,430, in the District Court of Harris County, Texas, 165th Judicial District and *Amoco Gas Co.* v. *Channel Industries Gas Co.*, et al., No. 1,095,430, in the District Court of Harris County, Texas, 151st Judicial District.

grounds prompting its petition for declaratory order pursuant to § 1.7(c) of the Commission's Regulations. We shall deny FMC's motion as we have determined that sufficient information has been presented in Tenneco's pleadings and the producers responses to justify the continuation of the investigation instituted in our March 8, 1977 order.

The Commission finds: (1) It is in the public interest to set the investigation instituted by the Commission's March 8, 1977 order issued in this proceeding for hearing.

(2) Sun's motion to dismiss should be denied.

(3) New York's requests to require the producers to cease gas deliveries to Channel and to direct Channel to stand ready to deliver to Tennessee a volume of gas equivalent to that received from the producers should be denied.

(4) FMC's motion for reconsideration should be denied.

(5) Good cause exists to grant the above-mentioned petitions to intervene and to make the affected producers respondents to this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8, 10, 14, 15 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in Docket No. CI77-298 shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 for the purpose of hearing and disposition of the issues in this proceeding.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Tenneco shall file its direct testimony and evidence on or before July 1, 1977. The producer respondents shall file their direct testimony and evidence on or before July 22, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Presiding Judge shall preside at a pre-hearing conference to be held on August 16, 1977, at 10:00 A.M. E.D.T. in a hearing room at the address noted in Ordering Paragraph (A).

(E) Sun's motion to dismiss is hereby denied.

(F) New York's requests noted above are hereby denied.

(G) FMC's motion for reconsideration is hereby denied.

(H) The above-mentioned petitioners to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as are specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) Each of the affected producers listed on Appendix A are hereby made respondents.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

RESPONDENTS

Amoco Production Company
Atlantic Richfield Company
Bravo Oil Company
Champlin Petroleum Company
Continental Oil Company
Devon Corporation
Energy Reserves Group, Inc.
Forest Oil Company
Getty Oil Company
Goldking Production Company
Hanson, Neil E.
Kirby Oil Company
Marathon Oil Company
Mobil Oil Company
Monsanto Company
Peninsula Exploration Company
Puenticitas Oil Company
Shell Oil Company
South Texas Oil & Gas Producing Company, Inc.
Storm, J. C.
Sun Oil Company

APPENDIX B

PETITIONS TO INTERVENE

Atlantic Richfield Company
Brooklyn Union Gas Company, The
Continental Oil Company
FMC Corporation
Forest Oil Corporation
Getty Oil Company
Knoxville Utilities Board, et al.
Monsanto Company
Nashville Gas Company
New England Customer Group, The
Northern Illinois Gas Company
Public Service Electric & Gas Company
State of Tennessee
Tennessee Natural Gas Lines, Inc.

NOTICES OF INTERVENTION

Pennsylvania Public Utility Commission
Public Service Commission of the State of New York
Tennessee Public Service Commission

RESPONSES

Amoco Production Company
Atlantic Richfield Company
Bravo Oil Company
Continental Oil Company
Devon Corporation
Energy Reserves Group, Inc.
Getty Oil Company
Goldking Production Company, et al.
Marathon Oil Company
Mobil Oil Corporation
Monsanto Company
Puenticitas Oil Company
Shell Oil Company
South Texas Oil & Gas Producing Company, Inc.
Storm, J. C.

[FR Doc.77-17223 Filed 6-15-77;8:45 am]

[Docket No. CI77-522]

TRANSCO EXPLORATION CO.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 25, 1977, Transco Exploration Company (Applicant) P.O. Box 1396, Houston, Texas, 77001, filed in Docket No. CI77-522 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, covering the sale of gas by Applicant to Transcontinental Gas Pipe Line Corporation (Transco). The limited-term is to cover the period from date of initial delivery to the date that notice of payout of the well is given.

Under the terms of the agreement by which Applicant acquired its interest, Patrick retained an overriding royalty interest convertible after payout of the well to a one-third working interest. The lease obtained from Amoco also allows Amoco similar conversion rights after payout. Under the terms of said agreement and lease, Applicant is prohibited from taking any action which would interfere with the ability of Patrick or Amoco to market their working interest share of production in the event either of their royalty interests are converted.

Applicant and Transco entered into a contract dated May 23, 1977, covering the sale and purchase of gas from the Southwest Gibson Field, Terrebonne Parish, Louisiana. Pursuant to the agreement Applicant proposes to sell natural gas to Transco from the date of initial delivery thereunder, at an initial rate of $1.55413953 per Mcf at 15.025 psia, to be delivered at a mutually agreeable point in the field into Transco's facilities. The agreement pertains to that portion of Applicant's working interest which the overriding royalty interests have the right to convert into their working interests.

Transco has advised that its gas supply shortage is very critical and that it needs all available volumes at the earliest possible date.

Transco has constructed a gathering line running from its pipeline to a central point in the Southwest Gibson Field. This line is now installed and final tie-in connections completed.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 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 appplication 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.77-17236 Filed 6-15-77;8:45 am]

[Docket No. CP76-458]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

JUNE 8, 1977.

Take notice that on May 26, 1977, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-458 a petition to amend the Commission's order of October 13, 1976, issued in the instant docket (56 FPC), pursuant to Section 7 of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize Petitioner to increase the total cost of facilities constructed under the budget-type authorization to $16,000,000, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Pursuant to the Commission's order of October 13, 1976, issued in the instant docket, Petitioner was authorized to construct and operate gas purchase facilities under budget-type authorization for a one-year period which commenced on October 22, 1976. Petitioner indicates that the total cost of facilities constructed under the budget-type authorization is limited to $12,000,000, with no single onshore project to exceed $1,500,000, and no single offshore project to exceed $2,500,000.

By this petition, Petitioner requests a waiver of the total cost limitation provided by § 157.7(b)(2) of the Regulations and an increase in the limitation to $16,000,000. Petitioner states that with about five months remaining on the current one-year budget authorization, it has already committed for actual or estimated expenditures under work orders issued thereunder of about $11,000,000, and that this amount reflects the cost of projects which have been completed, or are now under construction, or as to which engineering has been finalized and which are scheduled to be commenced in the near future. Petitioner further states that it estimates that additional expenditures for budget-type facilities during the remaining term of the current authorization, i.e., through October 21, 1977, may be up to $4,000,000; however, since Petitioner does not know at this time with particularity the location or source of supplies which would be attached under the proposed amended authorization, such total cost figure is necessarily an estimate based on past experience rather than specific known projects, it is said.

Petitioner indicates that the principal reason for increased budget-type expenditures is the much higher number of new gas supply attachments during the current period, and substantial inflation in material and construction costs that has occurred during the past several years. Petitioner's experience reflects that the two-year period 1975 and 1976, inflation of offshore construction costs has been approximately 33 percent on a compounded basis, it is indicated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17250 Filed 6-15-77;8:45 am]

[Docket No. RP77-19]

TRANSWESTERN PIPELINE CO.

Motion to Place Tariff Sheets in Effect

JUNE 7, 1977.

Take notice that on May 31, 1977, Transwestern Pipeline Company (Transwestern), pursuant to Section 4(e) of the Natural Gas Act and Ordering Paragraph (B) of the Federal Power Commission's order issued December 29, 1976, filed a motion to place into effect on June 1, 1977 the following tariff sheets originally filed on December 1, 1976:

First Revised Sheet No. 1.
First Revised Sheet No. 23.
First Revised Sheet No. 50.
First Revised Sheet No. 63.
First Revised Sheet No. 64.
First Revised Sheet No. 74.
First Revised Sheet No. 76.
First Revised Sheet No. 78.

Transwestern requests that First Revised Sheet No. 24 filed on December 1, 1976 be withdrawn and the effectiveness of Original Sheet No. 24 be retained since no changes to the text of Original Sheet No. 24 were made in its revision.

Transwestern, additionally, moves that Seventh Revised Sheet Nos. 5 and 6, originally filed on December 1, 1976 and now modified to reflect subsequent purchased gas cost adjustment rate changes, be permitted to go into effect on June 1, 1977. In the alternative, Transwestern moves to place into effect on June 1, 1977 tariff sheet numbers 5 and 6 as originally filed on December 1, 1976 and now renumbered as Alternate Seventh Revised Sheet Nos. 5 and 6.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 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.77-17230 Filed 6-15-77;8:45 am]

[Docket No. ID-1812]

JAMES O. TRUDEAU

Application

JUNE 7, 1977.

Take notice that on May 9, 1977, James O. Trudeau, Vice President of Orange Rockland Utilities, Inc., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Orange and Rockland Utilities, Inc., Public Utility. Vice President, Rockland Electric Company, Public Utility. Vice President, Pike County Light and Power Company, Public Utility.

Any person desiding 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 and 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. 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.77-17229 Filed 6-15-77;8:45 am]

[Docket No. ER77-311]

UTAH POWER & LIGHT CO.

Further Extension of Time

JUNE 7, 1977.

On June 6, 1977, Lincoln Service Corporation filed a motion for a further extension of time in which to file petitions to intervene or protests to the proposed tariff changes tendered for filing in the above indicated docket on April 20, 1977, and noticed April 29, 1977.

Upon consideration, notice is hereby given that the time for filing petitions to intervene or protests in the above proceeding is extended to and including July 6, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17231 Filed 6-15-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 22]

ACTIONS OF THE BOARD AND APPLICATIONS AND REPORTS RECEIVED DURING THE WEEK ENDING MAY 28, 1977

Announcement by Board of Governors

ACTIONS OF THE BOARD

Statement by Vice Chairman Stephen S. Gardner before the Senate Committee on Banking, Housing and Urban Affairs on S. 71, S. 73, S. 895, and S. 1433, bills that will aid the regulatory agencies in carrying out supervisory responsibilities.

Statement by Governor Charles Partee before the Subcommittee on Intergovernmental Relations of the Senate Committee on Governmental Affairs on S. 600, the Regulatory Reform Act.

International Banking Act of 1977, letter to Chairman St Germain recommending enactment of foreign bank legislation; the Board's recommendation was accompanied by proposals for a number of amendments.

Letter in response to request for confirmation that member banks of the Federal Reserve System will not be required to maintain domestic reserves under the Board's Regulation D on deposits of their overseas military banking facilities when the Department of Defense assumes responsibility for the government's overseas military banking program on October 1, 1977.

Equal Employment Opportunity, the Board is amending its Policies and Procedures in order to replace the procedure for reviewing third party allegations to allow for consolidation of complaints, and to provide for administrative processing of class complaints of discrimination in employment (Docket No. R-0102).

Rules Regarding Delegation of Authority, delegation of certain new functions to the Director of the Division of Banking Supervision and Regulation and to the Federal Reserve Banks in order to expedite and facilitate the performance of certain of the Board's supervisory and regulatory functions over bank holding companies and State member banks, effective May 26, 1977 (Docket No. R-0103).

Rules of "Employment Responsibilities and Conduct" amendment, which expands the number of positions for which Statements of Employment and Financial Interests are required pursuant to the Board's rules and Executive Order 11222 (Docket No. R-0101).

Marblehead Bank and Trust Company, Marblehead, Massachusetts, proposed merger with Essex County Bank and Trust Company, Lynn, Massachusetts, report to the Federal Deposit Insurance Corporation on competitive factors.

Sullivan County National Bank, LaPorte, Pennsylvania, proposed merger with Citizens & Northern Bank, Ralston, Pennsylvania, report to the Federal Deposit Insurance Corporation on competitive factors.

Dakota Bancorporation, Rapid City, South Dakota, extension of time to July 8, 1977, within which to complete acquisition of the First National Bank of Crosby, Crosby, North Dakota.[1]

Bank of Ste. Genevieve, Ste. Genevieve, Missouri, to make an investment in bank premises.[1]

Elberfeld State Bank, Elberfeld, Indiana, to make an additional investment in bank premises.[1]

Peoples State Bank of Plainview, Plainview, Minnesota, to make an investment in bank premises.[1]

Provident Bank, Cincinnati, Ohio, to make an investment in bank premises.[1]

Mountain Trust Bank, Roanoke, Virginia, request for a nine-month extension of time within which to establish a branch at 3702 Brandon Avenue, S.W., Roanoke, Virginia.[1]

Chase Manhattan Overseas Banking Corporation, New York, New York, (1) extension of time to November 23, 1977, within which to acquire all of the shares of a limited liability company in Sao Paulo, Brazil, and (2) extension of time to July 14, 1978, within which to complete its investment in Chase and Bank of Ireland (International) Ltd., Dublin, Ireland.[1]

First Citizens Bank of Butte, Butte, Montana, extension of time to accomplish membership in the Federal Reserve System.[1]

Carroll Bank, Hillsville, Virginia, proposed merger with Bank of Carroll, Hillsville, Virginia, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Issuance of subordinated capital notes by United California Bank, Los Angeles, California.[1]

Extension of time to December 31, 1977, within which the Bank of Woodward, Woodward, Oklahoma, may complete the sale of capital debentures.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Fort Worth Bank & Trust, Fort Worth, Texas. Branch to be established as a Drive-in and Mini-Bank Branch, located across Beach Street and Main Bank Building.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Morgan Guaranty International Finance Corporation: Investment-additional shares of Morgan Guaranty Finance Limited, Hamilton, Bermuda.

Bamerical International Financial Corporation: Investment-additional shares of Jamaican American Merchant Bankers Limited, Kingston, Jamaica.

* * * * *

To form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Goodlettsville Bancshares, Inc., Goodlettsville, Tennessee, for approval to acquire 80 per cent or more of the voting shares of Bank of Goodlettsville, Goodlettsville, Tennessee.[2]

Crown Bancshares, Incorporated, Hammond, Indiana, for approval to acquire 90 per cent or more of the voting shares of The First National Bank of Crown Point, Crown Point, Indiana.[2]

Guaranty Bancshares Corporation, Kansas City, Kansas, for approval to acquire 96.03 per cent of the voting shares of Guaranty State Bank & Trust, Kansas City, Kansas.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Southeast Banking Corporation, Miami, Florida, for approval to acquire 100 per cent of the voting shares of Southeast Acquisition Company, Miami; Southeast Bank of Fort Myers, N.A., Fort Myers; Southeast Bank of St. Armands, Sarasota; Southeast Bank of Village Plaza, N.A., Sarasota; all located in Florida.

Michigan National Corporation, Bloomfield Hills, Michigan, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Michigan National Bank-Farmington, Farmington Hills, Michigan, a proposed new bank.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 2,800 shares of the voting shares of The First National Bank of Duncanville, Duncanville, Texas.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Chemical New York Corporation, New York, New York, for approval to convert to an industrial bank, to be known as Depositors Industrial Bank, an office of its indirect subsidiary, Sun Finance and Loan Company, Boulder, Colorado.

WITHDRAWN

First Security Corporation, Salt Lake City, Utah, for approval to continue to engage in the activities of an industrial mortgage loan company through a subsidiary known as Simco Industrial Mortgage Company, San Jose, California.

DELAYED

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

loans and other extensions of credit for any person) at 1501 N.E. 26th Street, Wilton Manors (Fort Lauderdale), Florida, through a subsidiary, Sunbank Mortgage Company (5/23/77).[3]

PERMITTED

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (consumer sales finance activities) from 3401 Chinden Boulevard, Boise, Idaho to 1775 Westgate Drive, Suite 225, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho (5/27/77).[3]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (the making of consumer installment personal loans; and the sale of life/accident and health, and property insurance related thereto) from 3401 Chinden Boulevard to the Corner of Five Mile Road and Fairview Avenue, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho (5/27/77).[3]

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in *de novo* activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodial nature in the manner authorized by Federal and State law; provided however, that loans and investments will be made and deposits accepted only in conformity with Regulations of the Board of Governors of the Federal Reserve System) at 1900 Tyler Street, Hollywood, Florida, through a subsidiary, Barnett Banks Trust Company, N.A. (5/27/77).[3]

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (providing data processing services to banks and bank holding companies including, but not limited to, proceessing for checking and savings accounts, savings certificates, installment loans, commercial loans, overdraft banking, automated proof transit, general ledger, and check reconcilement) at 2140 N.E. 2nd Street, Gainesville, Florida, through a subsidiary, Trusco Data Systems of Florida, Inc. (5/27/77).[3]

National Detroit corporation, Detroit, Michigan, notification of intent to engage in de novo activities (making, acquiring, and serving for its own account and for the account of others, mortgage loans and other extensions of credit in connection with the purchase, development and/or improvement of real property) at 200 Renaissance Center, Detroit, Michigan, through its subsidiary, NBD Mortgage Company (5/28/77).[3]

Landmark Bancshares Corporation, St. Louis, Missouri, notification of intent to continue to engage in an activity earlier commenced de novo (providing bookeeping and data processing services to the parent company and its subsidiaries and the storing and processing of other banking, financial and related economic data including the performance of payroll, accounts receivable or payable, or billing services) at 6313 Dr. M. L. King Drive, St. Louis, Missouri, through a subsidiary, Landmark Data Services Incorporated (5/26/77).[3]

Fremont Bancorporation, Fremont, California, notification of intent to continue to engage in an activity earlier commenced de novo (acting as an insurance agent or broker for the sale of insurance related solely to extensions of credit by its banking subsidiary, Fremont Bank, in addition to any type of insurance sold to the bank itself) at 39150 Fremont Boulevard, Fremont, California; 35880 Fremont Boulevard, Fremont, California; and 4948 Stevenson Boulevard, Fremont, California, through its subsidiary, Appraisal Associates (5/23/77).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment, or acting as agent, broker, or adviser in such leasing where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; acting as insurance agent or broker wtih regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors) at 1729 Tully Road, Modesto, California, through its subsidiary, Rainier Credit Company (5/28/77).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contrates, and making of loans to small businesses; leasing personal property and equipment, or acting as agent, broker, or adviser in such leasing where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entites only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors) at 3278 B Lancaster Drive N.E., Salem, Oregon, through its subsidiary, Rainier Credit Company (5/26/77).[3]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

American Finanial Corporation, Cincinnati, Ohio and its subsidiaries, notification of intent to acquire from 5 per cent to 35 per cent of the outstanding voting shares of the following 24 specified corporations: Air Florida Systems, Inc.; Bangor Punta Corporation; The Charter Company; Cowles Communications, Inc.; CNA Financial Corporation; DWG Corporation; Floyd Enterprises, Inc.; General Host Corporation; Gulf Life Holding Company; Gulf Life Insurance Company; IC Industries, Inc.; International Mining Corporation; Lone Star Industries, Inc.; New York Magazine Company, Inc.; The New York Times Company; Orion Capital Corporation; Pennsylvania Engineering Company; The Progressive Corporation; Rapid-America Corporation; Reliance Group, Inc.; St. Joe Paper Company; Stutz Motor Corporation of America, Inc.; The TI Corporation of California; and WUI, Inc. (5/28/77).[3]

* * * * *

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

The Signal Companies, Inc., Beverly Hills, California ("Signal"), (1) prior certification pursuant to § 6158(a) of the Internal Revenue Code ("Code") that its divestiture of 462,636 shares of the outstanding voting stock of the Arizona Bank, Phoenix, Arizona ("Bank"), by Signal Equities Company, Phoenix, Arizona, through the sale of such shares to Arizona Equities Inc., Phoenix, Arizona, was necessary or appropriate to effectuate the policies of the Bank Holding Company Act ("BHC Act"); and (2) final certification pursuant to § 6158 (c) of the Code that Signal has (before the expiration of the period prohibited property is permitted under the BHC Act to be held by a bank holding company) ceased to be a bank holding company. (Legal Division Docket TCR 76-103.)[4]

Clinton Cable TV Co., Inc., Clinton, Indiana ("Clinton"), prior certification, pursuant to § 1101(b) of the Internal Revenue Code, that its proposed divestiture of all of the 10,002 shares of Dulaney National Bank of Marshall, Marshall, Illinois, through the pro rata distribution of such shares to the common shareholders of Clinton, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act. (Legal Division Docket TCR 76-131).[4]

304 Corporation, Omaha, Nebraska ("304"), prior certification, pursuant to § 6158(a) of the Internal Revenue Code, that its proposed sale of all of its 1,050 shares of the common stock of Industrial Loan and Investment Company, Omaha, Nebraska, is necessary or appropriate to effectuate § 4 of the Bank Holding Company Act. (Legal Division Docket TCR 76-140.)[4]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Western Security Bank, Sondusky, Ohio. Branch to be established at the Intersection of Route 250 and Hull Road, Perkins Township, Erie County.

The Detroit Bank—Livonia, Michigan. Branch to be established at 29540 Seven Mile Road in the Livonia Mall (B-1 of "B" Building), Livonia, Wayne County.

English State Bank, English, Indiana. Branch to be established in the Jay-C Plaza shopping center at the intersection of U.S. Highway 64 and State Road 37, R.R.1, English, Crawford County.

* * * * *

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[4] Processed on behalf of the Board of Governors under delegated authority.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Security National Bank: Branch—Manama, Bahrain.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

The Mattatuck Bancorp, Inc., Waterbury, Connecticut, for approval to acquire 80 per cent of the voting shares (less directors' qualifying shares) of The Mattatuck Bank and Trust Company, Waterbury, Connecticut.

Union Financial Corporation, Manhattan, Kansas, for approval to acquire 80 per cent or more of the voting shares of Union National Bank and Trust Company of Manhattan, Kansas, Manhattan, Kansas.

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Houding Company Act of 1956.

Manufacturers Hanover Corporation, New York, New York, for approval to acquire all the assets of Modern Loan Company, Incorporated, Louisville, Kentucky.

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (expand the geographical area to be serviced by an office in Cincinnati, Ohio of Manufacturers Hanover Leasing Corporation; leasing real and personal property on a full payout basis, acting as agent, broker, or adviser in leasing of such property and making and acquiring, for its own account or for the account of others, loans and other extensions of credit with respect to such property and servicing such leases, loans or other extensions of credit to include the communities served by the Midwestern and Eastern editions of The Wall Street Journal) (5/27/77).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (making loans for its own account principally secured by second mortgages or second deeds of trust and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) at 1510 Willow Lawn Drive, Richmond, Virginia; 7825 Midlothian Turnpike, Richmond, Virginia; 9286 Warwick Boulevard, Newport News, Virginia; 14749 Warwick Boulevard, Newport News, Virginia; 11 Koger Executive Center, Norfolk, Virginia; 4336 Virginia Beach Boulevard, Virginia Beach, Virginia; 3217-B Western Branch Boulevard, Chesapeake, Virginia; 2036 Colonial Avenue, S.W., Roanoke, Virginia; 8027 Lecsburg Pike, Vienna, Virginia; 6901 Old Keen Mill Road, Springfield, Virginia; 17 Executive Park Drive, N.E., Atlanta, Georgia; 2105 South Hamilton Road, Columbus, Ohio; 150 Tri-County Parkway, Cincinnati, Ohio (doing business in Ohio as First & Merchants Mortgage Corporation); 416 Hungerford Drive, Rockville, Maryland; 10750 Columbia Turnpike, Silver Spring, Maryland; and Beltway Plaza, Camp Springs, Maryland; through its subsidiary, First Realty Mortgage Corporation (5/26/77).[3]

First Bancgroup-Alabama, Inc., Mobile, Alabama, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit) at 31 North Royal Street, Mobile, Alabama (5/23/77).[3]

Associated Bank Corporation, Mason City, Iowa, notification of intent to relocate de novo activities (leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) from Iowa City, Iowa, to 5 West State Street, Mason City, Iowa, through its subsidiary, Leasing, Inc. (5/12/77).[3]

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, notification of intent to engage in de novo activities (making, acquiring, and/or servicing commercial and residential real estate loans and other extensions of credit) at 201 West 8th Street, Pueblo, Colorado, through its wholly-owned subsidiary, Piedmont Mortgage and Investment Co., Inc. (5/26/77).[3]

BankOklahoma Corp., Tulsa, Oklahoma, notification of intent engage in de novo activities (to make, acquire, sell participations, and or service for its own account or for the account of others, loans or other extensions of credit for agricultural and agricultural related purposes as well as provide other ancillary services) at Highway 54 East, Guymon, Oklahoma, through its subsidiary, BankOklahoma Agri-Service Corp., a wholly-owned subsidiary, in a general partnership known as Agbanc of Oklahoma (5/23/77).[3]

Peoples Savings, Inc., Ottawa, Kansas, notification of intent to engage in de novo activities (acting as insurance agent and/or as depositor for insurance commissions with respect to the sale of the following types of insurance: credit life insurance, level term credit life insurance and credit health and accident insurance directly related to extensions of credit by the bank holding company's subsidiary bank, Peoples National Bank & Trust, Ottawa, Kansas) on the premises of Peoples National Bank & Trust, 434 South Main, Ottawa, Kansas (5/24/77).[3]

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Union Bank & Trust Company, Montgomery, Alabama.

* * * * *

Proxy Statement (Special Meeting) Filed Pursuant to Section 14(a) of the Securities Exchange Act.

Hempstead Bank, Hempstead, New York.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 10, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17203 Filed 6-15-77;8:45 am]

INDUSTRIAL LOAN AND INVESTMENT CO.

Order Approving Formation of a Bank Holding Company and Continuation of Industrial Loan Company and Insurance Agency Activities

Industrial Loan and Investment Company, Sedalia, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 87.67 percent of the voting shares of Bank of Ionia, Ionia, Missouri ("Bank"). At the same time, Applicant has applied, pursuant to 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), for permission to continue to engage in the activities of an industrial loan company and to continue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant. Such activities have been determnned by the Board to be closely related to banking (12 CFR § 225.4(a)(2) and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 FR 35908). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c)(8) of the Act.

Applicant is chartered as an industrial loan company under Chapter 368 of the Missouri Revised Statutes and engages in the activity of making small loans. Pursuant to the provisions of State law, Applicant also engages in the business of selling debt instruments in the form of uninsured passbook investment certificates and term investment crtificates, an activity similar to the deposit-taking activities of a commercial bank.[1]

Applicant is a relatively small institution (assets of $9.1 million) and operates its sole office in Sedalia, Missouri.[2] Bank (deposits of $2.6 million) is the smallest of five banks operating in the Warsaw banking market, and controls 6.1 per cent (as of December 31, 1975) of the total deposits in commercial banks in that market.[3] Although Applicant and Bank offer some similar services, Applicant does not compete in the Warsaw banking market, and the proposed acquisition would not result in the elimination of any existing competition. Moreover, in view of the relatively small size of Applicant and Bank, it appears that the proposal would not have significant adverse effects upon potential competition, nor would it increase the concen-

[1] Although chartered by the State, Applicant at the present time is not subject to any significant regulation or examination by a State regulatory authority. However, upon becoming a bank holding company, Applicant would become subject to the Bank Holding Company Act and supervision and regulation by the Board. In addition, pursuant to section 5(c) of the Act, Applicant would be required to file regular reports with the Board and would be subject to examination.

[2] Unless otherwise indicated, all banking data are as of December 31, 1976.

[3] The Warsaw banking market is approximated by Benton County.

tration of banking resources. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application to acquire Bank.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application. Although consummation of the proposed transaction may not result in any immediate benefits to the public, Applicant is substantially larger than Bank and possesses some managerial and technical resources that are unavailable to Bank due to its relatively small size. It is anticipated that the proposed acquisition would provide Bank with access to Aplicant's greater resources and thereby enhance Bank's ability to improve services to the community. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposal to form a bank holding company would be in the public interest and the application should be approved.

In connection with the application to become a bank holding company, Applicant has also applied, pursuant to § 225.4(a) (2) and (9) of Regulation Y, to continue to engage in the activities of an industrial loan company and continue selling credit life and credit accident and health insurance directly related to extensions of credit by the industrial loan company.[4] Approval of these applications would enable Applicant to acquire Bank, which acquisition is viewed as being in the public interest. Moreover, approval of these applications would serve to assure the residents of Sedalia and nearby areas of a convenient source of industrial loan and credit-related insurance services, and the Boa.d views these results as being in the public interest. It does not appear that Applicant's continuation of these activities would have any significant adverse effects on competition. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c) (8) of the Act both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order; nor (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's industrial loan and insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank 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.

By order of the Board of Governors,[5] effective June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17202 Filed 6-15-77;8:45 am]

[4] Applicant is also engaged in leasing activities of a type generally permissible for bank holding companies. Applicant has indicated that upon becoming a bank holding company it would promptly file an application, pursuant to the relevant provisions of Regulation Y, to continue to engage in such leasing activities.

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL, ABUSE AND ALCOHOLISM

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 National Advisory body scheduled to assemble during the month of July 1977:

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

July 19, 9:30 a.m. to 4:30 p.m., Conference Rooms "G" and "H" Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open Meeting: Contact.—James Vaughan, Room 16C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) Evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: This meeting will be open to the public. The meeting will consist of presentations by Committee groups of their current and proposed activities. The Department of Justice will make a presentation on its programs relating to alcohol abuse and alcoholism. Reports will also be given on current legislative activities, interagency agreements, and data gathering activities.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Henry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20857, 301-443-3306.

Dated: June 10, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-17096 Filed 6-15-77;8:45 am]

Office of Education

HANDICAPPED MEDIA SERVICES AND CAPTIONED FILMS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 652 of Part F of the Education of the Handicapped Act (20 U.S.C. 1452), applications are being accepted for the support of research, training of personnel and the use of educational media and/or technology for the education of the handicapped. The U.S. Commissioner of Education has established a final closing date of July 18, 1977 for the receipt of applications for grant awards under this new Media Research and Training Program.

Under the Media Research and Training Program, the Office of Education is interested in projects focusing on:

(1) Research to identify and meet the full range of special needs of the handicapped relative to instructional materials and instructional technology;

(2) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of such persons through use of such persons through use of instructional materials, media, and/or technology;

(3) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such persons.

Awards will be made on the basis of the criteria set forth in 45 CFR 100a.26

(b). The amount of funds available for this grant program for fiscal year 1977 is approximately $3 million dollars. Approximately 25 to 40 projects are expected to be funded prior to September 30, 1977. The funding level for each of these projects may average between $50,000 and $200,000.

Applications must be received by the U.S. Office of Education Application Control Center on or before July 25, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Ave., S.W., Washington, D.C. 20202, Attention: 13.446. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than July 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 mailrooms in Washington, D.C.

(In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4:00 p.m., Washington, D.C. time, on the closing date.

C. *Program information and forms.* Further information and application forms may be obtained from the Division of Media Services, Bureau of Education for the Handicapped, Office of Education, 40 Maryland Avenue, S.W., (Donohoe Building, Room 4821, CF&T Branch), Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and the applicable program regulations (Subparts A and D of 45 CFR 1211, excepting section 1211.51)

(20 U.S.C. 1452)

(Catalog of Federal Domestic Assistance, No. 13.446 Handicapped Media Services and Captioned Films.)

Dated: June 7, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-17109 Filed 6-15-77;8:45 am]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION, ET AL.

Amendment of Reorganization Order

The Reorganization Order 42 FR 13262, March 9, 1977, as amended by 42 FR 19405, April 13, 1977, is further amended as follows:

Part I, Paragraph E, Subparagraph 2, is deleted.

Dated: June 7, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-17256 Filed 6-15-77;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

Notice is hereby given that pursuant to the authority delegated to the Assistant Secretary for Health on April 12, 1977 (42 FR 23179), by the Secretary of Health, Education, and Welfare, the Assistant Secretary for Health made the following delegation of authority under Part F of Title VII of the Public Health Service Act (42 U.S.C. 295g), as amended by Public Laws 94-484 and 94-573, providing for grants and contracts for programs and projects concerning health professions schools and training:

Delegation by the Assistant Secretary for Health to the Administrator, Health Resources Administration, with authority to redelegate, subject to section 707 of the Public Health Service Act, of the authorities delegated to the Assistant Secretary for Health under Part F of Title VII of the Public Health Service Act (42 U.S.C. 295g), except for the authority to issue regulations, the authority under section 785 of the Public Health Service Act (42 U.S.C. 295g-5) providing for occupational health training and education centers, and the authority under Section 790 of the Public Health Service Act (42 U.S.C. 295g-10) insofar as the general provisions thereunder are applicable to section 785.

This delegation is effective on June 7, 1977.

Dated: June 7, 1977.

R. MOURE,
Executive Officer, Public Health Service.

[FR Doc.77-17255 Filed 6-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

[AA-6661-B]

ALASKA

Native Claims Selection

JUNE 6, 1977.

On April 23, 1974, Eklutna, Inc. filed selection application AA-6661-B under the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, 85 Stat. 688, of December 18, 1971, for the surface estate of lands located in the vicinity of Eagle River, Alaska which included lands in the S½SW¼ of section 32, T. 15 N., R. 1 W., Seward Meridian.

On March 30, 1976, the Stateof Alaska land selection A-061179 was rejected as to the above-mentioned parcel because the provisions of sections 11(a)(2) and 12(a)(1) of the act, supra., superseded the provisions of 6(b) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339. The State did not appeal the rejection.

The village selection application AA-6661-B for the lands described below was properly filed and has been found to meet the requirements of the Departmental regulations issued pursuant to 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.

In view of the foregoing, the surface estate of the following described surveyed lands, containing 80 acres, is considered proper for acquisition by Eklutna, Inc., subject to valid existing rights, and is hereby approved for patent pursuant to section 14(a) of the act, supra.

T. 15 N., R. 1 W., Seward Meridian (Surveyed)
sec. 32, S½SW¼.

The patent to Eklutna, 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 construction 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. 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 subsurface 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; 43 U.S.C. 1601-1624), the following easements, referenced by easement identification number (EIN) on the easement map in case file AA-6661-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 52 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.

b. (EIN 53 C) Easements 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. These easements also include 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 these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation with the owner of the servient estate. Whenever the use of such easements 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 these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

There are no inland water bodies known to be navigable by reason of travel, trade and commerce within the area described above.

The grant of lands by the patent shall be subject to:

1. Valid existing rights therein, if any, 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.

2. 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, if any, of the land hereinabove granted, as are prescribed in said section.

3. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Inc., Eklutna, Inc., and other Cook Inlet village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management file AA-6661-EE. Any person wishing to examine the agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Eklutna, Inc. will be made at a later date. Patent to the subsurface estate of the land described above will be simultaneously granted to Cook Inlet Region, Inc., pursuant to section 14(f) and 22(j) of the act, supra.

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 and a copy 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 this decision shall have 30 days from the receipt of this decision 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 July 18, 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 their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Eklutna, Inc., or Cook Inlet Region, Inc., objects to any easement identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or it will be deemed that they have waived the right to contest it. A copy of the petition should 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.77-17070 Filed 6-15-77;8:45 am]

Bureau of Land Management
ALASKA

[AA-6695-A and AA-6695-B]

ALASKA

Native Claims Selection

On January 28, 1977, the Alaska Native Claims Appeal Board [1] directed publication of the October 10, 1975 decision (as amended by decision of December 10, 1975), as amended by the addition of easement reservations mandated by Secretarial Order No. 2987, 41 FR 11331 (1976), and Secretarial Order No. 2982, 41 FR 6295 (1976).

Therefore, pursuant to the above, the decision to convey lands to The Port Graham Corporation is hereby published once in the FEDERAL REGISTER and once a week for four (4) consecutive weeks in the Anchorage Daily Times.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Port Graham Corporation, Port Graham via Homer, Alaska 99603.
AA-6695-A AA-6695-B Village Selections.

LANDS PROPER FOR SELECTION
APPROVED FOR INTERIM CONVEYANCE
OR PATENT

On May 21 and November 15, 1974, the Port Graham Corporation filed selection applications AA-6695-A and AA-6695-B, respectively, under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, for the surface estate of certain lands in T. 9 S., R. 15 W.; T. 10 S., Rs. 13-15 W.; T. 11 S., Rs. 13-14 W.; and T. 12 S., R. 13 W., all Seward Meridian. Both applications have been amended several times.

The applications, as amended, are properly filed and met the requirements of the regulations issued pursuant to the act. The selected lands described below are unoccupied and 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 in and to the following described lands, containing approximately 65,917 acres, is considered proper for acquisition by the Port Graham Corporation and is hereby approved for interim conveyance or patent pursuant to section 14(a) of the act:

T. 9 S., R. 15 W., Seward Meridian (Unsurveyed),
Sec. 2, SW¼NW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼;
Secs. 3 and 4, all, excluding fractional Native allotment application AA-7203;
Secs. 5-7, fractional;
Secs. 8-10, all;
Sec. 11, SW¼SW¼NE¼, SW¼NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, SW¼NE¼ SE¼, W½ SE¼, SE¼SE¼;
Sec. 12, NW¼SW¼SW¼, S½S½SW¼;
Secs. 13-17, all;
Sec. 18, fractional;
Sec. 19, fractional, excluding Native allotment application AA-7261;
Sec. 20, fractional;
Secs. 21-26, all.
Sec. 27, all, excluding fractional Native allotment application AA-7194;
Sec. 28, fractional, excluding fractional Native allotment application AA-7194;
Sec. 29, fractional;
Sec. 31, fractional, excluding Native allotment applications AA-7535 and AA-7936 Parcel A and fractional Native allotment application A-053499;
Sec. 34, fractional, excluding fractional Native allotment application AA-7194;
Sec. 35, fractional;
Sec 36, all.
T. 10 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 2 and 3, all;
Secs. 10 and 11, all;
Secs. 13-16, all;
Sec. 20, all, excluding fractional Native allotment application AA-8194 Parcel A;
Sec. 21, all;
Sec. 22, all, excluding fractional Native allotment application AA-8194 Parcel C;
Secs. 23 and 24, all;
Secs. 25 and 26, fractional;
Sec. 27, all, excluding fractional Native allotment application AA-8194 Parcel C;
Sec. 28, all;

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[1] EDITORIAL NOTE: The following are filed as part of the original document:

1. Alaska Native Claims Appeal Board memorandum and order regarding appeal of State of Alaska from Bureau of Land Management decision #AA-6695-A, AA-6695-B (Port Graham).

2. Letter of Alaska Native Claims Board to Joint Federal-State Land Use Planning Commission requesting review of certain easements which are the subject of the appeal cited in item 1 above.

Sec. 29, all, excluding Native allotment application AA–8194 Parcel B and fractional Parcel A;
Secs. 32 and 33, all;
Secs. 34–36, fractional.
T. 10 S., R. 14 W., Seward Meridian (Unsurveyed),
Secs. 19 and 20, all;
Secs. 25–32, all.
T. 10 S., R. 15 W., Seward Meridian (Unsurveyed),
Sec. 1, all;
Sec. 2, fractional, excluding fractional Native allotment application AA–7199 Parcel B;
Sec. 3, fractional, excluding fractional Native allotment applications A–053493, A–056855 Parcel B and AA–7199 Parcel B;
Sec. 4, fractional, excluding fractional Native allotment applications A–053493, A–056855 Parcel B, AA–7202 and AA–7260;
Sec. 5, fractional, excluding fractional Native allotment application AA–7076;
Sec. 6, all;
Sec. 7, fractional, excluding fractional Native allotment applications AA–7549 and AA–7779;
Sec. 8, all;
Sec. 9, all, excluding fractional Native allotment applications A–056855 Parcel B and AA–7260;
Sec. 10, fractional, excluding fractional Native allotment applications A–056855 Parcel B, AA–7195 and AA–8159;
Sec. 12, all, excluding fractional Native allotment application A–053495 Parcel B;
Sec. 13, all, excluding Native allotment application AA–7196;
Sec. 14, fractional, excluding Native allotment applications AA–7200 and AA–7937 and fractional Native allotment applications AA–7197 and AA–7198;
Sec. 15, fractional;
Sec. 16, all;
Sec. 17, fractional;
Sec. 18, fractional, excluding fractional Native allotment application AA–7779;
Secs. 19 and 20, fractional;
Secs. 21–36; all.
T. 11 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 1–3, fractional;
Secs. 4–6, all;
Secs. 7–10, fractional;
Secs. 12 and 13, fractional;
Secs. 15–18, fractional;
Sec. 19, all;
Secs. 20–22, fractional;
Secs. 29 and 30, fractional.
T. 11 S., R. 14 W., Seward Meridian (Unsurveyed),
Sec. 1, all.
T. 12 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 7–9, fractional;
Secs. 14–18, fractional;
Secs. 20–23, fractional;
Secs. 26–28, fractional.
U.S. Survey No. 4765.
U.S. Survey No. 4772, lot 1–A.

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 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. 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. The public easements designated pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708; 43 U.S.C. 1616(b)(3), upon the conditions of use prescribed by 43 CFR 2650.4–7, and identified as follows:

a. An easement of 60 feet for the existing road from Seldovia to the head of Windy Bay. Subject easement (D9–1) is described in easement case file AA–9791.

b. A 25-foot trail easement along the existing trail from the 25-foot coastline easement in English Bay along the English Bay River to the head of the second lake in section 18, T. 10 S., R. 15 W., Seward Meridian. Subject easement (D9–2) is described in easement case file AA–9791.

c. Two easements of 1 acre each (approximately 200 feet by 200 feet) for a campsite and floatplane landing area at the head and outlet of upper English Bay lake, located in T. 10 S., R. 15 W., Seward Meridian. Subject easements (D9–6) are described in easement case file AA–9791.

d. A 25-foot trail easement paralleling the right bank of Port Graham Creek from its mouth upstream to section 19, T. 10 S., R. 14 W., Seward Meridian, then northeasterly to public lands in section 17, T. 10 S., R. 14 W., Seward Meridian. Subject easement (D9–7, S–1) is described in easement case file AA–9791.

e. An easement of 1 acre (approximately 200 feet by 200 feet) for a public campsite and floatplane landing area at the outlet of the unnamed lake in section 29, T. 10. S., R. 13 W., Seward Meridian. Subject easement (D9–15) is described in easement case file AA–9791.

f. An easement 60 feet in width for the existing road from road D9–1 to the unnamed lake in section 29, T. 10 S., R. 13 W., Seward Meridian. Subject easement (D9–17, P–17) is described in easement case file AA–9791.

g. An easement 50 feet in width for the existing trail from Port Graham to English Bay. Subject easement (P–14) is described in easement case file AA–9791.

h. A 25-foot trail easement for a proposed trail from the existing road (D9–1) easterly to the Port Dick drainage and State Park lands. Subject easement (D9–19) is described in easement case file AA–9791.

i. Easements of approximately 1 acre (200 feet by 200 feet) for three camp sites adjacent to the existing road (D9–1) located as follows: one site adjoining Windy Bay, one adjoining Picnic Harbor, and one at the junction of trail D9–19. Subject easements (D9–14, P–16) are described in easement case file AA–9791.

j. Easements for proposed spur trails twenty-five (25) feet in width to provide access from the existing road (D9–1) to public lands in section 2, T. 11 S., R. 14 W., Seward Meridian and section 36, T. 10 S., R. 14 W., Seward Meridian (D1–1).

k. An easement for a proposed access trail twenty-five (25) feet in width from trail D9–7, S–1 in section 19, T. 10 S., R. 14 W., Seward Meridian southeasterly to public lands in section 34, T. 10 S., R. 14 W., Seward Meridian (D1–2).

l. 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, i.e., 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 (D9–39).

m. 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 (C–42).

n. Easements 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. These easements also include 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 these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements 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 these easements that are actually in use or that are expressly authorized on March 3, 1996 shall continue to be in force (C–43).

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, if any, 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.

The State of Alaska has identified the following third-party interests which were granted prior to December 18, 1971: a right-of-way permit for a public access road (ADL No. 37929) and a lease issued to the Glacier State Telephone Company (ADL No. 38946).

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, if any, of land hereinabove granted, as are prescribed in said section.

Interim conveyance or patent to the subsurface estate in the N½ of T. 9 S., R. 15 W., Seward Meridian will be granted to Cook Inlet Region, Inc., and the subsurface estate of the remaining land described above will be granted to Chugach Natives, Inc. at the same time that conveyance is granted to the Port Graham Corporation for the surface estate.

It should be noted that:

1. Subsequent to initial issuance of this decision, the unsurveyed lands in Ts. 11 and 12 S., R. 13 W.; T. 11 S., R. 14 W.; and Ts. 9 and 10 S., R. 15 W., Seward Meridian, which were not the subject of a timely filed appeal, were conveyed to the Port Graham Corporation in interim conveyances numbered 018 and 023 dated November 4 and December 5, 1975, respectively.

2. This decision may be appealed, as indicated below, only as to those lands not as yet conveyed, specifically those unsurveyed lands in T. 10 S., Rs. 13 and 14 W., Seward Meridian and U.S. Survey No. 4765 and lot 1–A of U.S. Survey No. 4772 which lie within T. 11 S., R. 13 W., and T. 9 S., R. 15 W., Seward Meridian, respectively.

3. The easement case file number has been changed from AA–9791 to AA–6695–EE.

4. The conveyance of lands described in subparagraph 2, above will be subject to the terms and conditions of the agreement dated January 18, 1977 between the Secretary of the Interior, Chugach Natives, Inc., the Port Graham Corporation and other Chugach village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for the Port Graham Corporation, serialized AA–6695–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.

In accordance with Departmental regulation 43 CFR 2650.7, notice of the above 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 and with a copy 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 this 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 July 18, 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 were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If the Port Graham Corporation or Chugach Natives, Inc. objects to any easement identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or it will be deemed that they have waived the right to contest it. A copy of the petition should 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 77–17071 Filed 6–15–77;8:45 a.m.]

(Serial No. A–8893)

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application of the National Park Service, Department of the Interior, Serial No. A–8893, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 75–5898 in the March 6, 1975 issue. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2091.2–5, such lands will be, at 10 a.m. on July 14, 1977, relieved of the segregative effect of the above-mentioned application. The lands will remain segregated, however, to the extent provided by Public Law 94–578, enacted on October 21, 1976. Said Law provides for inclusion of all lands described in the above-mentioned FEDERAL REGISTER publication within the Saguaro National Monument.

Dated: June 7, 1977.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17101 Filed 6–15–77;8:45 am]

[Colorado 16284]

LANDS IN ROUTT COUNTY, COLO.

Coal Lease Offering by Sealed Bids

Correction

In FR Doc 77–15662 appearing at page 28189 in the issue of Thursday, June 2, 1977, in the fourth paragraph, the sixth line should be corrected to read as follows,

"P.M., Colorado, Section 33, SE¼NE¼,".

[M 166]

MONTANA

Opportunity For Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 8, 1977.

The Department of Agriculture filed application, Serial No. M 166, on August 8, 1966, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Dinner Station Campground

Unsurveyed, but which probably will be when surveyed:

T. 5 S., R. 11 W.,
Sec. 1, W½SE¼NE¼ and E½SW¼NE¼.
Total area—40 acres.

Boot Lake Campground

Unsurveyed, but which probably will be when surveyed:

T. 5 S., R. 11 W.,
Sec. 4, SW¼NE¼NW¼ and NW¼SE¼NW¼.
Total area—20 acres.

Canyon Creek Campground

Unsurveyed, but which probably will be when surveyed:

T. 2 S., R. 11 W.,
Sec. 34, NW¼NE¼NE¼.
Total area—10 acres.

Pear Lake Campground

Unsurveyed, but which probably will be when surveyed:

T. 5 S., R. 11 W.,
Sec. 5, SW¼SE¼NE¼SW¼, NW¼NE¼SE¼SW¼, SE¼SW¼NE¼SW¼, and NE¼NW¼SE¼SW¼.
Total area—10 acres.

Reservoir Lake Campground

T. 8 S., R. 15 W.,
Sec. 21, E½W½NW¼SW¼, E½NW¼SW¼, and W½NE¼SW¼.
Total area—50 acres.

Aspen Campground

T. 5 S., R. 10 W.,
Sec. 4, S½SW¼SW¼SW¼.
Total area—5 acres.

Lower Seymour Campground

T. 3N., R. 13 W.,
Sec. 26, SW¼NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, NW¼SE¼NE¼NW¼, and NE¼SW¼NE¼NW¼.
Total area—10 acres.

Mono Creek Camp

Unsurveyed, but which probably will be when surveyed:

T. 3 S., R. 12 W.,
Sec. 34, NW¼NW¼NW¼.
Total area—10 acres.

Little Joe Camp

Unsurveyed, but which probably will be when surveyed:

T. 3 S., R. 12 W.,
Sec. 21, S½SE¼NE¼SW¼ and N½NE¼SE¼SW¼.
Total area—10 acres.

May Creek Camp

T. 2 S., R. 18 W.,
Sec. 13, SW¼SW¼SW¼;
Sec. 14, SE¼SE¼SE¼;
Sec. 23, E½NE¼NE¼; and
Sec. 24, W½NW¼NW¼.
Total area—60 acres.

Pintlar Falls Camp

Unsurveyed, but which probably will be when surveyed:

T. 3 N., R. 13 W.,
Sec. 2, S½S½SW¼SW¼;
Sec. 10, NE¼NE¼NE¼; and
Sec. 11, NW¼NW¼, N½SW¼NW¼, and N½S½SW¼NW¼.
Total area—90 acres.

Branham Lakes Campground

T. 4 S., R. 3 W.,
Sec. 5, SE¼SE¼NE¼, E½SW¼SE¼NE¼, and N½NE¼NE¼SE¼.
Total area—20 acres.

West Fork Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 12 S., R. 2 W.,
Sec. 7, W½SW¼SE¼NE¼, E½SE¼SW¼NE¼, W½NW¼NE¼SE¼, and E½NE¼NW¼SE¼.
Total area—20 acres.

Crockett Lake Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 8 S., R. 2 W.,
Sec. 20, W½NW¼NE¼ and N½NW¼SW¼NE¼.
Total area—25 acres.

Willow Creek Campground

T. 3 S., R. 3 W.,
Sec. 22, NE¼NE¼SW¼ and N½NW¼SE¼.
Total area—30 acres.

Upper Sureshot Lake Picnic Area

T. 3 S., R. 3 W.,
Sec. 25, NW¼SW¼NE¼, E½SW¼NE¼, and W½SE¼NE¼.
Total area—50 acres.

The areas described aggregate 460 acres in Deer Lodge, Beaverhead, and Madison Counties, Montana.

The applicant desires that the land be reserved for administrative sites and recreational areas.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 19, 1966, Volume No. 31, Page No. 11039, Document No. 66-9027.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before July 21, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 21, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17271 Filed 6-15-77;8:45 am]

[M 141]

MONTANA

Transfer of Submarginal Lands, Fort Peck Indian Reservation

Correction

In FR Doc. 77-15087 appearing at page 27308 in the issue of Friday, May 27, 1977, on page 27309, second column, line 35, the entry should read:

"Sec. 29, NE¼."

On page 27310, first column, line 7, the entry should read:

"Sec. 16, NW¼, NE¼SW¼ and S½SW¼."

[NM 30789, 30790 and 30819]

NEW MEXICO

Applications

JUNE 9, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 23 S., R. 22 E.,
Sec. 25, S½N½;
Sec. 26, S½N½;
Sec. 27, SE¼NE¼.
T. 23 S., R. 23 E.,
Sec. 5, SE¼SW¼.
T. 18 S., R. 29 E.,
Sec. 5, E½SW¼ and NW¼SE¼;
Sec. 7, E½SE¼ and SW¼SE¼;
Sec. 18, NE¼SW¼.

These pipelines will convey natural gas across 3.375 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17274 Filed 6-15-77;8:45 am]

[NM 30768, 30821, 30822, 30825, and 30826]

NEW MEXICO

Applications

JUNE 9, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 27 N., R. 7 W.,
Sec. 28, W½SE¼.
T. 30 N., R. 10 W.,
Sec. 12, lots 2, 3, and 4.
T. 31 N., R. 10 W.,
Sec. 3, lots 8, 9, and 10;
Sec. 17, lot 8.

These pipelines will convey natural gas across 0.994 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17275 Filed 6-15-77;8:45 am]

[NM 30798]

NEW MEXICO

Application

JUNE 10, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 21 S., R. 32 E.,
Sec. 4, SE¼SW¼ and S½SE¼.

This pipeline will convey natural gas across 0.525 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17276 Filed 6-15-77;8:45 am]

[NM 30794]

NEW MEXICO

Application

JUNE 10, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for fourteen 2-inch, 4-inch and 6-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 13 N., R. 13 W.,
Sec. 13, NE¼SW¼ and S½SW¼;
Sec. 23, N½NE¼, SW¼NE¼, and NE¼SE¼;
Sec. 24, W½NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 25, NW¼NE¼, E½NW¼, SW¼NW¼, and W½SW¼;
Sec. 26, lot 8, W½SW¼ and SE¼SW¼;
Sec. 27, SE¼SW¼ and NW¼SE¼;
Sec. 34, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 35, lots 1, 4, NE¼ and N½SW¼.

These pipelines will convey natural gas across 7.474 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17277 Filed 6-15-77;8:45 am]

[CA 167]

SHASTA-TRINITY NATIONAL FOREST, CALIF.

Opportunity of Public Hearing and Republication of Notice of Proposed Withdrawal

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 167 on February 6, 1973, for a withdrawal in relation to the following described lands:

SHASTA-TRINITY NATIONAL FOREST

HARRISON GULCH ADMINISTRATIVE SITE, MOUNT DIABLO MERIDIAN, CALIF.

T. 29 N., R. 10 W.,
Sec. 11, SW¼SW¼SW¼;
Sec. 14, S½SE¼, NW¼SE¼, and S½NE¼SE¼;
Sec. 23, N½N½NE¼.

The area described aggregates 190 acres in Shasta County, California.

The applicant desires that the land be reserved for the protection of a developed administrative site.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on March 8, 1973, pages 6292 and 6293, FR Doc. No. 73-4441.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from all forms of location and entry under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17270 Filed 6-15-77;8:45 am]

[CA 3981]

TAHOE NATIONAL FOREST, CALIF.

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 3981 on October 12, 1976, for a withdrawal in relation to the following described lands:

TAHOE NATIONAL FOREST

GREEK STORE ADMINISTRATIVE SITE, MOUNT DIABLO MERIDIAN, CALIF.

T. 14 N., R. 13 E.,
Sec. 7, E½NE¼NE¼SE¼, SE¼NE¼SE¼, and NE¼NE¼SE¼SE¼;
Sec. 8, W½NW¼NW¼SW¼.

The area described aggregates 22.5 acres in Placer County, California.

The applicant desires that the land be reserved for protection of the Greek Store Administrative Site.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on November 18, 1976, page 50873, FR Doc. No. 76-34100.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Buildig, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from location and entry under the mining laws (30 U.S.C. Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17269 Filed 6-15-77;8:45 am]

[Wyoming 59511]

WYOMING

Application

JUNE 7, 1977.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Belle Fourche Pipeline Company of Casper, Wyoming filed an application for a right-of-way to construct a 4½" diameter pipeline for the purpose of transporting crude oil across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 74 W.,
Sec. 21, NW¼SW¼.

The pipeline will transport crude oil from a well in section 21, T. 36 N., R. 74 W. to existing facilities in the NW¼NW¼, section 21, T. 36 N., R. 74 W., Converse County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 2834, Union and Overland Blvd., Casper, Wyoming 82601.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17162 Filed 6-15-77;8:45 am]

Geological Survey

COAL MINING PLAN, MONTANA

Availability of Proposed Decision for Mine Plan Submitted for Approval

In accordance with the requirements of 30 CFR Part 211.5(c)(2), notice is hereby given that Westmoreland Resources, P.O. Box 449, Hardin, Montana 59034, has submitted a mining plan to mine coal by strip mining methods on Crow Indian Coal Lease 14-20-0252-4088. The mining plan was initially received for review by the Area Mining Supervisor on June 9, 1975.

The Absaloka Mine of Westmoreland Resources is an ongoing strip mine on Sections 25 and 26, T. 1 N., R. 37 E. The mining plan proposes extending the operation into Section 36, T. 1 N., R. 37 E., and Sections 19, 30, and 31, T. 1 N., R. 38 E. The plan covers mining about 10 million tons of coal per year through the year 1997.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan. An Environmental Impact Statement (EIS) has been prepared on the plan for the extension of the existing mine. Under CEQ guidelines the Mining Supervisor will not take approval action until at least 30 days after the EIS is submitted to the CEQ, and after Secretarial review and concurrence. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 2550, Billings, Montana 59103. All requests should be made on or before July 6, 1977. No decision on the mining plan will be made prior to July 6, 1977.

The Department held a public meeting on the mine plan on December 9, 1976. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR 211.5(c)(4) no additional public meetings will be required.

Dated: June 1, 1977.

V. E. MCKELVEY,
Director.

[FR Doc.77-17196 Filed 6-15-77;8:45 am]

National Park Service

CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 9 a.m. on July 1, 1977, at the Islander Beach Lodge, 1601 South Atlantic Avenue, New Smyrna Beach, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore.

The members of the Advisory Commission are as follows:

Mr. Ney C. Landrum (Chairman)
Mr. Robert H. Hudson
Ms. Doris Leeper
Mr. James T. Swann
Mr. Thomas K. Wetherell
Mr. T. C. Wilder

The Commission will discuss the following matters:

(1) Report from Mr. Wetherell regarding land acquisitions policies;
(2) Transportation alternatives;
(3) Conveyance of state lands.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited.

Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780, Telephone 305-867-4675. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at park headquarters.

Date: June 8, 1977.

DAVID G. WRIGHT,
Acting Regional Director, Southeast Region.

[FR Doc.77-17197 Filed 6-15-77;8:45 am]

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 a.m., Monday, July 11, 1977, at Building 272, First Floor Conference Room, Floyd Bennett Field, Brooklyn, New York. The Commission was established by Public Law 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreational Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York, New York.
Archibald S. Alexander, Bernardsville, New Jersey.
John F. Haggerty, Forest Hills, New York.
Orin Lehman, New York, New York.
Gordon N. Litwin, Little Silver, New Jersey.
Terrence D. Moore, Newark, New Jersey.
Sheldon Pollack, New York, New York.
Barbara Reach., New York, New York.
Richard J. Sullivan, Hamilton Square, New Jersey.
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York.

The matters to be discussed at this meeting include:

1. Transportation Sub-Committee Report.
2. Report on Nominations for National Register of Historic Places.
3. Status Report on Summer 1977 Activities.
4. Progress Report on Park Interpretive Plan.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact the Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212-252-9150.

Minutes of the meeting will be available for inspection four (4) weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: June 6, 1977.

HERBERT OLSEN,
Acting Superintendent.

[FR Doc.77-17198 Filed 6-15-77;8:45 am]

Office of the Secretary

[Int FES 77-20]

EAST DECKER AND NORTH EXTENSION MINES, BIG HORN COUNTY, MONT.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and to section 69-6504(b)(3) R.C.M. 1947 of the Montana Environmental Policy Act, the Department of the Interior and the Montana Department of State Lands have jointly prepared a final environmental impact statement on the proposed surface mining of coal in the East Decker and North Extension areas in Big Horn County, Montana. The final statement assesses the environmental impacts of the lessee's plan for the strip mining of Federal, State, and privately owned coal and for the concurrent reclamation of lands disturbed by mining and related activities. The proposed action in the East Decker area is on Federal coal lease Montana 073093, on State coal lease numbers 531, 822, 823, and 918, and on fee coal owned by Gregg H. and Charles V. Penson and by George B. Holmes. These leases and holdings include all or parts of sections 1, 11, 12, 13, and 14, T. 9 S., R. 40 E. and sections 7, 8, 17, and 18, T. 9 S., R. 41 E., Montana Prin. Mer. The proposed action in the North Extension area is on Federal coal leases Montana 057934, Montana 057934A, Montana 061685, and Montana 06770, and on fee coal owned by Rosebud Coal Sales Company. These leases and holdings include all or parts of sections 33 and 34, T. 8 S., R. 40 E., and sections 3, 4, 9, and 10, T. 9 S., R. 40 E., Montana Prin. Mer.

Comments received on the draft environmental statement (DES 76-40) during the 45-day comment period were considered in the preparation of the final statement and are reproduced, together with responses, in appendixes M and N, volume II.

Copies of the final environmental statement are available for public inspection and review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, 1961 Stout Street, Denver, Colorado; the U.S. Geological Survey Library, Denver West Office Park, Building 3, 1526 Cole Boulevard, Lakewood, Colorado; the U.S. Geological Survey Library, Room 4A100, USGS National Center, 12201 Sunrise Valley Drive, Reston, Virginia; Montana State Library, 900 East Lyndale, Helena, Montana; Montana Department of State Lands, 1625 11th Avenue, Helena, Montana; Parmly Billings Library, 510 North Broadway, Billings, Montana; Big Horn County Public Library, 419 North Custer Avenue, Hardin, Montana; Rosebud County Library, 201 North 9th Avenue, Forsyth, Montana; and Sheridan County Public Library, Louks and Alger Streets, Sheridan, Wyoming.

A limited number of single copies are available on request from the U.S. Geological Survey, Box 25046, Federal Center, Mail Stop 602, Lakewood, Colorado 80225; and over the counter only from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, 1961 Stout Street, Denver, Colorado; and the Montana Department of State Lands, 1625 11th Avenue, Helena, Montana.

Dated: June 13, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-17098 Filed 6-15-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-11]

DAVID IRVING COLLIER, D.O.

Hearing

Notice is hereby given that on February 16, 1977, the Drug Enforcement Administration, Department of Justice, issued to David Irving Collier, D.O., Pompano Beach, Florida, an Order to Show Cause as to why the Drug Enforcement Administration registration AC6923824 issued to him pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, June 21, 1977, either in Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., or in Courtroom No. 2, Room 305, U.S. Court of Claims, 717 Madison Place NW., Washington, D.C.

Dated: June 8, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-17299 Filed 6-15-77;8:45 am]

[Docket No. 77-9]

JOSEPH A. GRECO, M.D.

Hearing

Notice is hereby given that on February 2, 1977, the Drug Enforcement Administration, Department of Justice, issued to Joseph A. Greco, M.D., Patchogue, New York, an Order to Show Cause as to why the Drug Enforcement Administration registration AG0800727 issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m., or as soon thereafter as this matter may be reached, on July 13, 1977, in the U.S. Tax Court Courtroom, Room 1524, 51 S.W. First Avenue, Miami, Florida.

Dated: June 8, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-17298 Filed 6-15-77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SHARING COMMITTEE

Meeting

The Sharing Committee of the National Commission on Electronic Fund Transfers will meet on Monday, June 27, 1977, at 10 a.m. in the 8th Floor Conference Room of the Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. The purpose of the meeting is to discuss possible sharing recommendations.

This meeting is open to the public to the extent space permits. Any person interested in attending should first call Ms. Janet Miller at 202-254-7400 to check on the availability of space.

Dated June 13, 1977.

JAMES O. HOWARD, Jr.,
General Counsel.

[FR Doc.77-17329 Filed 6-15-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Seventh Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the seventh periodic report to Congress on abnormal occurrences (NUREG-0090-6). The release date is June 14, 1977.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The seventh report to Congress is for the fourth quarter of 1976 and indicates that during this period:

(a) There were two abnormal occurrences at the 63 nuclear power plants licensed to operate. One event involved improper control rod withdrawals resulting in unplanned reactor criticality. The second is a generic event pertaining to feedwater nozzle craking in Boiling Water Reactors. The incidents had no actual impact on public health or safety.

(b) There were five abnormal occurrences at other licensee facilities. The occurrences involved overexposures to radiography personnel; one event also involved high radiation levels in unrestricted areas.

The incidents involved temporary reductions in margins of safety normally provided.

The seventh report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, D.C., or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG 0090–6, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $4 a copy on or about June 28, 1977.

Dated at Washington, D.C., this 13th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77–17357 Filed 6–15–77;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment authorized changes in the Technical Specifications to add provisions for steam generator tube inspections consistent with the guidance of Regulatory Guide 1.83, Revision 1 (July 1975).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 22, 1976, (2) Amendment No. 24 to Facility Operating License No. DPR–51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of May, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–16846 Filed 6–15–77;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specfications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment deleted reference to certain usage of the terms "refueling period", "refueling outage", and "refueling shutdown" in response to the NRC letter dated June 7, 1976. In place of these terms, time periods affording easier interpretation of requirements have been specified.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 30, 1976, (2) the Commission's letter to Arkansas Power & Light Company dated June 7, 1976, (3) Amendment No. 25 to Facility Operating License No. DPR–51, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1977.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–16845 Filed 6–15–77;8:45 am]

[Docket No. 50–471]

BOSTON EDISON CO. ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT 2)

Order

It is ordered, That the evidentiary hearing will resume on Monday, June 20, 1977, at 1 p.m. in the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

Dated at Bethesda, Maryland, this 10th day of June 1977.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.77–17358 Filed 6–15–77;8:45 am]

[Docket No. 50–358]

CINCINNATI GAS AND ELECTRIC CO. ET AL. (WILLIAM H. ZIMMER NUCLEAR POWER STATION, UNIT NO. 1)

Order Extending Construction Completion Date

Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company and The Dayton Power and Light Company are the holders of Construction Permit No. CPPR–88 issued by the Atomic Energy Commission [1] on October 27, 1972, for construction of the William H. Zimmer Nuclear Power Station, Unit No. 1, presently under construction at the Companies' site in Clermont County, Ohio.

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

On July 28, 1976, the Companies filed a request for an extension of the completion dates because construction has been delayed due to a number of reasons. According to the Companies:

(1) Construction suffered an initial 12 months delay because of the Calvert Cliffs decision which delayed the issuance of the Construction Permit (the ACRS report on the Zimmer Station was received on September 17, 1971, but the environmental review was not completed until mid-1972 and the Construction Permit was not issued until October 27, 1972). The staff regards this delay to be for good cause, beyond the control of the Companies and reasonable in duration. The Companies stated that in spite of the delay caused by the Calvert Cliffs' decision, they were optimistic that construction would be completed prior to the latest completion date of January 1, 1977 in the Construction Permit (two years for contingencies were included in the original estimates and one year was lost to the Calvert Cliffs decision). However, the facility could not be completed by January 1, 1977. The companies feel that, at least in hindsight, this was administrative oversight and the staff concurs.

(2) Once construction was in progress additional delays were experienced because of design changes; shortage of craft labor; and extended materials and equipment deliveries. The design changes involved improved design criteria for safety related systems and structures and the shortage of craft labor and poor materials and equipment delivery schedules are common. These delays have impacted the construction schedules by about 12 months since the start of construction. The staff regards these delays to be for good cause, beyond the control of the companies and reasonable in duration.

(3) It was necessary, as a recent company move, to stretch the remaining construction activities by 15 months to adjust them to match projected available financing and to levelize expenditures. Construction has been in progress for 4 years and 6 months and is estimated to be about 70% complete. It is reasonable to expect that late deliveries of materials and equipment will tend to peak expenditures during the remaining construction time. The staff regards this delay to be for good cause, beyond the control of the companies and reasonable in duration.

This action involves no significant hazards considerations and no significant environmental impact; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated May 9, 1977.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

It is hereby ordered, That the latest completion date for CPPR–88 is extended from January 1, 1977 to April 1, 1980.

Date of Issuance: June 1, 1977.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc.77–16844 Filed 6–15–77;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for Operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of an administrative change to the Technical Specifications which will add the requirement that the Radiation Protection Engineer shall meet or exceed the qualifications of Regulatory Guide 1.8, September, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 14, 1977, (2) Amendment No. 35 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–16843 Filed 6–15–77;8:45 am]

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. 40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will (1) correct a typographical error regarding battery changer numbers and (2) correct an inconsistency between the existing radiation monitoring system and the Technical Specification requirements for operating radiation monitoring during refueling operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1975, supplemented by letter dated April 7, 1976, (2) Amendment No. 25 to License No. DPR–40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-16842 Filed 6-15-77;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-40 issued to Omaha Public Power District, which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment consists of changes to the Technical Specifications which will (1) add the definitions for "Refueling Outage", "Refueling Shutdown" and "Plant Operating Cycle", (2) modify the presently specified definition for "Refueling Operation" and (3) incorporate these terms into the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amednment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 10, 1977, (2) Amendment No. 24 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethasda, Maryland, this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-16841 Filed 6-15-77;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (PASNY) for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective at 11:59 p.m., EDST, June 4, 1977.

The amendment is administrative in nature and permits PASNY to assume sole responsibility for the operation of the facility. Previously, Niagara Mohawk Power Corporation was licensed to operate the facility under contract to PASNY.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated December 20, 1976, as supplemented March 22, 1977, April 11, and 14, 1977, (2) Amendment No. 22 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Dirision of Operating Reactors.

[FR Doc.77-17047 Filed 6-15-77;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Order Convening Evidentiary Hearing

The Atomic Safety and Licensing Board, at an evidentiary hearing held on May 13, 1977, considered with the parties the selection of a convenient date for resumption of further evidentiary hearings in this proceeding. The Board determined that July 19, 1977 was the first available date.

Wherefore, *It is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing shall convene at 9:00 a.m. on Tuesday, July 19, 1977, in Room 3086 of the New Federal Building, 915 Second Avenue, Seattle, Washington, to consider the agenda of presentations discussed at the May 13th hearing session including, without limitation on the generality of the foregoing, availability of a uranium fuel supply, Table S-3 considerations, health effects of coal vs. nuclear comparisons, Wild and Scenic River presentations, alternative sites and a possible supplement to the Final Environmental Statement.

Issued: June 8, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-16890 Filed 6-15-77;8:45 am]

[Docket No. 40-8452]

ROCKY MOUNTAIN ENERGY COMPANY

Notice of Availability of Final Environmental Statement for Bear Creek Uranium Mining and Milling Project

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a final environmental impact statement issued by the Commission's Office of Nuclear Material Safety and Safeguards related to the Bear Creek Project in north-central Converse County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the Converse County Library, Douglas, Wyoming 82633. The final statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

Notice of availability of the Draft Environmental Statement for the Bear Creek Project (NUREG-0129) and request for comments from interested persons was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2140). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Preparation of the final statement is a joint effort between the Nuclear Regulatory Commission, the U.S. Forest Service, and the U.S. Geological Survey, with NRC acting as the coordinating agency.

Copies of the Final Environmental Statement (Document No. NUREG–0129) may be purchased at $11.00 a printed copy and $3.00 for microfiche copy from the National Technical Information Service, Springfield, Virginia 22161, on or about June 23, 1977.

Dated at Silver Spring, Maryland, this 3rd day of June, 1977.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77–16838 Filed 6–15–77;8:45 am]

[Docket No. 50–395–OL]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

SOUTH CAROLINA ELECTRIC AND GAS COMPANY, AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

(Virgil C. Summer Nuclear Station) Construction Permit No. CPPR–94

This action is in reference to a notice published by the Commission on April 18, 1977, in the FEDERAL REGISTER (42 FR 20203) entitled "Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing".

The members of the Board and addresses are as follows:

Frederic J. Coufal, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Frank F. Hooper, Member, University of Michigan, Camp Filibert Roth, Iron River, Michigan 49935.

Mr. Gustave A. Linenberger, Member, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 8th day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Chairman.

[FR Doc.77–16839 Filed 6–15–77;8:45 am]

[Docket Nos. 50–553 and 50–554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2)

Order for Evidentiary Hearing

The evidentiary hearing in this matter will commence on Tuesday, June 28, 1977, at 9:30 a.m., at the Kingsport Civic Auditorium (Club Room), 1150 Memorial Boulevard, Kingsport, Tennessee. The hearing will continue through June 29, 1977.

It is so ordered.

Dated at Bethesda, Maryland this 8th day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77–16847 Filed 6–15–77;8:45 am]

[Docket Nos. 50–390 OL and 50–391 OL]

TENNESSEE VALLEY AUTHORITY (WATTS BAR NUCLEAR PLANT, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Richard S. Salzman.

Dated: June 8, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77–17048 Filed 6–15–77;8:45 am]

[Docket No. 40–2259]

UTAH INTERNATIONAL INC. (LUCKY MC URANIUM CORPORATION)

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Utah International Inc. has filed an environmental report and supplement in support of their application for renewal of Source Material License SUA–672 for the Lucky Mc Uranium Mill, Gas Hills, Fremont County, Wyoming. Lucky Mc Uranium Corporation has pending a request to transfer Source Material License SUA–672 from Utah International Inc., to Lucky Mc Uranium Corporation.

The reports, which discuss environmental considerations, related to the operation of the mill, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the reports are also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

After the environmental reports have been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft enyironmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Maryland, this 8th day of June 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77–17046 Filed 6–15–77;8:45 am]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, NUCLEAR PROJECTS NOS. 3 AND 5

Request for Suspension of Limited Work Authorization

Notice is hereby given that by letter dated May 12, 1977, The Camran Corporation, 3040 W. Commodore Way, Seattle, Washington 98199, filed a request for the suspension of the Limited Work Authorization granted to the Washington Public Power Supply System for Nuclear Projects Nos. 3 and 5, Elma, Washington. In accordance with the procedures specified in 10 CFR 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington.

Dated at Bethesda, Maryland this 9th day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77–17049 Filed 6–15–77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 77–24]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report.—The failure of each pilot to maintain adequate visi-

lance was probably the cause of the fatal midair collision of two Piper PA-28 aircraft near Huntsville, Missouri, last July 24, the National Transportation Safety Board has determined. No reason could be found for this lack of vigilance.

One Piper, a private flight operating under instrument flight rules and under the control of Kansas City air route traffic control center, was en route from Urbana, Illinois, to Emporia, Kansas. The other Piper, a Reeds Aviation, Inc., air taxi/charter flight operating under visual flight rules and without a flight plan, was climbing en route from Salisbury, Missouri, to the Chicago, Illinois, area. The collision occurred at 6,000 feet. The pilot and two passengers aboard the air taxi and the pilot and one passenger aboard the other Piper were killed; both aircraft were destroyed.

Both pilots were qualified for the flights, and there was no evidence of any preaccident failure of either aircraft or their components. Since the sky was clear and visibility unrestricted, the Safety Board concluded that weather was not a factor. The relatively low closure rates, the location of each target in each aircraft windshield, and the visibility, would have combined to permit each pilot ample opportunity to see the other aircraft in time to prevent the collision.

This midair collision accident, the Board said, is an example of the limitations of the see-and-avoid concept. It should serve as a reminder to all pilots to constantly maintain vigilance while flying in visual flight conditions regardless of the type flight plan under which they are operating, to request traffic advisories from Federal Aviation Administration facilities, and to insure that their transponder is on and functioning properly.

Copies of the Board's narrative report, No. NTSB-AAR-77-2, are now available to the public.

During investigation of the Huntsville accident and several other recent aircraft accidents, the Safety Board discovered certain problems regarding medical certification of airmen—problems which demonstrate nonadherence to 14 CFR Part 67 as well as a lack of quality control by Aviation Medical Examiners and the FAA's Civil Aeromedical Institute. Four corrective recommendations, Nos. A-77-5 through 8, were issued last February 17 to the FAA. (See 42 FR 10915, February 24, 1977.)

Railroad Accident Report.—Two locomotive units and 11 cars of an Amtrak train derailed near Goodman, Mississippi, June 30, 1976, when the track structure was unable to withstand the lateral forces generated by excessive swaying of the locomotive trucks. The Safety Board report on the investigation of this accident, report No. NTSB-RAR-77-3, was made available June 6.

One trackman was killed when the "Panama Limited" derailed on Illinois Central Gulf railroad track. Six other trackmen were injured, along with 11 members of the traincrew and 34 of the 145 passengers. The train was traveling at 88 mph—9 miles an hour over the allowable speed—when it derailed.

The Safety Board determined that the probable cause of this accident was the tipping of the east rail and widening of track gage when the track structure was unable to withstand the lateral forces generated by excessive oscillations of the locomotive trucks due to irregularities in the track alignment and cross level, the wet ballast and subgrade, and the train's excessive speed. The excessive oscillations occurred even though track alignment, track surface, and crosstie spiking complied with the minimum requirements for Federal Railroad Administration Class 4 track, indicating that these requirements are inadequate.

As a result of its investigation of this accident, the Safety Board on April 21 issued three recommendations to FRA—two designed to amend FRA track geometry standards, and a third urging the inclusion in review of current FRA track safety regulations, investigation and testing to determine whether minimum track conditions required for the FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class. (See 42 FR 21677, April 28, 1977.)

Pipeline Safety Recommendations.—Following investigation into two gas explosion accidents, both in residential areas, the Safety Board last week issued eight new pipeline safety recommendations. One accident occurred last August 8 in Allentown, Pennsylvania; the other accident occurred last January 25 near Williamsport, Pennsylvania.

The Allentown explosion at 2 p.m. destroyed a house at 1127 Oak Street. The gas migrated from a break in a 4-inch cast-iron main under the street, through loose soil under a concrete sidewalk, and into the building through cracks and openings in its foundation; 26 minutes later, another house exploded across the street from the site of the first explosion. The front brick wall collapsed into the street, trapping two firemen. The street then caved in directly in front of the trapped firemen. The cast-iron gas main within the sinkhole broke into several pieces; flames from the broken main, more than 10 feet high, hampered rescue. Two firemen were killed, 14 persons were injured, 4 buildings were destroyed, and several buildings were damaged.

Because of lack of coordination between UGI personnel and firemen as to their responsibilities in the emergency, two gas meters were overlooked and were not shut off. This probably provided the source of ignition for the second explosion, the Board said.

Gas was allowed to burn after each of the explosions because the firemen had been taught: "Burning gas will not explode"; and "if natural gas is burning outside, the firemen should make no attempt to extinguish a gas fire." These statements, although true under most circumstances, are too simplified to cover all situations, and attempts should be made to modify training materials to include provisions for events similar to this accident.

Accordingly, on June 8 the Safety Board issued three recommendation letters:

To UGI Corporation, Reading, Pennsylvania—

Revise your 1968 Guide for Fire Fighters and training program by incorporating instructions on how to deal with events similar to this accident with particular emphasis on the proper use of combustible gas indicators. (P-77-1)

Revise your emergency plans to incorporate the revisions that became effective October 1, 1976, to 49 CFR 192.615, and to insure emergency response coordination with fire and other public officials. Particular emphasis should be placed on the availability and the proper use of combustible gas indicators (P-77-2)

Expedite, in conjunction with equipment manufacturers, the development of a survey unit that could be used to detect the location of sinkholes in the vicinity of cast-iron gas mains. "Downwardlooking" radar equipment should be investigated as one possible means of surveying for sinkholes. (P-77-3)

To Materials Transportation Bureau, U.S. Department of Transportation—

Encourage, coordinate, and monitor development of equipment which could be used to detect the location of sinkholes in the vicinity of underground utilities. (P-77-4)

To the Gas Piping Standards Committee, American Society of Mechanical Engineers, New York City—

Develop guidelines to assist operators during emergencies to promptly isolate leaking segments of pipe in a low-pressure system. (P-77-5)

Each of the five recommendations above is designated "Class III, Longer Term Followup."

With respect to the Williamsport accident, at 1:36 a.m. on January 25, a low-order explosion and fire destroyed a house; the occupant was not seriously injured. At 1:44 a.m. nearby volunteer firemen responded and notified Pennsylvania Gas and Water Company (Penn Gas) of Wilkes-Barre, Pennsylvania, of strong odors of gas at the accident site. A local serviceman, arriving at 2:10 a.m., determined that, since there was no gas service into the house that exploded, the gas main was leaking; he telephoned his dispatcher for a street crew at 2:15 a.m.

At 2:39 a.m., a few minutes after the street crew arrived, another explosion demolished a large house 100 feet away. A resident of the house and a bystander were killed; several persons, including 19 firemen, were injured. Automobiles, a fire truck, and many houses within a one-block radius were damaged severely.

The Safety Board found that Penn Gas did not have a program in Williamsport for instructing the volunteer fire department on procedures to be followed during a gas emergency. The serviceman at the accident site did not establish a liaison with the fireman or offer any advice regarding checking other buildings for gas accumulations and evacuation of residents and bystanders from the area.

Penn Gas traced the leaking gas back to its 4-inch bare steel gas main, which was installed as a low-pressure main in 1963 and was later converted to high-pressure service. The pipe was excavated in an alley 60 feet from one of the demolished houses.

Investigation also revealed that a gas company inspection program was not adequate to protect gas facilities from damage by extensive sewer construction.

Accordingly, by letter dated June 6, the Safety Board recommended that Penn Gas—

Excavate, on a random sample basis acceptable to the Pennsylvania Public Service Commission, the welds in the failed 4-inch gas main and nondestructively test them according to the American Petroleum Institute 1104 Welding Code to determine if there are more faulty welds on the pipeline. Replace or repair all welds which do not pass reinspection. (P–77–6)

Instruct its personnel in inspection techniques and procedures and emphasize the potential hazards of undetected faulty welds and construction damage to operating pipelines. (P–77–7)

Reemphasize and instruct gas operations personnel on the importance of liaison with the fire department and establish with all fire departments, including volunteer fire departments, what the proper response should be to every type of gas emergency. (P–77–8)

Recommendation P–77–6 is designated "Class I, Urgent Followup"; P–77–7 and 8 are "Class II, Priority Followup" recommendations.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A–73–46.—Federal Aviation Administration letter of May 31 is in response to the Safety Board's request of May 6, 1977, asking for further details about a minimum safe altitude warning system (MSAW) which the Board learned has been developed as an integral part of the ARTS III computer and which is expected to be introduced into the national aviation system shortly. Also, the Board's May 6 letter asked FAA for assurance that procedures have been developed to prevent recurrence of accidents that generated this recommendation. A–73–46 was issued following investigation of the Eastern Airlines Lockheed L–1011 accident at Miami, Florida, December 29, 1972 (report No. NTSB–AAR–73–14) and asked that FAA review the ARTS III program for possible development of procedures to aid flightcrews when marked deviations in altitude are noticed by an air traffic controller.

On December 18, 1973, the Safety Board was informed that the FAA's Systems Research and Development Service had contracted UNIVAC to develop the hardware and software modifications necessary to implement this recommendation. On May 13, 1974, the Board was advised that the FAA Systems Research and Development Service was conducting tests to verify the feasibility of the concept.

To FAA's May 31 letter are attached copies of Advisory Circular AC 90–72 which describes the capabilities of the NSAW function, an FAA news release "Fact Sheet-MSAW" which describes in part the history of MSAW development, how MSAW works, and paragraph 33, "Safety Advisory," represcribed control procedures from Air Traffic Control Handbook 7110.65. FAA anticipates that all 63 ARTS III terminal facilities will be MSAW equipped and operational by June 30. The ARTS III add-on feature is now operational at 17 locations, FAA said.

FAA reports that although the procedures will minimize possibilities of recurrence of the type of accidents that generated A–73–46, FAA said it cannot assure the Safety Board that they will in fact prevent similar type accidents in the future. FAA stated, "The MSAW system is designed to provide the controller with information that he may relay to the pilot to assist him in his safe altitude management responsibility. It in no way relieves the pilot of his responsibility for safe altitude management."

Aviation: A–77–12 and 13.—Federal Aviation Administration letter of June 2 responds to recommendations issued last March 14 re formulation and dissemination of a training program for firefighting personnel involved in crash/fire/rescue activities at noncertificated airports. (See 42 FR 15993, March 24, 1977.) FAA concurs in both recommendations.

Re A–77–12, FAA reports that its Advisory Circular (AC) 139.49–1 presents a recommended training program for aircraft firefighting and rescue personnel. In addition to covering the two primary areas of training—operation of airport firefighting and rescue equipment and the principles of aircraft firefighting and rescue techniques—the AC includes a basic program for practical training, subjects for classroom or individual study, information on the availability of courses/course material, and safety procedures for hot fire training. The AC was published in November 1974 to furnish airport operators of certificated airports guidance under FAR Part 139.

The June 2 letter references discussion of current efforts in this area contained in FAA's letter of May 18 to the Safety Board concerning recommendation A–76–142. (See 42 FR 29580, June 9, 1977.)

A–77–13 recommended that FAA disseminate the training program, in coordination with the Commuter Airlines Association of America, the National Fire Prevention and Control Administration, and the American Association of Airport Executives, to State and local governments and airport operators, and urge them to adopt it in the interest of passenger safety.

In response, FAA notes that its recommended training program under AC 139.49–1 was originally disseminated through the AC 150 series (Airport Compliance Program and Airport Safety—General) distribution list. Total number of subscribers varies from month to month, FAA says, but normally runs 15,000–17,000. The AC is listed in the FEDERAL REGISTER as available to the general public free of charge. A much broader audience was reached than recommended, FAA says.

FAA expects to be working with the National Fire Prevention and Control Administration on developments in the aircraft firefighter training area. FAA strongly recommends implementation of the advice contained in AC 139.41 at noncertificated airports, and concurs with recommendation A–77–13 from the point that its advisory circular distribution already includes the majority of the listed groups. FAA does not believe any additional distribution through these groups is warranted at this time.

Aviation: A–77–32 and 33.—Federal Aviation Administration letter of May 24 is a further response to the two recommendations issued by the Board immediately following the May 16 accident involving a Sikorsky Model S–61L helicopter on the Pan American Building's heliport in New York City. FAA's initial response of May 20 was reported at 42 FR 29580, June 9, 1977.

Recommendation A–77–32 asked FAA to issue an airworthiness directive to require an immediate one-time inspection by an approved method on both the forward and aft main landing gear attachment fittings, right and left, on all Sikorsky Model 61L series helicopters having similar installations. FAA reports that a "telegraphic airworthiness directive has been issued to require prior to next flight fluorescent penetrant inspection of the forward and aft main landing gear attachment fittings, right and left, on all affected Sikorsky Model 61 series helicopters. In addition, a visual inspection is required prior to the first flight of each day."

Re A–77–33, which asked FAA to re-evaluate the current inspection interval and issue requirements for more frequent periodic inspections if necessary to insure continued safe operation, FAA reports that assessments are being made by FAA and the manufacturer to establish a service life and additional inspections based on available data and service experience. The assessments should be completed within 60 days, FAA said, at which time FAA will initiate action in consonance with the recommendation.

Marine: 69–M–60 and 71–M–28.—Letter of May 26 from the U.S. Coast Guard, in answer to these two recommendations, reports that a notice of proposed rulemaking concerning offshore drilling units was published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22296). Coast Guard does not consider further response to these recommendations to be necessary. A copy of the proposal is attached to the letter.

Recommendation 69–M–60 was issued following investigation of Continental Oil Rig 43–A, explosion and fire in the Gulf of Mexico, October 24, 1967. The recommendation asked that the Department of Transportation, in conjuntion with the Department of the Interior, study the need for safety regulations or the revision of regulations for fixed and mobile drilling and production units operating on the outer continental shelf, including the operating equipment, the methods and operations used in drilling for and the production of oil, gas, or other subsoil minerals, and the transportation thereof by pipeline.

Recommendation 71–M–28 was issued as a result of investigation of the explosions and fire on the Chambers and Ken-

nedy Offshore Platform, Block 189–L, and fire on the MV Carryback in the Gulf of Mexico, May 28, 1970. The recommendation asked the Department of the Interior and the Department of Transportation to evaluate their present regulations governing fixed and mobile offshore drilling and production structures operating under Federal jurisdiction, and, based on analysis of casualty data, determine whether revisions or additions are needed to prevent recurrence of similar casualties.

Marine: M–74–30.—Coast Guard's letter of May 19 provides updated information on this recommendation which was discussed at the latest NTSB/USCG quarterly meeting, May 4. The recommendation was issued as a result of the investigation into the death of three officers aboard the SS *William T. Steele*, November 18, 1972.

The Coast Guard letter cites Title 46 U.S.C. 673 in part:

* * * nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; * * * these provisions shall not limit either the authority of the master or other officer * * * when in the judgment of the master or other officer, the whole or any part of the crew are needed for maneuvering, shifting berth, mooring or unmooring the vessel or the performance of work necessary for the safety of the vessel, her passengers, crew and cargo or for the saving of life aboard other vessels in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat or other drills.

Coast Guard states that since the seamen employed on board U.S. vessels are already protected from being required to work excessively long hours, further action on recommendation M–74–30 "would appear to be redundant. According to the May 19 letter, Coast Guard has considered this recommendation closed since March 21,1975.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident reports and the safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence may be obtained at a cost of $4.00 for service and 10 cents per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register,
Liaison Officer.

JUNE 13, 1977.

[FR Doc.77–17303 Filed 6–13–77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 10, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

REVISIONS

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Notice of Progress of Construction or Alteration, FAA 7460–2, on occasion, private enterprise, Marsha Traynham, 395–4529.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Gallonage Sales of Gasoline, SG4, SG4 (Birth), SG–3, monthly, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Masters Report of Seamen shipped or Discharged, CG–735T, monthly, masters of coastwide merchant vessels, Strasser, A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77–17252 Filed 6–15–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 9, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

FEDERAL HOME LOAN BANK BOARD

Money Order Survey, 1095, single time, insured savings and loan associations, Gaylord Worden, 395–4730.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Claim for Reimbursement (SL, SB, SM Programs), FNS–806, monthly, school food authorities, institutions, and sponsoring agencies, Human Resources Division, 395–3532.

EXTENSIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Employment, Wages, and Contribution Report, BLS 3031 (ES 202), quarterly, States, Strasser, A., 395–5867.

Employment Standards Administration, Claim for Compensation in Death Case by Widow and/or Children Under the Age of Eighteen, LS–262, on occasion, widows, widowers, and guardians of children, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–17253 Filed 6–15–77;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Public Hearings on Petitions to Modify the List of Articles Receiving Duty-Free Treatment

I. Requests to present oral testimony, and related written briefs, in connection with public hearings announced in 42 FR 24878 (May 16, 1977) should be received by Friday, July 1, 1977.

II. Hearings will begin at 10 a.m. on Thursday, July 14, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, N.W.), Washington, D.C., and will continue on that and subsequent days until all witnesses wishing to appear have been heard.

1. *Acceptance of petitions for review.* Notice is hereby given by the Chairman of the Trade Policy Staff Committee (TPSC) of acceptance for review of petitions for modification of the list of articles receiving duty-free treatment under the Generalized System of Preferences (GSP) as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066–2071, 19 U.S.C. 2461–2465). These petitions have been submitted, and will be reviewed, pursuant to regulations codified at 15 CFR Chapter XX, Part 2007. Some of the petitions have been accepted notwithstanding the fact that additional information has been requested of the petitioners.

The list of petitions accepted for review is set forth in Annex I at the end of this notice.

2. *Types of petitions included in this review.* Petitions to add articles to the list of eligible articles for the GSP are listed in Part 1(A) of Annex I.

Petitions to remove products from the list of eligible articles for the GSP are listed in Part 1(B) of Annex I.

Petitions to subdivide Tariff Schedules of the United States (TSUS) items currently designated as eligible articles for the GSP are listed in Part 1(C) of Annex I. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504 (c)(1)(B) of the Trade Act of 1974, are listed in Part 1(D) of Annex I.

Matters being considered by the TPSC on its own motion are listed in Part 2 of Annex I.

3. *Notice of public hearings.* The TPSC will hold public hearings at the time and place specified at the beginning of this notice on all petitions and articles listed in Annex I. The TPSC invites briefs and testimony on any matters covered by Annex I.

4. *Requests to present oral testimony.* All requests to present oral testimony, and accompanying written briefs, must be received by the Secretary of the Trade Policy Staff Committee, Room 728, 1800 G Street, N.W., Washington, D.C. 20506, not later than the close of business, Friday, July 1, 1977. Requests to present oral testimony must conform to the regulations codified at 15 CFR Chapter XX, Parts 2001–2003, which are described below.

Pursuant to the regulations referred to in the preceding sentence, a request to present oral testimony will be granted only if a written brief is submitted before the deadline for submitting such briefs (in this instance, July 1, 1977), except that no such brief need be submitted if the party requesting to testify already has submitted a petition listed in Annex I of this notice.

The deadlines for the submission of requests to present oral testimony, and for the submission of written briefs may be waived by the Chairman of the Trade Policy Staff Committee for reasons of equity and public policy.

Requests to present oral testimony should state briefly the interest of the applicant in the subject matter, the position to be taken by the applicant and whether the applicant has filed, or has joined in the filing of, a petition listed in Annex I.

In addition, requests to present oral testimony should include the following information:

(a) The name, address, telephone number, and official position (if applicable) of the party submitting the request, and the person or persons who will present the oral testimony (if different from the party submitting the request);

(b) The description and tariff item number(s) of the article or articles in which the party has an interest;

(c) The subject or subjects to be dealt with in the proposed testimony; and

(d) The amount of time requested for the presentation of oral testimony, and, if more than 15 minutes is requested, the reasons therefor.

Each person scheduled to appear before the TPSC will be notified of the date and the amount of time allotted for his presentation. If the scheduled appearance is inconvenient to the requesting person, the Secretary of the TPSC will consider rescheduling for that person. The Chairman of the TPSC reserves the right to restrict the time allotted for oral presentation, and to deny requests when he determines that the proposed testimony is not relevant to the subject matter of the hearings.

5. *Submission of written briefs.* Briefs must conform to the TPSC regulations codified at 15 CFR Chapter XX, Parts 2001–2003. Briefs must be submitted in 20 copies. In addition, each brief should designate clearly on the first page the name and address of the party submitting the brief, the subject matter of the brief, and the item number of the article (or articles) in the Tariff Schedules of the United States to which the brief pertains.

Every written brief must present, in nonconfidential form, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments that must be met in order to oppose the position taken in the brief.

6. *Suggestions on the preparation of written briefs and oral testimony.* While there are no formal requirements governing the format or content of the material submitted (other than those mentioned in paragraphs 4 and 5 of this notice), the TPSC suggests that parties preparing testimony or briefs include the following points:

(a) An introductory summary statement indicating the interest of the party on whose behalf the brief or testimony is submitted, and the position to be taken in the brief or testimony;

(b) A clear indication of the matters covered in Annex I of this notice of interest to the party submitting the brief or testimony, and a statement of whether that party supports or opposes the action under consideration; and

(c) Any data or arguments relevant to support the position of the party submitting the brief or testimony.

While the TPSC welcomes the full presentation of oral testimony, it is preferable that such testimony not duplicate material submitted in writing, since both will be reviewed. Instead, oral presentations should emphasize the main points of the briefs or petitions submitted, expand upon their contents when necessary, or cover any developments occurring since the briefs were submitted. Persons presenting oral testimony should be prepared to answer questions.

7. *Rebuttal briefs.* In order to assure parties the opportunity to contest the information provided by other parties, the TPSC will accept rebuttal briefs filed by any party within one week after the close of the hearings. Rebuttal briefs must conform, in form and number, to the regulations of the TPSC and the provisions of this notice applicable to written briefs. Rebuttal briefs should be limited to demonstrating errors of fact or analysis not pointed out in the briefs or testimony and should be as concise as possible.

8. *Information exempt from public inspection.* Parties are referred to 15 CFR Chapter XX, Sections 2003.6 and 2006.10, for the regulations concerning information labelled as business confidential and exempt from public inspection.

Oral testimony should contain no confidential information. Any business confidential information submitted with written briefs should be clearly identified as confidential, should be easily separable, and should be accompanied by a nonconfidential summary of the confidential material. If the Chairman of the TPSC determines that he cannot accord confidential treatment to material for which such treatment is requested, that material will be returned to the addressee.

9. *Public inspection of written materials.* Subject to the regulations of the TPSC, and except for business confidential information, all written materials filed with the TPSC in connection with these hearings will be open to public inspection, by appointment at the Office of the Trade Policy Staff Committee, Room 728, 1800 G Street, N.W., Washington, D.C. 20506.

10. *Transcripts of the hearings.* All oral testimony before the TPSC will be recorded and transcribed. Persons giving testimony before the TPSC may correct errors of form or expression in the testimony, but may not change substance. All corrections must be approved by the Secretary of the TPSC. The cost of making such corrections will be charged to the person requesting the corrections.

Transcripts of the hearings will be available for inspection or purchase.

11. *Attendance at the hearings.* The hearings will be open to the public. Heavy or disruptive equipment such as television equipment, will not be admitted to the hearings except by the express permission of the Chairman of the TPSC.

12. *Communications.* All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Room 728, Washington, D.C. 20506. The telephone number of the Secretary of the TPSC is (202) 395–3395.

Acceptance of the petitions listed in Annex I does not indicate any opinion with respect to a disposition on the merits of the petitions accepted for review. Acceptance indicates only that the listed petitions have been found to be formally adequate as bases for reviews by the TPSC, and that such reviews will take place.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee.

Annex I

Part 1: Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
77-1		Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods: [Of leather; of unspun fibrous vegetable materials; of textile materials (except yarns, of paper), whether or not ornamented; of reinforced or laminated plastics] Of other materials: [Handbags] [Of beads, of bugles, of spangles, of imitation gemstones, or of any combination thereof; of metal; of paper yarns] [Flatgoods, of metal] Other:	Ambassador International Tempe, Arizona
	706.6020 or 706.6020 (pt.)	Handbags or Handbags of vinyl	
77-2		Plywood, whether or not face finished: [Not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the face ply]	Ben Pivnick Plywood and Veneer Company Farmington, Michigan
	240.25 or 240.25 (pt.)	Other or Face-finished with an opaque finish of paint, printed simulated grain, or paper overlay, not exceeding in any dimension 5/32 inch in thickness, 47 inches in width, and 85 inches in length	
77-3		Watch cases and parts thereof: Not wholly and not almost wholly of gold or platinum or of both gold and platinum: Wholly or in part of silver; or containing gold or platinum; or set, or prepared to be set, with precious or semiprecious stones or with imitation gemstones	Productos Metalicos "America," S.A. Mexico City, Mexico
	720.24	Cases	
	720.28	Other: Cases	
77-4		Gloves of rubber or plastics: Seamless [Surgical and medical]	Magla Products Irvington, New Jersey Intermarket Corporation Cleveland, Ohio
	705.8430	Other	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
77-5		Leather, in the rough, partly finished, or finished [Chamois, patent, upholstery leather] [Calf and kip; pig and hog] Other: Not fancy: [Vegetable-tanned goat and sheep, in the rough; buffalo] Other: [Bovine] Other leather:	The Fouke Company Greenville, South Carolina
	121.5850 or 121.5850 (pt.)	Reptilian and shark skin or Reptilian	
77-6		Parts of bicycles: [Frames] Other parts of bicycles Hubs:	The Bendix Corporation South Bend, Indiana
	732.3610	Coaster brakes	
77-7		Products suitable for medicinal use and drugs: Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States: [Products provided for in items 407.02 through 407.80] Other: Antibiotics: [Penicillin G, potassium; penicillin G, procaine; phenoxymethylpenicillin, potassium]	The Dow Chemical Company Indianapolis, Indiana
	407.8525 or 407.8525 (pt.)	Other or Rifampin	
	B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences		
77-8		Complete packing boxes, cases, and crates, and other containers and holders chiefly used for packing, transporting, or marketing merchandise, all the foregoing (except baskets and coopers' products) of wood, whether wholly or partly assembled or not assembled: [Packing boxes and cases with solid sides, lids, and bottoms; containers designed for use in the harvesting of fruits and vegetables]	The Martin Bros. Container and Timber Product Corp. Toledo, Ohio
	204.30 or 204.30 (pt.)	Other or Wirebound boxes	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
77-9		Other metal-bearing materials of a type commonly used for the extraction of metal or as a basis for the manufacture of chemical compounds:	Refractory Metal Association Princeton, New Jersey
		/Products provided for in items 603.05 through 603.30/	
		Other:	
	603.45	Materials in chief value of tungsten	
		Tungsten, unwrought and wrought; tungsten waste and scrap:	
		Waste and scrap:	
	629.25	Containing by weight not over 50 percent of tungsten	
	629.26	Containing by weight over 50 percent of tungsten	
		Interchangeable tools for hand tools or for machine tools, including dies for wire drawing, extrusion dies for metal, and rock drilling bits:	
		/Files and rasps, including rotary files and rasps/	
	649.43	Cutting tools (except tools provided for in item 649.41) with cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium	
		Other:	
		Not suitable for cutting metal:	
	649.48	Wire-drawing dies and extrusion dies	
	649.53	Tool tips; and plates, blanks and other forms for making tool tips; all the foregoing, unmounted, of sintered metal carbides	

C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences.

77-10		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:	Cox Hobbies, Inc. Santa Anna, California
		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:	
		/Television apparatus, and parts thereof/	
		Other:	
		/Solid-state (tubeless) radio receivers/	
		Other	
		Transceivers:	
		Citizens Band (CB)	
		/CB transceiver and AM or AM/FM radio combination/	
		Hand-held:	
	685.2505	Valued not over $7.50 each	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

4

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner

D. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.

77-11		Articles not specially provided for, of leather:	Columbia Impex Corp. New York, New York
		Of reptile leather:	
	791.80 (pt.)	Plaques of snakeskin	

Part 2: Matters Being Considered on the TPSC's Own Motion

Case No.	TSUS or TSUSA 1/ item No.	Article

A. Possible determination of eligible articles as not like or directly competitive with any article produced in the customs territory of the United States on January 3, 1975, and therefore not subject to loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.

77-12		Vegetables, fresh, chilled, or frozen:
		Other:
	137.75	Chayote (Sechium edule)

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

[FR Doc.77-17211 Filed 6-15-77;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

EAST PETERSBURG BOROUGH AUTHORITY GROUND-WATER DEVELOPMENT

Public Hearing

Notice is hereby given that the Susquehanna River Basin Commission will hold a public hearing as part of its review of the East Petersburg Borough Authority's (East Petersburg, PA) ground-water development. The hearing will be held immediately following the Commission's July 14, 1977, meeting which is scheduled to begin at 1:00 PM in the Penn Harris Motor Inn, U.S. Routes 11 and 15 in Camp Hill, Pennsylvania. The hearing is being held to receive pertinent testimony from the Authority and interested parties concerning the Authority's development and its potential impact on the water and related resources of the basin.

The East Petersburg Borough Authority water supply system serves approximately 3,500 persons in the Borough of East Petersburg, Lancaster County, Pennsylvania. The Authority anticipates withdrawing 0.30 mgd from a well drilled and developed in an earlier project. In addition, the Authority intends to construct a well house, water softening and treatment plant, and transmission facilities.

The principal areas of interest upon which the Commission is basing its review of the project are demand projections, availability of enough water to satisfy future needs; and efficient utilization of available water supplies.

The application documents filed by the project sponsor are available for public inspection during regular business hours at the office of the Susquehanna River Basin Comission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055. The offices are open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Persons wishing to participate in the hearing may present oral and/or written testimony. Those wishing to testify in person are requested to contact the Secretary to the Commission, in writing, prior to the hearing.

ROBERT J. BIELO,
Executive Director

[FR Doc.77-17284 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER

Notice of Commissioning

Notice is hereby given that on June 17, 1977, through September 10, 1977, the Airport Traffic Control Tower at the

Martha's Vineyard Airport, Martha's Vineyard, Massachusetts, will be commissioned at a part-time FAA facility. Hours of operation will be established in advance by a Notice of Airmen and, thereafter, be published in the Airman's Information Manual. This information will be reflected in the FAA Organization Statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Post Office Box 71, Vineyard Haven, Massachusetts 02568.

It has been determined that good cause exists for publication of this notice in less than thirty (30) days prior to the commissioning date.

(Sec. 313(a), 72 Stat.752 (49 U.S.C. 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Burlington, Massachusetts, on June 3, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-16807 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT SERVICE STATION AT ANDERSON, S.C.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Anderson, S.C. Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17091 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT ROCKY MOUNT, N.C.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Rocky Mount, N.C. Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17090 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT TUSCALOOSA, ALA.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Tuscaloosa, Alabama Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17089 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT VALDOSTA, GA.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Valdosta, Georgia Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17088 Filed 6-15-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-3; Notice 2]

BATAVUS USA, INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice denies the petition by Batavus USA, Inc. of Atlanta, Georgia, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, Motorcycle Controls and Displays. The company petitioned on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published in the FEDERAL REGISTER on March 3, 1977 (42 FR 12284) and an opportunity afforded for comment.

Petitioner is an importer of motor-driven cycles (mopeds). Table 1 of Standard No. 123 requires that the manual fuel shut off control on such vehicles have the following operating positions: "off"—control forward; "on"—control downward; reserve" (if provided)—control upward. The Batavus control, however, has the following noncomplying positions—"on", upward instead of downward; "reserve", backward instead of upward. The noncompliance exists on approximatly 6,000 vehicles manufactured before July 1976. Petitioner argues that the noncompliance is inconsequential because the improper positions "are clearly marked on all mopeds in such a way that a moped user cannot be mistaken." Vehicles manufactured since July 1976 are said to be in compliance with Standard No. 123.

No comments were received on the petition.

The decision of this agency in the petition by Cimatti, Ltd. (41 FR 11860), is dispositive of this case. There NHTSA affirmed that the purpose of Standard No. 123 is "to minimize accidents caused by operator error in responding to the motoring environment by standardizing certain controls and displays" (S2). The manual fuel shut off control has been standardized (Table 1). Although a motor-driven cycle is not required to have this control, if the manufacturer chooses to so equip his vehicle, the control must operate as the standard requires.

Controls and displays link the operator and the machine, and if there is confusion as to their location, interpretation, or operation, a dangerous situation may result. A cyclist, especially the novice and the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency.

Since standardization of control operation is a purpose of, and justification for, the standard, a noncomplying method of operation cannot be termed inconsequential. Batavus USA, Inc. has not met its burden of convincing this agency that the noncompliance is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 10, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-17201 Filed 6-15-77;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 77-8W; Notice 1]

TENNESSEE GAS PIPELINE CO.

Grant of Waiver From Federal Gas Pipeline Safety Standards

On February 15, 1977, the Tennessee Gas Pipeline Company telephonically requested a waiver from compliance with the preinstallation strength test requirements of 49 CFR 192.505(e) for certain

fabricated piping assemblies. The assemblies were to be installed at each end of a 500-foot gas pipeline being constructed near Katy, Texas, between Tennessee Gas's No. 100–3 pipeline and the Dow Gas Company's "Bronco pipeline."

Section 192.505(e) reads as follows:

> For fabricated units and short sections of pipe, for which a postinstallation test is impractical a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least 4 hours.

In Addition, § 192.503(a) provides, in part:

> No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced until:
>
> (1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure * * *.

Tennessee Gas stated in its telephone call and in a subsequent telegram that:

1. The assemblies include 8", 10", and 12" pipe pretested for at least 8 hours to 2,042 psig and 30" pipe pretested to 1,750 psig for at least 8 hours. The assemblies also include standard regularly manufactured pipe fittings.
2. The design maximum allowable operating pressure of the entire facility is 780 psig, however, the operating pressure is not expected to exceed approximately 680 psig.
3. The facility is to be installed in a Class 1 location but is to be built under Class 3 requirements as defined in 49 CFR 192.5.
4. All welds in the assemblies are to be 100 percent nondestructively tested.

Tennessee Gas further stated that the waiver is necessary to save at least 36 hours in installation time during the nationwide gas shortage, and thus speed the delivery of between 150,000 MCF and 300,000 MCF of natural gas to customers.

In consideration of (1) the high degree of safety afforded by the proposed construction in the absence of the strength test required by § 192.505; (2) the President's declaration of a National Gas Emergency (42 CFR 6789); and (3) the urgent need for immediate additional supplies of natural gas, it was determined that the requested waiver would not be inconsistent with gas pipeline safety and that it would be in the public interest. Therefore, effective February 16, 1977, Tennessee Gas was orally granted a waiver from § 192.505(e), thereby enabling it to operate the prefabricated piping assemblies consistent with the requirements of § 192.503(a). This notice establishes a record of that waiver. Regarding § 192.503(a), it should be noted that if, in the future, the piping assemblies are relocated or replaced, the waiver does not permit them to be returned to service without compliance with the applicable strength test requirements of § 192.505.

Tennessee Gas also requested that the waiver be assignable to the Columbia Gas Transmission Company to whom Tennessee Gas intends to transfer its interest in the piping assemblies. MTB does not believe that the granting of a waiver confers any assignable right or property interest on the grantee. Rather, a waiver establishes a particular rule for an operator based on specific circumstances. Although there is little precedent on this issue, it seems that once such a rule is established regarding a pipeline facility, it should continue in effect according to its terms for succeeding operators of the facility as long as the transfer does not alter the bases of the waiver. Since it is not conceivable that a transfer to Columbia Gas of the piping assemblies to which this waiver applies would change the bases of the waiver, if such a transfer is made, MTB would consider the waiver granted to Tennessee Gas to apply to Columbia Gas.

Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672(e)) authorizes the Secretary of Transportation to grant waivers from compliance with the Federal gas pipeline safety standards. Section 3(e) of the Act further provides that subchapter II of Chapter 5 of Title 5 of the United States Code shall apply to all orders "waiving compliance with any standard established under this Act." Therefore, in accordance with 5 USC 553(b), in view of the National Gas Emergency, the need for a waiver, and the shortness of time involved, notice and public procedure on the granting of this waiver would have been contrary to the public interest.

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 FR 1.53.)

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

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-17294 Filed 6-15-77;8:45 am]

Office of the Secretary

TASK FORCE REPORT ON MOTOR VEHICLE GOALS BEYOND 1980

Availability of Volume 3, Appendices and Revised Safety Panel Report

Purpose. This announcement is issued to make known the availability of copies of Volume 3, Appendices, and the Revised Safety Panel Report of the Task Force Report on Motor Vehicle Goals Beyond 1980.

Background. In September 1976, the draft "Report of the Federal Task Force on Motor Vehicle Goals Beyond 1980" was issued for public debate and comment under the auspices of the Energy Resources Council. Volumes 1 (Executive Summary) and 2 (Task Force Report) were available in quantity and were distributed to all who requested copies. Volume 3 (Appendices) were not available in quantity due to unforeseen delays. Volume 3 is now available in quantity.

The Revised Safety Panel Report was completed in November 1976 and initial distribution was made in early 1977. Additional copies are now available.

Requests for copies of these reports. To receive single copies of these reports, written or telephone requests should be directed to:

Facilities Management Branch (TAD-443), U.S. Department of Transportation, Washington, D.C. 20590. Phone: 202-426-9654.

Requests should indicate the volume desired by citing either, "Volume 3, Appendices," or "Revised Safety Panel Report" of the Task Force on Motor Vehicle Goals Beyond 1980.

Issued in Washington, D.C. on June 8, 1977.

W. H. CLOSE,
Project Leader,
Motor Vehicle Goals Task Force.

[FR Doc.77-17296 Filed 6-15-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211-13]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Part 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

On November 18, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. This application included the certification and exhibits required by the Loan Procedures. On December 6, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. This application included the certification and exhibits required by the Loan Procedures. On February 17, 1977 the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,333,400. This application included the certification and exhibits required by the Loan Procedures. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.

On April 25, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,888,400. This application included the certification and exhibits requested by the Loan Procedures. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $7,825,000, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $10,137,739.43. ConRail states that it will apply $9,202,404 of the new borrowings to the payment of certain non-employee related pre-conveyance obligations of the Central Railroad of New Jersey (CNJ), and $935,335.43 of the new borrowings to payment of certain employee-related pre-conveyance obligations of the CNJ.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before June 27, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 13th day of June, 1977.

EDWIN RECTOR,
Assistant Secretary,
U.S. Railway Association.

[FR Doc.77-17104 Filed 6-15-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 414]

ASSIGNMENT OF HEARINGS

JUNE 13, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36505, Pioneer Mills -v- The Atchison, Topeka and Santa Fe Railway Company now being assigned September 7, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 138635 Sub 34, Carolina Western Express, Inc. now being assigned September 12, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 108207 Sub 454, Frozen Food Express, Inc. now being assigned September 13, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 107993 Sub 49, J. J. Willis Trucking Co. now being assigned September 14, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 141084 Sub 4, National Freight Lines, Inc. now being assigned September 15, 1977 (2 days) at Los Angeles, California in a hearing room to be later designated.

MC 118288 Sub 47, Frost Truck Lines, Inc. now being assigned September 19, 1977 (2 days) at Los Angeles, California in a hearing room to be later designated.

MC 141804 Sub 42, Western Express now being assigned September 21, 1977 (3 days) at Los Angeles, California in a hearing room to be later designated.

MC 67818 Sub 85, Central Transport, Inc. now being assigned September 27, 1977 (9 days) at Lansing, Michigan in a hearing room to be later designated.

MC 134068 Sub 31, Kodiak Refrigerated Lines, Inc. now assigned July 18, 1977 at Seattle, Washington is being postponed to a date to be hereafter fixed.

MC 2900 (Sub-296), Ryder Truck Lines, Inc., now being assigned September 26, 1977 (2 weeks) at Charleston, West Virginia, in a hearing room to be later designated.

MC 98952 (Sub-39), General Transfer Company, now being assigned September 20, 1977 (1 day) at Springfield, Illinois, in a hearing room to be later designated.

MC 114211 (Sub-284), Warren Transport, Inc., now being assigned September 12, 1977 (1 week) at Des Moines, Iowa, in a hearing room to be later designated.

MC 142620, Bay View Orchards Cooperative, Inc. now being assigned September 22, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 115730 Sub 21, The Mickow Corp. now being assigned September 21, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 119632 Sub 71, Reed Lines, Inc. now being assigned September 20, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 113855 Sub 359, International Transport, Inc. now being assigned September 19, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 142686, Midwestern Transport, Inc. now being assigned September 16, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

AB 18 Sub 6, Chesapeake and Ohio Railway Company Abandonment Between Coleman and Union, Isabella County, Michigan and FD 27412, Chesapeake and Ohio Railway Company—Trackage Rights—A Line of Railroad of the Ann Arbor Railroad Company Between Mount Pleasant and Clare, In Isabella County, Michigan now being assigned September 13, 1977 (2 days) at Mt. Pleasant, Michigan in a hearing room to be later designated.

MC 52460 (Sub-186), Ellex Transportation, Inc.; MC 107515 (Sub-No. 1027), Refrigerated Transport Co., Inc.; MC 109365 Sub-40), Ronald A. Patterson, d/b/a Anthony & Patterson Truck Line; MC 113267 (Sub-340), Central & Southern Truck Lines, Inc.; MC 119493 (Sub-144), Mon Kem Company, Inc.; MC 119988 (Sub-97), Great Western Trucking Co., Inc.; MC 139495 (Sub-155), National Carriers, Inc. and MC 142207 (Sub-3), Gulf Coast Truck Services, Inc., now assigned June 27, 1977 at New Orleans, Louisiana, will be held in the East Court Room 223 U.S. Court of Appeals, 600 Camp Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17282 Filed 6-15-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 13, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43380—*Soda Ash from Points in Wyoming.* Filed by Western Trunk Line Committee, Agent, (No. A-2738), for interested rail carriers.

Rates on soda ash (other than modified soda ash), in bulk, in covered hopper cars, as described in the application, from Alchem, Stauffer, Tg Soda, and Westvaco, Wyoming, to East Tampa, Florida.

Grounds for relief—Market competition.

Tariff—Supplement 152 to Western Trunk Line Committee, Agent, tariff 134-R, I.C.C. No. A4949.

Rates are published to become effective on July 9, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17281 Filed 6-15-77;8:45 am]

[Notice No. 179]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer publications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 18, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77155, filed May 25, 1977. Transferee: Movers, Inc., doing business as H & R Transfer & Storage Co., 411 S. First St., Phoenix, Ariz. 85004. Transferor: H & R Transfer & Storage Co., Inc., 411 S. First St., Phoenix, Ariz. 85004. Applicants' representative: A. Michael Bernstein, Attorney at Law, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate of Registration No. MC-111883 Sub-No. 4, issued July 6, 1967, as follows: Household goods between points in the State of Arizona. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17283 Filed 6-15-77;8:45 am]

[Ex Parte No. MC-43]

MOTOR CARRIER LEASING BOARD

Lease and Interchange of Vehicles by Motor Carriers; Order

JUNE 6, 1977.

It appearing, that a petition has been filed by Kessell Transfer & Storage, Inc.

(MC-56383 and Subs 7 and 11), Transport Van Lines, Inc. (MC-126593 and Subs 2 and 3) and Ogden Transfer & Storage Co. (MC-75138 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 have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the Motor Carrier Safety Regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation offers no objection to a grant of the petition based on an examination of petitioners' records;

It further appearing, that no enforcement action is pending involving the fitness of petitioners;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 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 U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those 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.77-17301 Filed 6-15-77;8:45 am]

[Notice No. 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 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, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 290TA), filed May 24, 1977. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between plant sites and warehouse facilities of Eli Lilly & Co. located at Clinton and LaFayette, Ind., on the one hand, and, on the other, points in the states of Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia (restricted to freight originating or destined to the plant site and warehouse facilities of Eli Lilly & Co., in Clinton and LaFayette, Ind.), for 180 days. Supporting shipper: Eli Lilly and Company, 1200 Kentucky Avenue, Indianapolis, Ind. 46202. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 47583 (Sub-No. 48TA), filed May 24, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass marbles*, from the plant site and storage facilities of Johns Manville Sales Corp., at or near Cleburne, Tex., to the plant site and storage facilities of Johns Manville Sales Corp., at or near McPherson, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johns Manville Sales Corp., Ken-Caryl Ranch, Denver, Colo. 80217. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 52704 (Sub-No. 144TA), filed May 20, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Opelika Hwy., Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246—1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds and absorbents* (except in bulk) from the plantsite of Oil-Dri Corporation of America at or near Ochlocknee, Ga., to points in Florida (except Jacksonville), North Carolina, South Carolina, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, I. C. C., Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 95743 (Sub-No. 29TA), filed May 25, 1977. Applicant: WILLIAM F. MEHRING & SONS, INC., Route 1, Box 3, Keymar, Md. 21757. Applicant's representative: Charles U. Mehring (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous asphalt hot mix*, in bulk, in dump vehicles, from Boonsboro, Md., to Berkeley and Jefferson Counties, W. Va., for 180 days. Supporting shipper(s): Mr. Sidney M. Ridenour, Vice President, Richard F. Kline, Inc., P.O. Box 665, Frederick, Md. 21701. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 100666 (Sub-No. 348TA), filed May 23, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, fencing and fencing materials*, from Edenton, N.C., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Atlantic Forest Products, 6540 Powers Ferry Road, Suite 200, Atlanta, Ga. 30339. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 108393 (Sub-No. 121TA), filed May 18, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: T. B. Hills (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, except commodities in bulk, in tank vehicles, (1) between St. Paul, Minn., on the one hand, and, on the other, Danville, Ky.; Benton Harbor, Detroit and St. Joseph,

Michigan; and Cleveland, Clyde, and Findlay, Ohio, (2) from St. Paul, Minn., to Peoria, Ill.; Indianapolis, Indiana; St. Louis, Mo.; Charlotte and Greensboro, North Carolina; and Cincinnati and Columbus, Ohio, (3) from Searcy, Ark.; Ottawa, Ill.; Columbus, Ind.; Cynthiana and Winchester, Ky.; Waynesville, N.C.; Cambridge, Ohio and Anderson, S.C.; to St. Paul, Minn., under a continuing contract or contracts with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporated Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St. Rm. 1386, Chicago, Ill. 60604.

No. MC 112184 (Sub-No. 53TA), filed May 17, 1977. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, 11250 Kinsman Rd., Newbury, Ohio 44065. Applicant's representative: John McMahon, 100 Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Cleveland, Ohio, to ports of entry on the United States-Canada Boundary line at Detroit, Mich. and also points which lie between Buffalo and Youngstown, N.Y., and including Buffalo and Youngstown, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: PPG Industries, Inc., 3800 West 143 Street, Cleveland, Ohio 44111. Send protets to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 113267 (Sub-No. 349TA), filed May 17, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Mr. Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A & C, Apendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities of Stark-Wetzel Foods (Division of The Rath Packing Company), at Indianapolis, Ind., to points in the states of Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: The Rath Packing Company, P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Mr. Floyd A. Johnson, district Supervisor, Interstate Commerce Commission, 100 North Main St., 100 North Main Building, Suite 2006, Memphis, Ten. 38103.

No. MC 113528 (Sub-No. 30TA), filed May 23, 1977. Applicant: MERCURY FREIGHT LINES, INC., 67 Midtown Park East, P.O. Box 124, Mobile, Ala. 36601. Applicant's representative: Joy Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Baton Rouge, La., and a fifteen mile radius thereof, serving no intermediate points. From Dallas over Interstate Highway 20 to its junction with U.S. Highway 71 at or near Shreveport, La. (also over U.S. Highway 80 to its junction with U.S. Highway 71 at or near Shreveport, La.), thence over U.S. Highway 71 to its junction with U.S. Highway 190 at or near Krotz Springs, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route. Applicant does intend to tack the authority applied for herein with its existing authority in MC–113528 and interline with other carriers at Ft. Worth-Dallas, Tex., and Baton Rouge, La., for 180 days. Supporting shipper(s): There are approximately sixty-one (61), supporting shippers 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: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

No. MC 115162 (Sub-No. 366TA), filed May 23, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground clay, floor sweeping compounds and absorbents* (except in bulk), and (2) *floor sweeping compounds and absorbents* (except in bulk), (1) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ochlocknee, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ripley, Miss., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, I.C.C., Room 1616 – 2121 Building, Birmingham, Ala. 35203.

No. MC 117940 (Sub-No. 221TA), filed May 24, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in packages, (2) *pepper*, in packages, in mixed loads with salt in packages, and (3) *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt in packages (except commodities in bulk), from the facilities of Morton Salt Company at Silver Springs, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Salt Company, A Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119094 (Sub-No. 5TA), filed May 20, 1977. Applicant: CLARENCE S. WINTERSTEEN, doing business as WINTERSTEEN COMPANY, 1st. St. and Park Ave., P.O. Box 802, Bemidji, Minn. 56601. Applicant's representative: Sheldon D. McRae, Sr., 204 Fifth St., P.O. Box 684, Bemidji, Minn. 56601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and advertising material* from Milwaukee, Wis., to Bemidji, Minn. under a continuing contract or contracts with Bemidji Distributing Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bemidji Distributing Company, Inc., 305 Park Ave., Bemidji, Minn. 56601. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119619 (Sub-No. 108TA), filed May 18, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses* described in Sections A & C of Appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766, (except hides and commodities in bulk), from St. Louis, Mo. and points in the St. Louis, Mo. Commercial Zone to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, Rhode Island, North Carolina, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: Krey Packing Company, Regina D. Kane, Traffic Manager, 3607 N. Florissant Ave., St. Louis, Mo. 63107. Send protests to: Transportation Assis. Pa-

tricia, A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 119789 (Sub-No. 350TA), filed May 19, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Martinsville, La., to points in Illinois, Michigan, Missouri and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper, Cajun Chef Products, Inc., P.O. Box 248, St. Martinsville, La. 70582. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 123544 (Sub-No. 10TA), filed May 10, 1977. Applicant: BERTSCH TRUCKING, INC., P.O. Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and implements and parts thereof*, from Fargo, N. Dak. to points in the United States (except Alaska and Hawaii), and (2) *damaged or defective farm machinery and implements and parts thereof*, from points in the United States (except Alaska and Hawaii), to Fargo, N. Dak., under a continuing contract or contracts with Versatile Manufacturing, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Versatile Manufacturing, Ltd. 1260 Clarence Ave., Winnipeg, Manitoba, Canada. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124947 (Sub-No. 59TA), filed May 24, 1977. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, P.O. Box 2338 East, Peoria, Ill. 61611. Applicant's representatives: T. M. Brown, 223 Cuidad Bldg., Okla. City, Okla. 73112; David J. Lister, 1945 S. Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers*, except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T.E. Mercer and G.E Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, 543, from the plantsite and shipping facilites of Tyler Pipe Company located at or near Tyler, TX to Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, Montana, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tyler Pipe Co., Tyler, TX. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, OK 73102.

No. MC 125543 (Sub-No. 11TA), filed May 20, 1977. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, Wis. 53186. Applicant's representative: David V. Purcell, 111 E. Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by wholesale and retail food business houses and restaurant equipment and supplies from Cook and DuPage Counties, Illinois, Milwaukee and Waukesha Counties, Wisconsin and Appleton, Beaver Dam, Deloit, Bonduel, Columbus, Eau Claire, Germantown, Green Bay, Menasha, Neenah, Watertown, and Whitewater, Wisconsin to points in the Upper Peninsula of Michigan, restriction the operations authorized herein are limted to a transportation service to be performed under a continuing contract or contracts with Portion Control, Inc., of Ishpeming, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Portion Control, Inc., 602 Euclid, Ishpeming, Mich. 49849, (Edward M. Berres). Send protests to: Gail Daugherty, Transportation Asst. Interstate Commerce Commission, Bureau of Operation, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 126118 (Sub-No. 42TA), filed May 16, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Louisville, Ky., and its commercial zone to Wake County, and Wilkes County, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carl Renfro, Manager, Northwestern Distribution, Inc., Box 369, North Wilkesboro, N.C. 28659. Roger Warlick, President, Capital Distribution, Raleigh, N.C. 27611. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Contennial Mall North, Lincoln, Nebr. 68508.

No. MC 134922 (Sub-No. 230TA), filed May 23, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Tile, and tools* used in the installation of tile (except commodities in bulk and those which because of size or weight require the use of special equipment), from the plantsite and storage facilities of American Olean Tile at or near Jackson, Tenn., to points in the states of Washington, Oregon, California, Nevada, Idaho, Utah and Arizona, for 180 days. Supporting shipper: American Olean Tile, 1000 Cannon Avenue, Lansdale, Pa. 19446. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136086 (Sub-No. 8TA), filed May 18, 1977. Applicant: Bacil Guiley, doing business as GUILEY TRUCKING, 8615 Pecan Ave., Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dies and die molds* used in the manufactue and processing of steel roofing, siding and floor decking in mixed shipments with steel roofing, siding and floor decking, between the plantsites of Verco Manufacturing, Inc., at Phoenix, Ariz., Fontana, Calif., and Everett, Wash., (2) *pre-painting solvent or solvent or solution* used in the manufacture or processing of steel roofing, siding and floor decking (except in bulk), from Los Angeles, Calif., and Oakland, Calif., to the plantsite of Verco Manufacturing, Inc., at Phoenix, Ariz., (3) *steel roofing, siding and floor decking*, from the plantsite of Verco Manufacturing, Inc., at Everett, Wash., to points in Nevada, under a continuing contract or contracts with Verco Manufacturing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Verco Manufacturing, Inc., 4340 North 42nd Ave., Phoenix, Ariz. 85019. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Rm. 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136086 (Sub-No. 9TA), filed May 18, 1977. Applicant: Bacil Guiley, doing business as GUILEY TRUCKING, 8615 Pecan Ave., Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mobile home and travel trailer chassis components*, from Whittier, Calif., and points in the Los Angeles Harbor Commercial Zone, Calif., as defined by the Commission, to Phoenix and Casa Grande, Ariz., with no transportation for compensation, on return except as otherwise authorized, under a continuing contract or contracts with Zieman Manufacturing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Zieman Manufacturing Company, 7909 Painter Ave., Whittier, Calif. 90602. Send protests to: Irene Carlos, Transportation Assist., Interstate Commerce Commission, Rm. 1321 Federal Building, 300

North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138991 (Sub-No. 21TA), filed May 23, 1977. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representatives: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers*, from Hightstown, N.J., to Geneva, Ohio; and (2) *Non-carbonated beverages* (except alcoholic beverages) from Geneva, Ohio to all points in New York on and west of Interstate 81 and all points on and west of Route 15 in Pennsylvania and from Hightstown and Vincentown, N.J., to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putman, Rockland, Westchester, Nassau and Suffolk Counties, N.Y., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Coca-Cola Company Foods Division of Hightstown, N.J. Supporting shipper: The Coca-Cola Co. Foods Division, 480 Mercer St., Hightstown, N.J. 08520. Send protests to: Mr. Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 S. Clinton St., Rm. 1259, Syracuse, N.Y. 13202.

No. MC 139112 (Sub-No. 12TA), filed May 23, 1977. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cast acrylic sheet*, from Stamford, Conn., and Hackensack, N.J., to San Francisco and Los Angeles, Calif., and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Polycast Technology Corporation, 69 Southfield Avenue, Stamford, Conn. 06902. 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 142258 (Sub-No. 3TA), filed May 17, 1977. Applicant: DALE BLAND TRUCKING, INC., R. R. 1, Switz City, Ind. 47465. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Butler and Ohio Counties, Ky., to the Alcoa plantsite at or near Evansville, Ind., and to the Gibson Generating Station of Public Service Indiana, located near Princeton, Ind. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tri-Coal Energies, Inc., Box 37, Alvaton, Ky. 42122; and Kentucky Pioneer Coal Company, 1215 Citizens Plaza, Louisville, Ky. 40202. Send protests to: William S. Ennis D/S, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 143041 (Sub-No. 1TA), filed May 18, 1977. Applicant: Byron G. Davenport, doing business as DRILLING AND MINING INTERNATIONAL, P.O. Box 1901, 1350 Sage St., Unit S., Rock Springs, Wyo. 82901. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, restricted against commodities in bulk, commodities which by reason of their size and weight require the use of special equipment and limited to a "hot shot service" on commodities weighing less than 5,000 pounds, from Rock Springs, Wyo., to Colorado and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Land and Marine Rental Co., 1912 Elk Street, Rock Springs, Wyo. 82901; Mid-Continent Supply Co., 240 Industrial Drive, Rock Springs, Wyo. 82901; Baker Service Tools, 420 Mitchelson Street, Rock Springs, Wyo. 82901; and Dowell a Div. of Dow Chemical, 1145 Elk Street, Rock Springs, Wyo. 82901. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg. & Crt House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 143151 (Sub-No. 2TA), filed May 18, 1977. Applicant: MICHIGAN CONTRACT CARRIERS, INC., P.O. Box 9086, Wyoming, Mich. 49509. Applicant's representative: Karl Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, between Plymouth, Ind., and Bentheim, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin, under a continuing contract or contracts with Pilgrim Farms, Inc., with the privilege of returning raw materials for manufacturing or processing foodstuffs, to Plymouth, Ind. and Bentheim, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pilgrim Farms, Inc., Plymouth, Ind. 46563. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 143158TA, filed May 23, 1977. Applicant: NOEL TRANSPORT, INC., 1001 S. 1st Street, Yakima, Wash. 98901. Applicant's representative: Richard L. Wiehl, Halverson, Applegate & McDonald, 415 N. 3rd Street, P.O. Box 526, Yakima, Wash. 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and bottled beverages* other than alcoholic, and *material, equipment, and supplies* used in the soft drink business; (2) the return transportation of *empty bottles, containers, pallets*, or *similar shipping devices;* and (3) *commodities* as are exempt under Section 203(b)(6) of the Interstate Commerce Act, as amended by the Transportation Act of 1958 whenever in the same vehicle. Restriction: All carriage limited to the account of the Noel Canning Corporation and its subsidiary, Pepsi Bottling Co. of Yakima. From Yakima, Wash., to the following points in California: Yreka and the San Francisco Bay Area, and from said points in California to Yakima, Wash. From Yakima, Wash., to the following points in Oregon: The Dalles, Pendleton, Hood River, La Grande, Portland, Bend, Baker, Salem, Astoria, Canyon City, Tillamook, Eugene, Newport, Klamath Falls, Roseburg, Winston, North Bend, Grants Pass, Medford, White City, Brookings, Albany, Kalma, and Ontario, and from said points in Oregon to Yakima, Wash. From Yakima, Wash., to the following points in Idaho; Lewiston, Couer D'Alene, Payette, Boise, Mt. Home, Twin Falls, Pocatello, Idaho Falls, Moscow, and Farragut, and from said points in Idaho to Yakima, Wash. From Yakima Wash., to the following points in Montana; Missoula, Kalispell, Anaconda, Helena, Butte, Great Falls, Bozeman, Shelby, Livingston, Billings, Havre, Lewiston, Libby, Laurel, and Miles City, and from said points in Montana to Yakima, Wash. From Yakima, Wash., to the following points in Nevada; Winnemucca, Ely, Elko, and Reno, and from said points in Nevada to Yakima, Wash. From Yakima, Wash., to the following points in Wyoming: Gillette and Casper, and from said points in Wyoming to Yakima, Wash. From Yakima, Wash., to the following points in Alaska: Anchorage, Fairbanks, and Ketchikan, and from said points in Alaska to Yakima, Wash., for 180 days. Supporting shipper: Pepsi Cola Bottling Co., Yakima, Wash. 98901. Noel Canning Corporation, Yakima, Wash. 98901. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143227R (Sub-No. 1TA), filed May 17, 1977. Applicant: GARLAND L. ENOX, 409 Ash Lane, Euless, Tex. 76039.

Applicant's representative: Richard T. Churchill, 3000 Sandage St., Fort Worth, Tex. 76109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well down-hole equipment; replacement and spare parts* for oil field service equipment on an emergency basis; other products which are used, distributed or manufactured by Otis for use in oil fields; and intercompany mail, memos, bills, invoices, legal documents; and other accounting materials, limited to exclusives use of equipment both outbound and return with designated equipment, restricted to a transportation service to be performed under a continuing contract or contracts with Otis Engineering Corporation, from the plantsite of Otis Engineering Corporation at Belt Line and Webbs Chaple Rd., Carrollton, Tex., to the plaintsites of Otis Engineering Corp., at 5600 Opelousas, Lake Charles, La.; 1505 Weeks Island Rd., New Iberia, La.; Highway 90 East, Petterson-Bayou Vista, La.; Highway 90 East Houma, La.; and Highway 23 South Belle Chasse, La. and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Otis Engineering Corporation, P.O. Box 34280, Dallas, Tex. 75234. Send protests to: Robert J. Kirspel, District Supervisor, Rm. 9A27, Federal Building, 819 Taylor St., Fort Worth, Tex 76102.

No. MC 143229 (Sub-No. 1TA), filed May 20, 1977. Applicant: ANDERSON CARTAGE COMPANY, 3976 Ulster Street, Denver, Colo. 80207. Applicant's representative: Robert G. Shepherd, Jr., 600 South Cherry St., No. 711, Denver Colo. 80222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished electrical components* (capacitors), from Stapleton International Airport, Denver, Colo., to the plant site or facilities of TRW Capacitors, TRW, Inc., at or near Ogallala, Nebr., and *materials, equipment and supplies* used in the manufacture of electrical components from the plant site or facilities of TRW Capacitors, TRW, Inc. at or near Ogallala, Nebr., to Stapleton International Airport, Denver, Colo., for 180 days. Restriction: Transportation service rendered hereunder shall be restricted to shipments having a prior or subsequent movement by air and against commodities in bulk. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: TRW Capacitors, TRW, Inc., 301 West "O" Street, Ogallala, Nebr. 69153. Send protests to: Herbert C. Ruoff, District Supervisor, I.C.C., 492 U.S. Customs Bldg., 721 19th Street, Denver, Colo. 80202.

No. MC 143289TA, filed May 19, 1977. Applicant: FEDERATED TRANSPORT SYSTEMS, 800 South McGary St., Los Angeles, Calif. 90021. Applicant's representative: Warren N. Grossman, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished piece goods*, from points in North Carolina, South Carolina, and Georgia to Los Angeles County, Calif., and (2) *finished piece goods*, from Los Angeles County, Calif., to points in North Carolina, South Carolina, and Georgia, under a continuing contract or contracts with Concord Fabrics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Concord Fabrics, Inc., 1411 Broadway, New York, N.Y. 10018. Send protests to: Irene Carols, Transportation Assistant, Interstate Commerce Commission, Rm. 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143292TA, filed May 18, 1977. Applicant: JOE MAZZARO doing business as MAZZARO'S REFRIGERATED SERVICE, 1120 N.E. 140th St., North Miami, Fla. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains, guava paste, canned goods and coffee*, from Miami, Fla., to points and places in the State of California, under a continuing contract or contracts with Caribbean Pacific Atlantic Importers, for 180 days. Supporting shipper: Caribbean Pacific Atlantic Importers, C.P.A. Inc., 1266–1286 Produce Row, Los Angeles, Calif. 90021. Send protests to: Donna M. Jones, Transportation, Asst. Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd. Terrace, Miami, Fla. 33166.

PASSENGER APPLICATION

No. MC 143296 (Sub-No. 1TA), filed May 23, 1977. Applicant: PEACH STATE BUS LINES, INC., 151 Mills Street, N.W., Atlanta, Ga. 30313. Applicant's representative: Alvin Barnes, 323 Bromack Drive, S.E., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter coach service, from Atlanta, Ga. and 25 miles thereof to points in Alabama, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and Wisconsin, and return terminating in Atlanta, Ga., and 25 miles thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Henderson Travel Service, 3175 Middleton Road Apt. 2, Atlanta, Ga. 30311; Spectrum Services, Inc., 1256 University Dr., Atlanta, Ga. 30306; Las Damas Encantadas, 184 Chicamauga Avenue, S.W., Atlanta, Ga. 30314; Truck Stop Boys Lodge, 26 Peachtree Place, N.W., Atlanta, Ga. 30309; Ladies of the Hour, 5155 Cotter Drive, Union City, Ga. 30291; Sophisticated Ladies, 189 South Lake Dr., Jonesboro, Ga. 30236; Ben Hill Social Club, 1937 County Line Rd., S.W., Atlanta, Ga. 30331. SEND PROTESTS TO: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Rm. 546, Atlanta, Ga. 30309.

By the Commission

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17280 Filed 6-15-77;8:45 am]

[Volume No. 21]

JUNE 10, 1977.

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before July 18, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 111981 and (Sub-No. 8) (Notice of filing of petition to modify commodity descriptions), filed May 5, 1977. Petitioner: ROBIDEAU'S EXPRESS, INC., S.E. C. Front and Oregon Ave., Philadelphia, Pa. 19148. Petitioner's representative: Alan Kahn (same address as applicant). Petitioner holds motor *common carrier* Certificates in No. MC 111981 and (Sub-No. 8), issued July 1, 1958 and April 26, 1965, respectively, authorizing transportation: (1) in MC 111981, as pertinent, over irregular routes, of *frozen foods*, (a) from Philadelphia, Pa., to points in Lancaster and Lebanon Counties, Pa., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., those in Pennsylvania in and east

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of Chester, Berks, Schuylkill, Carbon, and Monroe Counties, Pa., and those in New Castle County, Del., and Cecil County, Md. (except those south of the Chesapeake and Delaware Canal); and (2) in MC 111981 (Sub-No. 8), as pertinent, over irregular routes, of *meats and meat products and frozen foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia and Doylestown, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia and the District of Columbia; and *frozen foods*, from Braddock, Glassboro, and Hammonton, N.J., to points in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify that part of the commodity descriptions of both of the above certificates that read *"Frozen foods"*, to read *"Foods* in vehicles equipped with mechanical refrigeration."

No. MC 113784 (Sub-No. 55) (Notice of filing of petition to modify certificate), filed May 6, 1977. Petitioner: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario, Canada L8L 4M1. Petitioner's representative: David A. Sutherland, 1150 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 113784 (Sub-No. 55), issued October 23, 1975, authorizing transportation over irregular routes, of *dry commodities*, in bulk, in dump vehicles, between ports of entry on the United States-Canada Boundary line, located in Michigan and New York, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to transportation of traffic originating at or destined to points in Canada, and restricted against the transportation of finished refractory products and nepheline syenite. By the instant petition, petitioner seeks to modify the authority above in the following ways: (1) Remove from the commodity description the language "in dump vehicles," (2) add to the territorial description points in Iowa, Michigan and Minnesota, and (3) remove the restriction against the transportation of "finished refractory products and nepheline syenite."

No. MC 114569 (Sub-Nos. 30 and 60) (Notice of filing of petition to delete plantsite limitation), filed May 2, 1977. Petitioner: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Petitioner's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Petitioner holds motor *common carrier* Certificates in No. MC 114569 (Sub-Nos. 30 and 60) issued May 15, 1962 and June 4, 1964, respectively, authorizing transportation: (1) in MC 114569 (Sub-No. 30) over irregular routes, of *metal grass stops* (in rolls), *metal shovels*, and *building materials* made of sheet metal, no single piece to weight more than 2,000 pounds, from the plantsites of Penn Supply & Metal Corporation located at Philadelphia, Pa., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas and Wisconsin; and (2) in No. MC 114569 (Sub-No. 60) over irregular routes, of *Sheet metal pipe, duct, fittings, and parts for heating, cooling, and ventilating equipment*, no single piece to weigh more than 2,000 pounds, *sheet metal down spouts, gutters, fittings, and fasteners* therefor, and *advertising matter* relative to, and when moving in the same vehicle with the above-named commodities, from the plant site of the Acme Manufacturing Company located at Philadelphia, Pennsylvania, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. By the instant petition, petitioner seeks in both of the above Certificates to delete the origin plantsite limitations so that the origins will read: "from Philadelphia, Pa."

No. MC 129480 (Sub-No. 14) (Notice of filing of petition for modification of commodity description), filed May 6, 1977. Petitioner: TRI-LINES EXPRESSWAYS LTD., 550 71st. Ave., SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada T2H OS6. Petitioner's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1600 Lincoln St., Denver, Colo. 80264. Petitioner holds a motor *common carrier*, Certificate in No. MC–129480 (Sub-No. 14), issue August 26, 1976, authorizing transportation, as pertinent, over irregular routes, of *Lumber, lumber products, and forest products*, between the ports of entry on the International Boundary Line between the the United States and Canada located in Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming, restricted to the transportation of shipments originating at or destined to the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, Canada. By the instant petition, petitioner seeks to modify that portion of the commodity description to read *"Lumber, lumber products, wood products, and forest products."*

No. MC 139349 (Sub-No. 2) (Notice of filing of petition to add an additional base point and add an additional contract shipper), filed May 5, 1977. Petitioner: JAYMAR TRUCKING CO., INC., 134 Garfield Ave., Jersey City, N.J. 07305. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 139349 (Sub-No. 2) issued November 8, 1974, authorizing transportation, as pertinent, over irregular routes, of *lighting fixtures and lamps, and equipment, materials, and supplies* used in the manufacture and sale (except commodities in bulk), between Jersey City and Kearny, N.J., on the one hand, and, on the other, points in Louisiana, Minnesota, and Texas, and those points in the United States east of the Mississippi River, under a continuing contract, or contracts, with Lightolier, Inc., of Jersey City, N.J. By the instant petition, petitioner seeks (1) to add West Orange, N.J., as an additional base point to the above authority; and (2) to add Energix Lighting Industries, located at West Orange, N.J., as an additional contract shipper to the above authority.

No. MC 142953 (Notice of filing of petition to add and additional destination state), filed April 13, 1977. Petitioner: C. A. CARTER, INC., 239 Broadturn Rd., West Scarborough, Maine 04074. Petitioner's representative: Carl A. Carter (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 142953, issued May 20, 1977, authorizing transportation over irregular routes, of *scrap metals*, (1) from points in Maine, to points in Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; and (2) from points in Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont, to the facilities of Saco Steel Company located at or near Saco, Maine. By the instant petition, petitioner seeks to add Massachusetts as a destination state to part (1) of the above authority.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 18, 1977. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 61592 (Sub-No. 385) (Republication), filed Mach 22, 1976, published in the Federal Register issue of April 22, 1976, republished in the FR issue of September 16, 1976 as amended, and republished this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind.

46204. An Order of the Commission, Review Board Number 1, dated May 26, 1977, and served June 2, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *industrial and commercial waste containers, and roll-off hoists*, from the plant site of Galbreath, Incorporated, at or near Winamac, Ind., to points in Arizona, California, Colorado, Iowa, Delaware, Idaho, Kansas, Louisiana, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of industrial and commercial waste containers, and roll-off hoists, in the reverse direction; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Colorado as an additional origin state in (2) above in applicant's grant of authority.

No. MC 140474 (Sub-No. 2) (Partial corrected republication), filed January 2, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, republished in the FEDERAL REGISTER of June 3, 1977, and republished in part as corrected this issue. Applicant: C. E. JOHNSON, 704 North First, Osborne, Kans. 67473. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. The purpose of this partial correction of the republication of this proceeding in FEDERAL REGISTER issue of June 3, 1977, is to indicate that Ohio was omitted as a destination state in part (2) of the republication. The rest of the republication remains the same as published June 3, 1977.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 409 (Sub-No. 63), filed May 10, 1977. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Saunders Avenue and Highway 6, Sutton, Nebraska 68979. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebraska 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 Omaha, Nebraska to points in Colorado, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 1838 (Sub-No. 11), filed April 27, 1977. Applicant: S & K TRANS. INC., P.O. Box 208, 13557 Bloomingdale, Akron, New York 14001. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Massachusetts 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *building materials*, (except commodities in bulk, in tank trucks), between the facilities used by MacMillan Bloedel Building Materials located in the United States on the one hand, and on the other, points in the United States (except Alaska and Hawaii), and all ports of entry on the International Boundary Line between the United States and Canada, for furtherance to all points in Canada, under a continuing contract or contracts with MacMillan Bloedel Building Materials.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 2860 (Sub-No. 157), filed May 4, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, New Jersey 08360. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: paper, paper articles and related articles, plastic articles and rubber articles (except commodities in bulk): (1) from the plantsites of Malanco East, Inc., Vineland, New Jersey, and Malanco South, Inc., Madison, Georgia, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, and (2) between the plantsite of Malanco East, Inc., Vineland, New Jersey, and the plantsite of Malanco South, Inc., Madison, Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Georgia, Washington, D.C., or Baltimore, Maryland. Common control may be involved.

No. MC 2860 (Sub-No. 159), filed May 5, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, New Jersey 08360. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper and composite*, and *container closures, container components* and *materials and supplies* used in the manufacture or distribution of containers from the plant and warehouse sites of Continental Can Company U.S.A. a member of the Continental Group, Inc., located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill.; Burns Harbor, Chesterton, Elwood, and Portage, Ind.; Kansas City and Lenexa, Kans.; Louisville, Ky.; Shoreham, Mich.; Arden Hills, Mankato, and St. Paul, Minn.; St. Joseph and St. Louis, Mo.; Omaha, Nebr.; Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville and Worthington, Ohio; Oil City and West Mifflin, Pa.; La Crosse, Milwaukee and Racine, Wis. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Chicago, Ill.

No. MC 2900 (Sub-No. 302), filed May 10, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *regular* routes, transporting: *General commodities* (except house-

hold goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment) : Serving the plant site and warehouse facilities of Northern Electric Company, located at or near Waynesboro, Miss. as an off route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Atlanta, Ga. or Washington, D.C.

No. MC 4963 (Sub-No. 52), filed April 18, 1977. Applicant: ALLEGHANY CORPORATION, d/b/a JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fayette and Greene County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware; those in Illinois on and south of a line beginning at New Boston, Ill., and extending along Illinois Highway 17 to Junction U.S. Highway 34 at or near Nekoma, Ill., thence along U.S. Highway 34 to Chicago, Ill., including points on the indicated portion of the highways specified; Indiana; those in Maryland east of a line beginning at the Maryland-Pennsylvania State Line and extending along Maryland Highway 45 to Cockeysville, Md., thence along Maryland Highway 45 to Baltimore, Md., those in part of Maryland east of the Susquehanna River and Chesapeake Bay, those on U.S. Highway 140 between Baltimore, Md. and Reistertown, Md., those on Maryland Highway 30 between Reistertown, Md. and the Maryland-Pennsylvania State Line, and those on U.S. Highway 1 between Baltimore, Md., and Washington, D.C.; Massachusetts; Jackson and Flint, Mich., and points in Michigan within thirty (30) miles of Detroit, Mich.; St. Louis, Mo.; points in New Hampshire within fifteen (15) miles of Manchester, N.H.; points in New Jersey, (except those in Atlantic and Cape May Counties, N.J.); Buffalo, N.Y., those in New York within eighty (80) miles of Erie, Pa., and those in New York within one hundred and fifty (150) miles of Scranton, Pa.; North Carolina; Toledo, Ohio, those in Ohio within twenty (20) miles of Akron, Cleveland and Warren, Ohio respectively, those in Ohio within thirty (30) miles of Canton, Ohio; Rhode Island, Bristol, Tenn.; Virginia; and points in Beech Bottom, Weirton and Wheeling, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Uniontown, Pa. and Washington, D.C.

No. MC 16513 (Sub-No. 19), filed May 10, 1977. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, N.J. 08110. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, paperboxes* and *partitions* (except commodities in bulk) from the plantsite of Anchor Hocking Glass Corporation located at Salem, N.J., to South Volney and Syracuse, N.Y., and returned shipments of the commodities described above from South Volney and Syracuse, N.Y., to the plantsite of Anchor Hocking Glass Corporation at Salem, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Philadelphia, PA, or Washington, D.C.

No. MC 19227 (Sub-No. 236), filed May 9, 1977. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, P.O. Box 520602, Miami, Florida 33152. Applicant's representative: Thomas A. Leonard, 2515 N.W. 20th Street, Miami, Florida 33152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment, and parts and accessories for such commodities*, from the plantsite and facilities of the Fuller Company located in Houston, Texas to points in Alabama, Colorado, Idaho, Illinois, Indiana, Iowa., Kentucky, Michigan, Minnesota, Montana, Nevada, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin and Wyoming and shipments of refused or rejected items on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex.; Dallas, Tex.; or Washington, D.C.

No. MC 24379 (Sub-No. 42), filed April 28, 1977. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14510 West Eight Mile Rd. Oak Park, Mich. 48232. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Napoleon, Ohio and Toledo, Ohio, over U.S. Highway 24, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—Applicant states it presently serves Napoleon, Ohio in regular route operations over U.S. Highway 6 and applicant presently serves Toledo, Ohio in regular route operations over U.S. Highway 20. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 24379 (Sub-No. 43), filed April 28, 1977. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14510 West Eight Mile Rd., Oak Park, Mich. 48212. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving Mansfield, Ohio as an off-route point in connection with presently authorized service over U.S. Highway 224.

NOTE.—Applicant is presently authorized to serve Mansfield, Ohio pursuant to irregular route authority granted in Docket MC-24379 Sub 39 via a gateway at Medina, Ohio. Applicant seeks to eliminate this gateway by virtue of this application. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 27817 (Sub-No. 131), filed May 5, 1977. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, Pennsylvania 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods), from Hanover, Pa., and points in Adams County, Pa., to points in the lower peninsula of Michigan, restricted to traffic originating at and destined to the above-named origins and destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 30605 (Sub-No. 161), filed May 4, 1977. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: Bertram S. Silver, 256 Montgomery Street, San Francisco, California 94104. Authority sought to operate as *common carrier*, by motor vehicle, over regular routes, in the transportation of *general commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

(1) Between Los Angeles, California, and Winslow, Arizona, serving all intermediate points. From Los Angeles via U.S. Highway 66 to Winslow and return via the same route. From Los Angeles via Interstate Highway 10 to Colton, thence Interstate Highway 15 to Barstow, thence Interstate Highway 40 to Winslow and return via the same route.

(2) Between Los Angeles, California, and Phoenix, Arizona, serving intermediate points of Blythe, California, and Salome, Aguila, and Wickenburg, Ariz. From Los Angeles via U.S. Highway 60 via Indio, California, to Phoenix, and return via the same route. From Los Angeles via Interstate Highway 10 to Phoenix and return via the same route.

(3) Between Phoenix, Arizona, and Grand Canyon, Arizona, serving all in-

termediate points and the off-route points of Hillside, Kirkland, Skull Valley, and Iron Springs, Ariz. From Phoenix via U.S. Highway 89 to junction of Arizona Highway 64, near Williams, thence via Arizona Highway 64 to Grand Canyon and return via the same route.

(4) Between Prescott, Arizona, and Camp Verde, Arizona, serving intermediate points of Jerome, Clarkdale and Cottonwood, Arizona. From Prescott via U.S. Highway 89A to its junction with Arizona Highway 279, thence via Arizona Highway 279 to Camp Verde, and return via the same route.

(5) Between Winslow, Arizona and Albuquerque, New Mexico, serving all intermediate points. From Winslow via U.S. Highway 66 to Albuquerque and return via the same route. From Winslow via Interstate Highway 40 to Albuquerque and return via the same route.

(6) Between Willard, New Mexico, and Canyon, Texas serving all intermediate points. From Willard via U.S. Highway 60 to Canyon, and return via the same route.

(7) Between Dallas, Texas, and Amarillo, Texas, serving all intermediate points, except no service to Abilene, Texas. From Dallas via U.S. Highway 80 to Ft. Worth, thence via U.S. Highway 377 to Stephenville, thence via U.S. Highway 67 to Brownwood, thence via U.S. Highway 84 to Lubbock, thence via U.S. Highway 87 (I-27) to Amarillo, and return via the same route.

(8) Between Lubbock, Texas, and Seagraves, Texas, serving all intermediate points. From Lubbock via U.S. Highway 62 to Seagraves, and return via the same route.

(9) Between Lubbock, Texas, and Lamesa, Texas, serving the intermediate points of Tahoka and O'Donnell, and the off-route point of Wilson, Texas. From Lubbock via U.S. Highway 87 to Lamesa, and return via the same route.

(10) Between Santa Anna, Texas, and San Angelo, Texas serving all intermediate points. From Santa Anna via U.S. Highway 67 to San Angelo and return via the same route.

(11) Between Temple, Texas, and Brownwood, Texas serving all intermediate points. From Temple via U.S. Highway 190 to Lampasas, thence via U.S. Highway 183 to Goldthwaite, thence via U.S. Highway 84 to Brownwood, and return via the same route.

(12) Between Galveston, Texas, and Gainesville, Texas, serving all intermediate points and the off-route points of Kopperl, Blum, Crowley, Haslet, Justin, Ponder, and Krum. From Galveston via Interstate Highway 45 (U.S. 75) to Houston, thence via U.S. Highway 90A to Rosenberg, thence via Texas Highway 36 to the junction of Texas Highway 317, near Temple, thence via Texas Highway 317 to Valley Mills, thence via Texas Highway 6 to Meridian, thence via Texas Highway 174 to the junction of U.S. Highway 81, thence via U.S. Highway 81 to Ft. Worth, thence via U.S. Highway 377 to Denton, thence via U.S. Highway 77 to Gainesville, and return via the same route.

(13) Between Galveston, Texas, and Rosenberg, Texas, serving all intermediate points. From Galveston via Texas Highway 6 to the junction of U.S. Highway 90A, thence via U.S. Highway 90A to Rosenberg and return via the same route.

(14) Between Texas City, Texas, and the junction of Texas Highway 146 and U.S. Highway 75. From Texas City via Texas Highway 146 to its junction with U.S. Highway 75, and return via the same route.

(15) Between Houston, Texas, and Alvin, Texas, serving all intermediate points. From Houston via Texas Highway 35 to Alvin, and return via the same route.

(16) Between Dallas, Texas, and Cleburne, Texas, serving all intermediate points. From Dallas via U.S. Highway 67 to Cleburne, and return via the same route.

(17) Between Dallas, Texas, and Denton, Texas, serving all intermediate points. From Dallas via U.S. Highway 77 (I-35E) to Denton and return via the same route.

(18) Between Houston, Texas, and Dallas, Texas, via Beaumont and Longview, serving Beaumont and Longview and all intermediate points between Beaumont and Longview, Texas. From Houston via U.S. Highway 90 to Beaumont, thence via U.S. Highway 96 to Tenaha, thence via U.S. Highway 59 to Longview, thence via Interstate Highway 20 to Dallas, and return via the same route.

ROUTES FOR OPERATING CONVENIENCE ONLY SERVING NO INTERMEDIATE POINTS

(19) Between Dallas, Texas, and Ft. Smith, Arkansas, serving no intermediate points. From Dallas via U.S. Highway 75 to the junction of U.S. Highway 69, thence via U.S. Highway 69 to the junction of Interstate Highway 40, thence via Interstate Highway 40 to Ft. Smith and return via the same route.

(20) Between Albuquerque, New Mexico, and Amarillo, Texas. From Albuquerque via U.S. Highway 66 (I-40) to Amarillo, and return via the same route.

(21) Between Amarillo, Texas, and Oklahoma City, Oklahoma. From Amarillo via U.S. Highway 66 (I-40) to Oklahoma City and return via the same route.

(22) Between Ft. Worth, Texas, and the junction of Interstate Highway 20 and U.S. Highway 84. From Ft. Worth via Interstate Highway 20 to the junction of U.S. Highway 84, and return via the same route.

(23) Between Houston, Texas, and Beaumont, Texas. From Houston via Interstate Highway 10 to Beaumont, and return via the same route.

(24) Between Houston, Texas, and Dallas, Texas. From Houston via Interstate Highway 45 to Dallas, and return via the same route.

(25) Between Aguila, Arizona, and Congress, Arizona. From Aguila via Arizona Highway 71 to Congress, and return via the same route.

(26) Between Lamesa, Texas, and Snyder, Texas. From Lamesa via U.S. Highway 180 to Snyder, and return via the same route.

(27) Between Houston, Texas, and Brenham, Texas. From Houston via U.S. Highway 290 to Brenham, and return via the same route.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Houston, Texas; or Tulsa, Oklahoma; or Oklahoma City, Oklahoma; or Wichita, Kansas; or Los Angeles, California; or Phoenix, Arizona. Common control may be involved.

No. MC 30844 (Sub-No. 590), Filed May 5, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses* (except hides and and commodities in bulk) as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (1) from Hartley and Spencer, Iowa to points in Indiana, Michigan and Ohio, and (2) from Schuyler and Fremont, Nebraska to points in Indiana, Michigan and Ohio, restricted to shipments originating at the plantsites and facilities of Spencer Foods, Inc. at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Minneapolis, Minnesota.

No. MC 35358 (Sub-No. 39), filed May 11, 1977. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, Minn. 55421. 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: *Furniture, appliances, equipment and commercial and institutional fixtures*, and *materials, parts and supplies* used in the manufacture of appliances, equipment and commercial and institutional fixtures, (1) from points in Iowa, to points in the United States (except Alaska and Hawaii); and

(2) from points in the United States (except Alaska and Hawaii), to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests either Des Moines, Iowa or Chicago, Ill.

No. MC 35628, (Sub-No. 392), filed May 3, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, Michigan 49503. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting general commodities (except those of unusal value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Manchester Plastics, Inc. lo-

cated at Manchester, Michigan as an off-route point in connection with applicant's authorized operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Massachusetts or Washington, D.C.

No. MC 35807 (Sub-No. 72), Filed May 10, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: coin, currency and securities, between Denver, Colorado and points in Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman and Harper Counties, Kansas, and points in Kansas west thereof, under a continued contract or contracts with the Federal Reserve Bank of Kansas City.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C. Common control may be involved.

Docket No. MC 35807 (Sub-No. 73), filed May 10, 1977. Applicant WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: Foreign coin, U.S. coin, stamps and other items of value, between Hartford, Connecticut; Boston, Massachusetts; New York, New York and Littleton, New Hampshire, under a continuing contract, or contracts, with Littleton Stamp & Coin Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 40978 (Sub-No. 31), filed May 10, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Applicant's representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Muscatine, Iowa to points in Indiana, and (2) *new furniture*, and *lamps and shades*, from points in Illinois to points in Indiana.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 42000 (Sub-No. 5), filed May 13, 1977. Applicant: TEXAS INTERSTATE MOTOR EXPRESS, INC., 2210 Congress, P.O. Box 3751, Houston, Texas 77001. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Texas, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment) between Houston, Galveston, and Freeport, Tex., on the one hand, and, on the other, Big Spring, Sweetwater, Odessa and El Paso, Tex., and points in that part of Texas on and east of a line beginning at the Red River and extending along U.S. Highway 277 through Wichita Falls to Abilene, Tex., then along U.S. Highway 83 to Ballinger, Tex., thence along U.S. Highway 67 to San Angelo, Tex., thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 via Floresville, Tex., to Corpus Christi, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Dallas or Houston, Tex.

No. MC 45363 (Sub-No. 9), filed: May 10, 1977. Applicant: STONES EXPRESS, INC., 1099 Hendricks Causeway, Ridgefield, N.J. 07657. Applicant's representative: THOMAS F. X. FOLEY, ESQ., P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Such merchandise* as is dealt in by retail chain grocery and food business houses; (2) *equipment, materials, and supplies* used in the conduct of such business as specified in (1) above; (3) *shoes;* and (4) *materials and supplies* used in the manufacturing of the commodity named in (3) above, between New York, N.Y. and points in New Jersey with the New York, N.Y. Commercial Zone as defined by the Commission, and Totowa, N.J., on the one hand, and, on the other, Barre, Bellows Falls, Bennington, Bethel, Brandon, Brattleboro, Bristol, Burlington, Essex Junction, Manchester, Middleburg, Montpelier, Newport, Norwich, Randolph, Rutland, Springfield, St. Albans, Vergennes, White River Junction, and Windsor, Vt.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Newark, N.J., New York, N.Y. or Washington, D.C.

No. MC 59150 (Sub-No. 99), filed May 13, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Florida 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite and warehouse facilities of Day Companies, Inc., in Randolph County, Georgia, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Florida or Atlanta, Georgia.

No. MC 61231 (Sub-No. 102), filed May 10, 1977. Applicant: Ace Lines, Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the plantsite of Southwest Ornamental Iron Co., at or near Bonner Springs, Kansas, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Kansas City, Missouri.

No. MC 61231 (Sub-No. 103), filed May 10, 1977. Applicant: Ace Lines Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe and tubing* from the plantsite of Tubular Steel, Incorporated at Sfaunton, Ill. and Hazelwood, Mo., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61788 (Sub-No. 34), filed: May 4, 1977. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, a Corporation, 1541 Reeves Street, Dothan, Alabama 36302. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Alabama 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plantsite and warehouse facilities of the John Deere Company, located at or near Conyers, Georgia, as an off-route point in connection with the carrier's authorized regular routes, restricted against the transportation of traffic, direct or interline, between Atlanta, Georgia, on the one hand, and, on the other, the plantsite and warehouse facilities of John Deere Company located at or near Conyers, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No MC 63417 (Sub-No. 100), filed: May 6, 1977. Applicant: Blue Ridge Transfer Company, Incorporated, P.O. Box 13447, Roanoke, Virginia 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Virginia 24034. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *New furniture and furniture parts* from Columbia, S.C. to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia. (2) *Materials and supplies used in the manufacture of new furniture* (except commodities in bulk and those which because of size and weight require special equipment) from states in (1) above to Columbia, S.C. and

(3) damaged, defective, refused, rejected or returned shipments of new furniture from states in (1) above to Columbia, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Roanoke, Virginia or Columbia, S.C.

No. MC 77214 Sub-No 7, filed May 9, 1977. Applicant: Haldon S. Miller, 1028 S. CR. 32, Helena, Ohio 43435. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid nitrogen solution*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Ohio. (2) Dry nitrogen-urea, in bulk, from Madison, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Cleveland, Ohio, or Washington, D.C.

No. MC 78118 (Sub-No. 34), filed May 9, 1977. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pennsylvania 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, not exceeeding 1 gallon in capacity, from the plantsite and shipping facilities of Glass Containers Corporation in the Borough of Knox and the Townships of Paint and Elk, Clarion County, the Borough of Marienville, Forest County, and the Borough of Parker, Armstrong County, Pa., to points in New Jersey, restricted to traffic originating at and destined to the above origins and destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 78687 (Sub-No. 46), filed May 3, 1977. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, New York 14527. Applicant's representative: E. Stephen Heisley, Suite 850 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority is sought by applicant to operate in interstate or foreign commerce as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, in dump vehicles, between points in Connecticut, Massachusetts, New York, Pennsylvania, and New Jersey (except points in Atlantic, Cumberland, Burlington, Camden, Cape May, Gloucester, and Salem Counties, New Jersey).

NOTE.—If a hearing is held, applicant requests that the hearing be held in Washington, D.C. Applicant states that it holds contract carrier authority in No. MC 2505, therefore dual operations may be involved. Common control may also be involved.

No. MC 78687 (Sub-No. 47) filed May 4, 1977. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, New York 14527. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Solvay, N.Y., to points in Virginia.

NOTE.—Applicant hold contract carrier authority in MC 2505, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held on a consolidated record with similar applications.

No. MC 79267 (Sub-No. 2), filed May 4, 1977. Applicant: P & D WAREHOUSE & CARTAGE, INC., 7636 Canton Center Drive, Baltimore, Maryland 21224. Applicant's representative: Maurice S. Bozel, 303 Felton Road, Lutherville, Md. 21093. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) Containers, Container Chassis & Trailers, (2) General Commodities (except commodities of unusual value, commodities requiring special equipment and commodities in bulk.) Between points in the Baltimore, Maryland Commercial Zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Maryland.

No. MC 83835 (Sub-No. 142), filed May 11, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Prof. Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Castings, empty shipping containers, scrap metal, variable speed drives, electrical cable, switch boards, transformers, motors, pumps, motor and pump parts and accessories; and, (2) Equipment, materials, and supplies used in, or in connection with, the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities described in (1) above, between the facilities of Byron Jackson Pump Division and Centrilift Division, Borg-Warner Corporation, located at or near Ardmore, Healdton, and Tulsa County, Oklahoma; Casper and Cody, Wyoming; Glendive, Montana; Huntington Beach and Los Angeles, California; Rangely, Colorado; and Conroe, Midland, Plainview, and Tyler, Texas; on the one hand, and, one the other, points in the United States, including Alaska, but excluding Hawaii. RESTRICTION: Restricted against the transportation of (a) Pumps, pump parts, and pump motors, and (b) equipment, materials, and supplies used in the installation, operation, removal, repair, and maintenance of the commodities described in (a) above, between the facilities of Byron Jackson Pump Division, Borg-Warner Corporation located at Tulsa, Oklahoma, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 149), filed: May 3, 1977. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, Atlanta, Georgia 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Alabama 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between the plantsite of Goodyear Tire and Rubber Company located at or near Union City, Tenn,. on the one hand, and, on the other, points Illinois, Indiana, points in Ohio; Louisville, Ky., St. Louis, Kansas City, Carthage and Springfield, Mo.; Topeka, Kans.; North Carolina, and Norfolk and Richmond, Va.; Kansas City, Kans., and points within the commercial zones of each city named. The authority sought would be tacked as follows: 1. Richmond, Va. with the Bowman Sub 52 authority to provide service to points in New York, where it would be tacked with Bowman Sub-53 to provide service to points in Connecticut, Massachusetts and New York within 35 miles of Columbus Circle, N.Y., and with the Sub-109 authority to provide service to all points in Rhode Island and Massachusetts and named Counties in Connecticut. 2. The authority would also be tacked with the Sub-52 authority at Richmond, Va. to provide service to Baltimore, Md., Philadelphia, Pa., Washington, D.C., and points in their respective commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio or Atlanta, Georgia.

No. MC 94350 (Sub No. 387), filed May 9, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Singlewide and double-wide mobile homes*, in initial movements, from points in Clay and LaGrange Counties, Ind. to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If hearing is deemed necessary, applicant requests that it be held at South Bend, Ind.

No. MC 95540 (Sub No. 980), filed May 9, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Covington, Tenn. to points in Connecticut, Delaware, District of

Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Wisconsin and Kentucky; Restricted to the transportation of shipments originating at the facilities of the Charms Co., located at or near Covington, Tenn. and destined to the named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Washington, D.C., or Tampa, Fla.

No. MC 95540 (Sub-No. 981), filed May 9, 1977. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Florida 33802. Applicant's representative Benjy W. Fincher, P.O. Box 1636, Lakeland, Florida 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Bananas and agricultural commodities, exempt from economic regulations under Section 203(b)(6) of the Act, when transported at the same time and in the same vehicle with bananas, from Norfolk, Va. to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Tampa, Fla.

No. MC 106274 (Sub-No. 25), filed May 9, 1977. Applicant: RAEFORD TRUCKING COMPANY, a corporation, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: R. B. Guthrie, P.O. Box 219, Sanford, N.C. 27330. Authority sought to operate as a *common carrier*, over irregular routes, transporting: Lumber, lumber products, fencing, wooden, in sections, fence pickets, wooden, poles, wooden, and posts, wooden (1) from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, to points in Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Ohio, West Virginia, New York, and New Jersey, and (2) from points in Virginia to points in North Carolina and South Carolina. Restriction: Restricted to movements for the account of Lawrence R. McCoy & Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 106674 (Sub-No. 232), filed May 9, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Indiana 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, Indiana 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials, adhesives and such materials and supplies as are used in the manufacture, installation and distribution of such commodities (except liquid in bulk)* between the plantsite, warehouse and facilities of the United States Gypsum Company, River Rouge, Michigan, on the one hand and on the other Illinois, Indiana, Kentucky, Ohio, Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Indianapolis, Indiana.

No. MC 106920 (Sub-No. 69), filed May 4, 1977. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate and foreign commerce as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs, including dairy products*, in vehicles equipped with mechanical refrigeration, from Plymouth, Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held either in Columbus, Ohio or Washington, D.C.

No. MC 107010 (Sub-No. 63), filed May 10, 1977. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebraska 68305. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of the Gulf Central Pipeline Company located at or near Spencer and Holstein, Iowa; and David City, Nebraska to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

MC 107496 (Sub-No. 1079), filed May 11, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from LaCrosse, Wisconsin to points in Iowa, Nebraska, Minnesota, Wisconsin, Illinois, Indiana, North Dakota, South Dakota, and Michigan (Upper Peninsula).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois.

No. MC 107496 (Sub-No. 1080), filed May 11, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from (a) Cass and Sangamon Counties, Ill., to Indiana, Iowa, Wisconsn, Missouri, Kentucky, Ohio, Michigan, Kansas, Nebraska, Texas, New Mexico, and Florida; (b) from the plantsite of Agrico Chemical Company and the Fulton River Terminal at Fulton, Ill., to points in Iowa, Illinois, Missouri, Minnesota, and Wisconsin; and (c) from Eau Claire, Mich., to points in Minnesota, Illinois, Indiana, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois.

No. MC 107515 (Sub-No. 1073), filed May 5, 1977. Applicant: Refrigerated Transport Co., Inc., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Dairy products*, from the plantsites and warehouse facilities of Cudahy Foods, located at Harrodsburg, Cynthiana, Russell Springs and Tompkinsville, Ky., to points in Virgina, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 126436 Sub 2 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 1074), filed May 10, 1977. Applicant: Refrigerated Transport Co., Inc., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk); (2) *Animal Foods;* and (3) *Such merchandise* as is dealt in by retail gift and curio shops and catalog distribution centers. Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to transportation of the above commodities in vehicles equipped with mechanical refrigeration, from points in Wisconsin to points in Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas and Oklahoma. Restricted to traffic originating at points in Wisconsin.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Madison, Wisconsin.

No. MC 107515 (Sub-No. 1075), filed: May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post

Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk); (2) *Animal foods;* and (3) *Such merchandise* as is dealt in by retail gift and curio shops and catalog distribution centers. Restricted against transportation of commodities in bulk, in tank vehicles, and restricted to transportation in vehicles equipped with mechanical refrigeration, from points in Wisconsin to points in California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming. Restricted to traffic originating at points in Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 107515 (Sub-No. 1076), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing Gum, Candy and Cough Drops*, from the plantsite and storage facilities of Lifesavers, Inc. at Holland, Michigan to Morrow, Georgia.; Charlotte, North Carolina; Dallas, Texas; and Jacksonville, Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York City, New York or Atlanta, Georgia. Common control and dual operations may be involved.

No. MC 107515 (Sub-No. 1077), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Standard Brands Incorporated at Atlanta, Georgia to, points in Texas, Oklahoma, Arkansas and Louisiana.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 1078), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Specialty Lady Fingers located at Marysville, Pennsylvania to points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, Indiana and Ohio. Restricted to traffic originating at the named plantsite and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 108053 (Sub-No. 139), filed May 10, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebraska 68025. Applicant's representative: ARNOLD L. BURKE, 180 N. LaSalle Street, Chicago, Illinois 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, From the plantsite and warehouse facilities of Wilson Foods Corporation at Cedar Rapids, Iowa, to points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, restricted to the transportation of traffic originating at the named origins and destined to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Missouri.

No. MC 108341 (Sub-No. 60), filed May 10, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire mesh*, from the facilities of Exposaic Wire Company located at or near Mount Airy, North Carolina to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108835 (Sub-No. 40), filed May 11, 1977. Applicant: Hyman Freightways, Inc., 1745 University Ave., St. Paul, Minnesota 55104. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Minneapolis-St. Paul, Minn., and Noyes, Minn., serving no intermediate points: (a) From St. Paul, Minn., over U.S. Highway 10 to its junction with U.S. Highway 59 at Detroit Lakes, Minn., thence via U.S. Highway 59 to its junction with Minnesota Highway 11, thence over U.S. Highway 11 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route; (b) From Minneapolis, Minn., over U.S. Highway 52 to its junction with Minnesota Highway 152 near Osseo, Minn., thence over Minnesota Highway 152 to its junction with U.S. Highway 52 at or near St. Cloud, Minn., thence over U.S. Highway 52 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to its junction with Minnesota Highway 220, thence over Minnesota Highway 220 to its junction with Minnesota Highway 11, thence over Minnesota Highway 11 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route; and (c) From Minneapolis, Minn., over Interstate Highway 94 to its junction with Minnesota Highway 9 at or near Barnesville, Minn., thence over Minnesota Highway 9 to its junction with U.S. Highway No. 2, thence over U.S. Highway No. 2 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route.

NOTE.—This proceeding involves a conversion of applicant's irregular route authority between the points involved, MC 108835 (Sub 29G), to regular route authority. Applicant will voluntarily take a restriction either in the certificate issued in this proceeding or in its Sub 29G certificate that would preclude it from performing both irregular and regular route service between Minneapolis-St. Paul and Noyes, Minnesota. Common control may be an issue. If a hearing should be necessary, applicant requests it be held in St. Paul, Minnesota.

No. MC 108937 (Sub-No. 46), filed May 9, 1977. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, P.O. Box 3640, St. Paul, Minnesota 55113. Applicant's representative: Raymond L. Stevens, 2323 Terminal Road, St. Paul, Minnesota 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between St. Paul, Minn. and Rhinelander, Wis., serving no intermediate points; From St. Paul over U.S. Highway 8 to Rhinelander, and return over the same route. (2) Between Duluth, Minn. and Rhinelander, Wis., serving no intermediate points; From Duluth over U.S. Highway 2 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Wisconsin Highway 47 to Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rhinelander, Wis. Common control may be involved.

No. MC 108937 (Sub-No. 47), filed May 9, 1977. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, P.O. Box 3640, St. Paul, Minnesota 55113. Applicant's representative: Raymond L. Stevens, 2323 Terminal

Road, St. Paul, Minnesota 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities—except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment—(1) Between South Bend, Ind. and Columbus, Ohio, serving no intermediate points: From South Bend over U.S. Highway 31 to junction U.S. Highway 31 and U.S. Highway 30, near Plymouth, Ind., thence over U.S. Highway 30 to junction U.S. Highway 30 and U.S. Highway 30S, near Delphos, Ohio, thence over U.S. Highway 30S to Kenton, Ohio, thence over Ohio Highway 31 to Marysville, Ohio, thence over U.S. Highway 33 to Columbus, and return over the same route; and (2) Between South Bend, Ind. and Louisville, Ky., serving the intermediate point of Indianapolis, Ind.: From South Bend over U.S. Highway 31 to Indianapolis, thence over Interstate Highway 65, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at South Bend, Ind.

No. MC 111401 (Sub No. 487), filed May 10, 1977. Applicant: Groendyke Transport, Inc., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Oklahoma 73701. Applicant's representative: Alvin L. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Wax*, in bulk, in tank vehicles, from West Lake Charles, Louisiana to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Ohio and Wisconsin; and (2) *Liquid Hydrochloric (Muriatic) Acid*, in bulk, in tank vehicles, from Deer Park (Harris County), Texas to points in Arkansas, Louisiana, Mississippi and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Arkansas or Dallas, Texas.

No. MC 111401 (Sub No. 448), filed May 10, 1977. Applicant: Groendyke Transport, Inc., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Oklahoma 73701. Applicant's representative: Alvin L. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Chemicals*, in bulk, in tank vehicles, from (1) Sacramento, California and Shreveport, Louisiana to Brownsville, Texas, in foreign commerce only; and (2) Brownsville, Texas to Houston, Texas, in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Oklahoma or Oklahoma City, Oklahoma.

No. MC 111729 (Sub No. 701), filed May 10, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods and business papers and records* moving therewith: Between Wheeling, W. Va., on the one hand, and, on the other, Cumberland, Md. and Washington, Pa.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub Numbers thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 111729 (Sub No. 702), filed May 11, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies, advertising literature, and business papers:* Between Phoenix, Ariz., and Gallup, N.M., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail or motor vehicle.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub Numbers thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Phoenix, Ariz. or Washington, D.C.

No. MC 111940 (Sub-No. 67), filed May 5, 1977. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft and internal combustion engines, aircraft and internal combustion engine parts*, and *materials, supplies and equipment* used in or incidental to the manufacture, storage, sale, distribution or installation of aircraft and internal combustion engines, and aircraft and internal combustion engine parts, between the plant sites of Lycoming Division of Avco Corporation, at or near Williamsport, Pa., on the one hand, and, on the other, points in the United States in and east of the states of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub No. 118), filed May 9, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper articles*, from Wynne, Arkansas; Greensboro, North Carolina; Zelienople, Pennsylvania; and Pulaski, Tennessee; to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *Scrap copper*, from points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; to Wynne, Arkansas; Greensboro, North Carolina; Zelienople, Pennsylvania; and Pulaski, Tennessee; and (3) *Steel pipe*, from ports of entry in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Illinois, Indiana, Michigan, Ohio, Minnesota, and Wisconsin, to all points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 112588 (Sub-No. 23), filed May 9, 1977. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's Representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cement* and *mortar*, from York, Pennsylvania, to points in Delaware, Maryland, New Jersey, New York, Ohio and West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 365), filed May 4, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Kentucky 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. 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 and Company, at or near Owensboro, Kentucky, to Omaha, Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Kentucky. Common control may be involved.

No. MC 112963 (Sub No. 66), filed May 11, 1977. Applicant: ROY BROS., INC., 764 Boston 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, *Wine*, in bulk, in tank vehicles, from Naples, N.Y., to Laconia, N.H., and Absecon, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 113434 (Sub No. 77), filed May 5, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 479 Lincoln Avenue, Holland, Mich. 49423. Applicant's Representative:

Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, over irregular routes, transporting (1) *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., in Allegheny County, Pa. to points in Michigan; and (2) *return of refused, rejected or damaged shipments and empty pallets*, from points in Michigan, to the origin point named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 113678 (Sub-No. 667), filed May 10, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colorado 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Ks. to points in Alabama, California, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 668), filed May 10, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colorado 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Carpet and rugs, and related articles and equipment used in the installation thereof, from points in Georgia, to points in California, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 113843 (Sub-No. 242), filed May 10, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Canned Foodstuffs* from Napoleon, Ohio to points in Pennsylvania, New Jersey and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held in Cleveland, Ohio or Washington, D.C.

No MC 113843 (Sub-No. 243), filed May 10, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC, 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Illinois 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) From the warehouses of Beatrice Foods Co., located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania to points in Illinois, Indiana, and Michigan, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania and destined to the named destination states: and (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co., located at Scranton, Pensylvania and at or near Allentown, Pennsylvania, restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 114211 (Sub-No. 302), filed May 11, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Singer & Sullivan, Suite 1600, 10 South La Salle Street, Chicago, Illinois 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: Recreational vehicles and equipment; parts and accessories of, and paraphernalia used in connection with, recreational vehicles and equipment from Lancaster County, Nebraska to points in the United States (except Alaska and Hawaii), including ports of entry between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at either San Francisco or Los Angeles, Calif.

No. MC 114457 (Sub-No. 301), filed May 3, 1977. Applicant: DART TRANSIT COMPANY—A Corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, from Rock Island, Illinois to Bismarck, Fargo, Grand Forks and Minot, North Dakota; Aberdeen and Sioux Falls, South Dakota; and Sioux City, Iowa.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114457 (Sub-No. 302), filed May 3, 1977. Applicant: DART TRANSIT COMPANY—A Corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from the plantsite and storage facilities of Midland Glass Company, Inc., located at or near Henryetta, Oklahoma, to points in the United States (except Alaska and Hawaii).

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114457 (Sub-No. 303), filed May 9, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, Minnesota 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter* from Rapid City, South Dakota to points in Illinois, Iowa, Minnesota and Wisconsin, and Vineland, New Jersey.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114533 (Sub-No. 358), filed May 9, 1977. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Illinois 60609. Applicant's representative: WARREN W. WALLIN, 1106 West 35th St., Chicago, Illinois 60609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), between Wyandotte County, Kansas, on the one hand, and, on the other, Caddo, Washita, Commanche, Stephens, Marshall, and Garvin Counties, Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri, Applicant holds contract carrier authority in No. MC 128616 and subs thereunder; therefore dual operations may be involved.

No. MC 114569 (Sub-No. 177) filed May 5, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representatives: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania to points in Illinois, Indiana, and Michigan. Restriction: The above authority is restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania and destined to the named destination states, and, (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co. located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania. Restriction: The above authority is restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 114896 (Sub-No. 51), filed April 27, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, (same address as Applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Dore bullion, from Omaha, Neb., to Amarillo, Tex.; and (2) precious metals, from Amarillo, Tex., to points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania; under a continuing contract or contracts with ASARCO, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 140345 (Sub-No. 1), therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 115496 (Sub-No. 48), filed May 5, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: VIRGIL H. SMITH, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, pulpboard, paper and paper products*, from St. Marys, Ga., to points in the United States on and east of a line beginning at the mouth of the Mssissippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116763 (Sub-No. 378), filed May 5, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper, paper bags, paper and paper products*, from St. Marys, Georgia, to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia.

No. MC 117119 (Sub-No. 626) (correction), filed April 29, 1977, published in the FEDERAL REGISTER issue of May 26, 1977 as No. MC 117119 (Sub-No. 625), and republished as corrected this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds, dry or liquid, oven cleaners, sodium bicarbonate and sal soda* (except in bulk), from Syracuse, New York; Ft. Thomas, Ky.; and Cincinnati, Ohio to points in Arkansas, Colorado, Iowa, Kansas, Idaho, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahomo, South Dakota, Texas, Utah, Wyoming, Tennessee, Louisiana, and Mississippi.

NOTE.—The purpose of this republication is (1) to indicate the correct docket number assigned to this proceeding as No. MC 117119 (Sub-No. 626) in lieu of No. MC 117119 (Sub-No. 625) as previously published in error; and (2) to indicate applicant's correct commodity description. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 117119 (Sub-No. 627), filed May 9, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Heating and air conditioning units, parts, and accessories*, from the facilities of Rheem Mfg. Co., at Fort Smith, Ark. to points in Arizona, California, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117119 (Sub-No. 628), filed May 9, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Heating and Air Conditioning Units, Parts, and Accessories*, from the facilities of Rheem Manufacturing Co., at Milledgeville, Ga., to points in Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Delaware, Maryland, New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117119 (Sub-No. 629), filed May 10, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (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 Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificate 61 M.C.C. 209 and 766, (except commodities in bulk), from the plantsite and storage facilities of Land O'Frost, Inc. located at Searcy, Arkansas to points in Colorado, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117686 (Sub-No. 171), filed May 9, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa. Applicant's representative: Mr. George L. Hirschbach (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: 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 Lyons, Nebraska, to points in Florida, Georiga, Alabama, Mississippi, Louisiana, Tennessee, Texas, Kansas and Missouri. Restricted to traffic originating at the plantsite of Premier Boneless Meats, Inc., at or near Lyons, Nebraska, and destined to the above named destination states.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska or Chicago, Illinois.

No. MC 117686 (Sub-No. 172), filed May 16, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc., located at or near Denver, Colo., to points in Arizona, California, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo., or Washington, D.C.

No. MC 117954 (Sub-No. 23), filed May 10, 1977. Applicant: H. L. HERRIN, JR., d/b/a H. L. HERRIN TRUCKING COMPANY, P.O. Box 1106, Metairie, Louisiana 70004. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes*, transporting: *Frozen and dry processed potatoes*, from the facilities of American Potatoe Company located at or near Plover, Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118142 (Sub-No. 147), filed May 5, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway,

Wichita, Kansas 67219. Applicant's representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Batteries, new and spent, and battery supplies:* (1) From Salina, Kansas, to the City of Industry, California; Opa Locka, Florida; Framingham, Massachusetts; Portland, Oregon; Reading, Pennsylvania; and Greer, South Carolina; (2) From Selma, Alabama, To Dallas, Texas; O'Fallon, Missouri; City of Industry, California; Indianapolis, Indiana; and Salina, Kansas; (3) From Lampeter, Pennsylvania; and Indianapolis, Indiana, to Salina, Kansas; (4) From Indianapolis, Indiana, to Selma, Alabama; and (5) From Greer, South Carolina, to Salina, Kansas; restricted in (1)–(5) above to traffic originating at the plantsite and facilities of General Battery Corporation, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118142 (Sub-No. 149), filed May 10, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kansas 67219. Applicant's representative, Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes*, transporting *Frozen and dry processed potatoes*, from the facilities of American Potatoe Company, located at or near Plover, Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118288 (Sub-No. 48), filed May 9, 1977. Applicant: FROST TRUCK LINES, INC., 14751 Boyle Avenue, Fontana, Calif. 92335. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except commodities in bulk in tank vehicles, classes A & B explosives and household goods as defined by the Commission), restricted to shipments moving on the bills of freight forwarders, between points in California, on the one hand, and, on the other, points in Utah, Colorado and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 118468 (Sub-No. 50), filed May 10, 1977. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Plastic pipe from the plantsite of Johns-Manville Sales Corporation, located at or near Wilton, Iowa, to points in Illinois, Indiana, Kansas, and Wisconsin, under continuing contract with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Illinois. Applicant holds common carrier authority in MC 124813 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved.

No. MC 119226 (Sub-No 99), filed May 5, 1977. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank vehicles, from Indianapolis, Ind., points in Illinois, Iowa, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Wisconsin, and West Virginia, restricted against the transportation of traffic originating at the facilities of National Starch and Chemical Corporation, at Indianapolis, Indiana.

NOTE.—Applicant is controlled by Ecoff Trucking, Inc., who holds contract carrier authority under Docket No. MC 128161 and MC 128161 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 119641 (Sub-No. 138), filed May 10, 1977. Applicant: RINGLE EXPRESS, INC., 420 East Ninth Street, Fowler, Indiana 47944. Applicant's representative: Robert C. Smith, J.F.K. Circle, Suite 109–B, Atlantis, Florida 33462. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from the plant sites and warehouses facilities of Van Huffel Tube Corp., a Division of Youngstown Sheet and Tube, located at or near Warren, Ohio, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska and Wisconsin, restricted to traffic originating at the plant sites and warehouse facilities of Van Huffel Tube Corp., a Division of Youngstown Sheet and Tube, located at or near Warren, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 346), filed May 4, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas. Applicant's representative James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *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 Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite of, and warehouse facilities utilized by Armour & Co. at St. Joseph, Mo. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 119789 (Sub-No. 347), filed May 9, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned Seafood*, from New Orleans, La. to points in Arizona, California, Colorado, Minnesota, Missouri, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La.

No. MC 119789 (Sub-No. 348), filed May 9, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cooking Oil*, in containers from Opelousas, La. to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, New York, North Dakota, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Ohio, Wisconsin, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Opelousas or New Orleans, La.

No. MC 123194 (Sub-No. 9), filed May 11, 1977. Applicant: ENTERPRISE TRUCK LINE, INC., 7333 West 15th Avenue, Gary, Ind. 46406. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site of Clausen Pickle Co. (a subsidiary of Oscar Mayer & Co., Inc.) at or near Woodstock, Ill., to points in Connecticut, Delaware, District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, restricted to traffic originated at the above-named origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 375), filed May 10, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative:

H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building materials* from the facilities of Fry Division of Owens Corning Fiberglass located at or near North Kansas City, Missouri, to points in Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 123615 (Sub-No. 7), filed May 9, 1977. Applicant: TRANSPET, INC., 700 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: ground clay, except in bulk, from Wrens, GA, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, under a continuing contract or contracts with Hartz Mountain Corporation or its subsidiaries, of Harrison, N.J.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at either Newark, N.J. or New York, N.Y.

No. MC 123640 (Sub-No. 25), filed: May 10, 1977. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Indiana 46803. Applicant's representative: Irving Klein, Southgate Tower, 371 Seventh Ave., New York, N.Y. 10001. Authority Sought: Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories, footwear display cases, and display materials, and materials and supplies* used in the distribution of footwear, between Huntington, Ind. on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan and Kentucky, under a continuing contract, or contracts, Meldisco, a Division of Melville Corporation.

NOTE.—If hearing is deemed necessary, applicant can request that it be held at either New York, N.Y. or Washington, D.C.

No. MC 123872 (Sub-No. 73), filed: May 10, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicants representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. 28601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Candy and Confectionery, and advertising and promotional materials* when moving in the same vehicle and at the same time with the afore-mentioned commodities (Except commodities in bulk), from Centralia, Illinois to points in Virginia, West Virginia, North Carolina, South Carolina, points in Georgia on and North of U.S. Highway 80, and points in Tennessee on and east of U.S. Highway 27.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 124078 (Sub-No. 727), filed May 10, 1977. Applicant: Schwerman Trucking Co., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *clay and clay slurry*, in bulk, in tank vehicles, from points in Jefferson County and Twiggs County, Georgia, and Aiken County, South Carolina, to points in Connecticut, New York, Ohio, Oklahoma, Pennsylvania, Vermont, Virginia and West Virginia; (2) *clay slurry*, in bulk, in tank vehicles, from Dry Branch and Hepzibah, Georgia to Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Georgia. Common control may be involved.

MC 124170 (Sub-No. 67), filed May 11, 1977. Applicant: Frostways, Inc., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located At Scranton, Pa., and at or near Allentown, Pa., to points in Illinois, Indiana, and Michigan, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124212 (Sub-No. 96), filed May 9, 1977. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, in bulk, between points in Ohio, restricted to traffic originating at the plant sites of Bessemer Cement Company or Louisville Cement Company, and restricted to shipments having an immediately prior movement by rail.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washinton, D.C.

No. MC 124813 (Sub-No. 172), filed May 10, 1977. Applicant: Umthun Trucking Co., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wrought steel pipe and tubing from the plantsite of Tubular Steel, Incorporated located at Staunton, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo. Applicant holds contract carrier authority in MC 118468 (Sub-No. 16) and subs thereunder, therefore dual operations may be involved.

No. MC 124813 (Sub-No. 173, filed May 9, 1977. Applicant: Umthun Trucking Co., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Dry fertilizer in bulk, from Mason City, Iowa to points in Minnesota.

NOTE.—Applicant holds contract carrier authority in No. MC 118468 (Sub-No. 16) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn. or Des Moines, Iowa.

No. MC 125433 (Sub-No. 101), filed May 5, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Combines, parts, attachments and accessories*, from Independence, Mo., to points in Montana, Idaho, Oregon, Washington, California, Arizona, New Mexico, Utah, Nevada, Colorado and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Kansas City, Mo.

No. MC 126973 (Sub-No. 4), filed May 10, 1977. Applicant: CLEMENT BRESINA, Route 1, Chippewa Falls, Wisconsin 54729. Applicant's representative: F. H. Kroger, 1745 University Avenue, St. Paul, Minnesota 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting animal and poultry feed, in bag and bulk; transported upon the same hopper and belt trailers, that have convertible bulkhead, doors and chutes, also equipped with auxiliary auger equipment. From: Minneapolis and St. Paul, Minn., and the commercial zone thereof, to Jackson, Monroe, Vernon, Crawford, Buffalo, Trempealeau, and La Crosse Counties, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 127047 (Sub-No. 27), filed May 3, 1977. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kansas 67219. Applicant's represent-

ative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Component parts for mobil homes and recreational vehicles*, (except in bulk), From the plant and warehouse facilities of Chandler Supply Company at Wichita, Kansas to points in Colorado, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Illinois, Wisconsin, Michigan, Indiana, Georgia, Mississippi, Alabama, Tennessee and Louisiana. Restricted to traffic originating at point of origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Missouri.

No. MC 127274 (Sub-No. 46), filed May 17, 1977. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread making compounds and bakery supplies*, from Kansas, City, Co., to the plant site of Lewis Brothers Bakery, located at Evansville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127811 (Sub-No. 10), filed May 9, 1977. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, Minnesota 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (except commodities in bulk) from Eau Claire, Wisconsin to points in Minnesota and Iowa, restricted to traffic originating at the plantsite or storage facilities of Phoenix Steel Co. located at or near Eau Claire, Wisconsin and destined to the named destination states.

NOTE.—If a hearing is deemed necessary applicant request it be held at Minneapolis, Minnesota.

MC 128031 (Sub-No. 5), filed May 9, 1977. Applicant: George McFarland, d.b.a., McFARLAND TRUCKING, P.O. Box 643, Austin, Minnesota 55912. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic pipe, fittings and accessories, from Austin, Minnesota to North Dakota, South Dakota, Montana, Iowa, Wyoming, Wisconsin, Illinois, Indiana, Michigan, Missouri, Ohio and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minnesota.

MC 128527 (Sub-No. 83), filed May 5, 1977. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 SW., Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe or tubing and fittings;* From the plantsite of Johns-Manville at or near Umatilla, Oreg., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Boise, Idaho.

MC 129063 (Sub-No. 12), filed May 9, 1977. Applicant: JIMMY T. WOOD, Post Office Box 248, Ripley, Tennessee 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, in dump vehicles, between points in Shelby County, Tennessee, on the one hand, and, on the other, points in Arkansas, Missouri, Kentucky, Illinois, Alabama, and Mississippi; (2) *Scrap metal*, in dump vehicles, from Jackson, Tennessee, to Yellow Creek Port, Mississippi; Newport, Arkansas; and Camden, Tennessee; and (3) *Mill scale*, in dump vehicles, between points in Shelby County, Tennessee, on the one hand, and, on the other, Birmingham, Alabama, and points in its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, Tennessee.

No. MC 129537 (Sub-No. 21), filed May 10, 1977. Applicant: REEVES TRANSPORTATION CO., a Corporation, Rt. 5 —Dew's Pond Road, Calhoun, Georgia 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, Florida 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpetings, floor coverings, carpet padding, and materials, supplies and equipment used in the manufacture and installation of said commodities* (a) from the plant sites of Magee Carpet Co., Perry, Georgia, and Bloomsburg, Pennsylvania, to points in the States of Florida, Texas and Arkansas, and (b) between the plant sites of Magee Carpet Co., at Perry, Georgia, and Bloomsburg, Pennsylvania; (2) *Carpet padding and materials, supplies and equipment used in the manufacture and installation of said commodity* (a) from the plant site of Calhoun Padding Co., Inc., located at Calhoun, Georgia, to points in the States of Florida, Texas and Arkansas, and (b) from Russellville and Louisville, Kentucky, Greensboro and Cornelius, North Carolina, and Norfolk, Virginia to points in the States of Georgia, Florida, Texas and Arkansas; (3) *Carpet tacking strips*, from New York, N.Y., and Philadelphia, Pennsylvania, to points in the State of Georgia; and (4) *Materials, supplies and items used in the manufacture and installation of carpetings, floor coverings, carpet paddings and related items*, from points in the State of Texas to all points in the State of Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia.

No. MC 133566 (Sub.-No. 88), filed May 9, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Indiana, 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, New York 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities owned and/or utilized by J. H. Filbert, Inc. in Baltimore City, Anne Arundel, Baltimore, Howard, and Prince Georges Counties, Maryland, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the above named plantsites and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Washington, D.C. or New York, New York.

No. MC 133590 (Sub-No. 9), filed May 9, 1977. Applicant: Western Carriers, Inc., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: David M. Marshall, 135 State Street—Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, and leisure and recreational products, and materials and supplies*, used in the manufacture and sale of such commodities (except in bulk, in tank vehicles), between Williston, Vt.; Boston, Mass.; New York, N.Y.; Houston, Tex.; Clearfield, Utah; Sparks, Nev.; San Francisco, Calif., and ports of entry on the International Boundary line between the United States and Canada, located in Vermont, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Rossignol Ski Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montpelier, Vt.; Boston, Mass., or Washington, D.C.

No. MC 133777 (Sub.-No. 9), filed May 12, 1977. Applicant: TEXAS METAL CARRIERS, INC., a Texas corporation, 1000 North Beltline Road, Suite 106A, Irving, Texas, 75061. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Texas, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *scrap, non-ferrous metals*, between points in Texas, Arkansas, Oklahoma, Kansas, Illinois, Missouri, Tennessee, Louisiana, Indiana, Kentucky, Missis-

sippi, Alabama, Ohio, Nebraska, New Mexico, Iowa, Colorado, and Florida.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held in Dallas, Texas, or Oklahoma City, Oklahoma.

No. MC 133841 (Sub.-No. 3), filed May 10, 1977. Applicant: DAN BARCLAY, INC., 362 Main St., Lincoln Park, N.J. 07035. Applicant's representative: George A. Olsen, 69 Tonele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Nuclear Devices, Machinery, Engines, Environmental and Solar Equipment and materials, equipment and supplies used in the manufacture or sale of the foregoing commodities (except commodities in bulk), between the facilities of Curtiss Wright Corp., located at or near Woodbridge, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 134286 (Sub-No. 25), filed May 10, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *shortening, vegetable oil shortening, lard, edible tallow, cooking oils and margarine* from the plantsite and warehouse facilities of Swift Edible Oil Company located at or near Bradley, Illinois to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the above-described destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Springfield, Illinois. Common control may be involved.

MC 134477 Sub 169, filed May 5, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transport: 1. (A) *Cleaning, washing, buffing or polishing compounds, textile softener, deodorants or disinfectants, lubricating greases or oils, varnishes, and rust preventatives* (except commodities in bulk), from Avenel, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Ohio, Pennsylvania, Texas, West Virginia and Massachusetts, and (B) materials, supplies and equipment used in the manufacture and distribution of the commodities described in (A) above (except commodities in bulk), from points in Illinois, Indiana, Iowa, Kentucky, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Texas and West Virginia to Avenel, N.J., restricted in (A) and (B) above to the transportation of shipments originating at or destined to the facilities of Economics Laboratory, Inc. at or near Avenel, N.J.; and 2. *Cleaning, washing, buffing or polishing compounds, textile softeners, deodorants or disinfectants, lubricating greases or oils, varnishes, and rust preventatives* (except commodities in bulk), from Joliet, Ill., to points in Alabama, Colorado, Georgia, Iowa, Kansas, Kentucky, Missouri, Michigan, Nebraska, New Jersey, Ohio, Pennsylvania, South Dakota, and Tennessee, restricted to the transportation of traffic originating at the facilities of Economics Laboratory, Inc. at or near Joliet, Ill., and destined to the above named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MC 134477 (Sub-No. 170), filed May 5, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Confectionary and confectionary products* (except commodities in bulk), from the plantsite of Charms Company, at or near Covington, Tennessee to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin, Restricted to traffic originating at the above named origin and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota.

MC 134477 (Sub-No. 172), filed May 10, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minnesota 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by farmers cooperative associations (except commodities in bulk and foodstuffs), from points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic destined to the facilities of Farmers Union Central Exchange, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota.

No. MC 134755 (Sub-No. 105), filed May 4, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), pet foods (except in bulk), and supplies and materials (except in bulk), from Souderton, Pennsylvania, to points in Kansas and Missouri.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Rochester, N.Y.

No. MC 135078 (Sub-No. 17), filed May 11, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebraska 68127. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebraska 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum coils, aluminum sheets* and *aluminum blanks*, from Manheim Township, Pennsylvania, to points in Arkansas, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, Utah, Wisconsin and Wyoming, restricted to traffic moving in mechanically temperature-controlled equipment.

NOTE.—Applicant holds motor contract carrier authority in Number MC-135007 and Sub-numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or Omaha, Nebraska.

No. MC 135410 (Sub-No. 12), filed May 10, 1977. Applicant: COURTNEY J. MUNSON, d/b/a Munson Trucking, 700 South Main Street, Monmouth, Illinois 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Illinois 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (except in bulk), from the facilities of Hardy Salt Company, located at or near Manistee, Michigan, to points in Illinois, Indiana, Iowa, Missouri and Wisconsin, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 135684 (Sub-No. 40), filed May 10, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street, NW., Suite 1030, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and chain grocery, hardware and drug stores, in containers (except fresh meats and furniture), from the plantsite and warehouse facilities of Boyle Midway, Division of American Home Products Corporation at or near Chicago, Illinois to

points in Arkansas, Louisiana, Oklahoma and Texas (except Arlington, TX).

NOTE.—Applicant holds motor contract authority in No. MC 87720 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, NY or Washington, DC.

No. MC 135684 (Sub No. 41), filed May 10, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and chain grocery, hardware and drug stores, in containers (except fresh meats and furniture), from Chamblee Georgia, to points in Arkansas, Louisiana, Oklahoma and Texas.

NOTE.—Applicant holds motor contract authority in No. MC 87720 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 135797 (Sub-No. 73), filed May 3, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Arkansas 72745. Applicant's representative: L. C. Cypert, 324 North Second Street, Rogers, Arkansas 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Plastic pipe, plastic or rubber articles, fittings, compounds, cement and accessories used in the installation of such products, (a) From Mason City, Iowa, To points in the United States, (except Alaska and Hawaii), and; (b) From Siloam Springs, Arkansas, To points in Arkansas, Arizona, California, Delaware, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New York, Oregon, Rhode Island, Utah, Vermont, Washington and the District of Columbia. (2) Plastic or rubber articles, compounds, cement and accessories used in the installation of plastic pipe, plastic or rubber articles, fittings, compounds and cement, From Siloam Springs, Arkansas, To points in Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin and Wyoming; and (3) Machinery, materials, equipment, and supplies used in the manufacture, distribution, or application of the commodities named in (1) above, Between Mason City, Iowa, and Siloam Springs, Arkansas, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Oklahoma, or Little Rock, Arkansas. Common control may be involved.

No. MC 136408 (Sub No. 38), filed May 3, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Cleaning, washing, and polishing soaps and compounds, paints, varnishes, rust preventatives, oils and greases, (except in bulk in tank vehicles) from Joliet, Ill., to points in Arkansas, Florida, Georgia, Minnesota, North Carolina, Oklahoma, South Carolina, Texas and Wisconsin under a continuing contract or contracts with Economics Laboratory, Inc.

NOTE.—Applicant holds common carrier authority in MC 140829 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC136605 (Sub-No. 27), filed May 11, 1977. Applicant: DAVIS BROS. DIST., INC., P.O Box 8058, Missoula, Mt. 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, Mt. 59807. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting *soil conditioner-trace mineral fertilizer (except in bulk in tank vehicles)* from the facilities of U.S. Soil at or near Wellsville, Colorado to points in North Dakota, Montant, Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Billings or Missoula, Mont. Applicant holds contract carrier authority in No. MC 127349 (Sub-No. 2); therefore dual operations may be involved.

No. MC 136786 (Sub-No. 115), filed May 10, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minnesota 55112 Applicant's representative: Stanley C Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minnesota 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Grand Island, Nebraska, to points in Delaware, Maryland, North Carolina, South Carolina, Tennessee on and east of I–75, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minnesota.

No. MC 136817 (Sub-No. 1), filed May 5, 1977. Applicant: HUNTER BROKERAGE, INC., 3910 Richland Drive, Council Bluffs, Iowa 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Iowa, to Logan, Utah and Los Angeles, California and points in Minnesota, Wisconsin, Nebraska, Illinois, Ohio, Kentucky, Tennessee, Georgia, North Carolina, Virginia, Indiana, Arkansas and Pennsylvania; (2) from points in Wisconsin, Illinois and Missouri, to Belle Plaine and Oxford Junction, Iowa; and (3) from Grand Rapids, Michigan and Stoughton, Wisconsin to Loveland, Colorado, restricted to a transportation service to be performed under a continuing contract, or contracts, with McGuffin Lumber, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois or Omaha, Nebraska.

No. MC 136987 (Sub-No. 17), filed May 11, 1977. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, U.S. 24 West Remington, Ind. 47977. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of George A. Hormel & Co., at or near Beloit, Wisc., to points in Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware and the District of Columbia, restricted to the transportation of shipments originating at the named origin and destined to the named points, under a continuing contract with George A. Hormel & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 138003 (Sub-No. 12), filed May 10, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces and air conditioners* (except commodities which because of size or weight require the use of special equipment), from Louisville, KY. to points in Iowa, Nebraska, Colorado, Kansas, Oklahoma, New Mexico and Wyoming, under a continuing contract, or contracts, with General Electric Company.

NOTE.—Applicant holds motor common carrier authority in No. MC 140612 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY., or Lincoln, NE.

No. MC 138003 (Sub-No. 13), filed May 10, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces, and air conditioners, parts, materials, equipment and supplies used in the manufacture thereof*, (1) between the facilities of the Tappan Co. at or near Mansfield, OH., Nashville, and Springfield, TN., Murray, KY., Dalton, GA., and Anaheim, CA., and (2)

from the facilities of the Tappan Co. at or near Mansfield, OH., Nashville, and Springfield, TN., Murray, KY., Dalton, GA. and Anaheim, CA., to points in the United States in and west of Minnesota, Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, (except Alaska and Hawaii), under a continuing contract, or contracts, in (1) and (2) above with the Tappan Co.

NOTE.—Applicant holds motor common carrier authority in No. MC 140612 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Mansfield, OH., or Lincoln, NE.

MC 138359 (Sub 7), filed May 9, 1977. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, Minnesota 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Memphis, Tennessee to Hutchinson, Minnesota, under a continuing contract, or contracts, with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 138991 (Sub-No. 18), filed February 24, 1977. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry beverage preparations when moving in mixed loads with commodities presently authorized*, from Hightstown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.); (2) *empty containers*, from Hightstown, N.J. to Geneva, Ohio; (3) *non-carbonated beverages (except alcoholic beverages)*, from Geneva, Ohio to all points in New York on and west of Interstate 81 and all points on and west of Route 15 in Pennsylvania; and from Hightstown and Vincentown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk Counties, N.Y.) and Georgia, North Carolina, So. Carolina and Tennessee; (4) *dry beverage preparations*, from Northfield, Illinois to Hightstown, N.J.; and (5) *(a) juices, not canned and not frozen, and (b) non-carbonated canned juices and dry beverage preparations, in mixed loads with juices, not canned and not frozen, in vehicles equipped with mechanical refrigeration*, from Hightstown and Vincentown, N.J. to points in Georgia, North Carolina, South Carolina and Tennessee; and Vincentown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk Counties, N.Y.), under a continuing contract, or contracts, with Coca-Cola Company Foods Division of Highstown, N.J.

NOTE.—The authority presently authorized to applicant herein as refered to in Part (1) above involves "Juices, not canned and not frozen, and non-carbonated canned juices in mixed loads with juices, not canned and not frozen, in vehicles equipped with mechanical refrigeration". If a hearing is deemed necessary, applicant requests that it be held at New York City or Trenton, N.J. Common control may be involved.

No. MC 139156 (Sub-No. 5), filed April 29, 1977. Applicant: FAITH TRUCK LINES, INC., 14326 So. Wood St., Dixmoor, Ill. 60426. Applicant's representative: Lee J. Schwartz, 33 No. LaSalle St., Suite 2027, Chicago, Ill. 60602. The applicant has filed for authority to engage in operation as a *common carrier*, by motor vehicle, under irregular routes in the transportation of *Muriatic acid*, in rubber lined tank vehicles, from Birmingham, Ala., to Albion, Mich.; Burns Harbor, Ind.; the Chicago, Ill. Commercial Zone; Dwight, Ill.; Juneau, Wisc.; Joliet, Ill., and Niles, Mich., and (2) from Weeks Island, La., to the Chicago, Ill. Commercial Zone and points in Illinois, Indiana, Michigan, Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139336 (Sub-No. 12), filed May 5, 1977. Applicant: Transtates, Inc., 3216 East Westminster, Santa Ana, California 92703. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, California 90014. Applicant sought to operate as a *contract carrier* by motor vehicle over irregular routes in the transportation of: *Retreaded and new aircraft tires and worn aircraft tires*, between South San Francisco, California, and Salina, Kansas, on the one hand, and, on the other, Chicago, Bensenville and Galva, Illinois; Minneapolis and Bloomington, Minnesota; Dallas and Houston, Texas; Seattle and Blaine, Washington; Kansas City, Kans.; and Kansas City, Mo.; Denver, Colorado; and Tulsa, Oklahoma, under a continuing contract or contracts with Thompson Aircraft Tire Corporation located at South San Francisco, California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, California.

No. MC 139824 (Sub-No. 4), filed May 4, 1977. Applicant: BITTERSWEET ENTERPRISES, INC., R.R. 1, Manhattan, Kansas 66502. Applicant's representative: Clyde N. Christey, 515 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings* (except prefabricated buildings when transported on wheeled undercarriages equipped with hitchball connectors), between points in Marshall County, Kans., on the one hand, and, on the other points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139973 (Sub No. 25), filed April 25, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Missouri 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, meat by-products*, and articles distributed by meat packing houses as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company located at or near Clovis, New Mexico, to points in Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Missouri or Chicago, Illinois.

No. MC 140024 (Sub-No. 68), filed May 10, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: John F. DeCock, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cheese and cheese products (except in bulk), from Cuba, New York, to Champaign, Illinois and Superior, Nebraska, restricted to traffic originating at the plant site and storage facilities of Leprino Cheese Co., Inc. at Cuba, New York and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colorado.

No. MC 140024 (Sub-No. 69), filed May 10, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: John F. DeCock (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 hides and commodities in bulk in tank vehicles). From points in Colorado, to points in California, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at points in Colorado and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications. Hearing is scheduled to commence June 20, 1977.

No. MC 140384 (Sub-No. 3), filed May 13, 1977. Applicant: BERNARD D. HARRIS, 4146 State Street Drive, New Orleans, Louisiana 70125. Applicant's representative: Harold R. Ainsworth,

2307 American Bank Building, New Orleans, Louisiana 70130. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from the Southern Railway Shed H at New Orleans, Louisiana to Baton Rouge, Denham Springs, Gonzales, Houma, Luling, Morgan City, Raceland, Thibodaux, and Vacherie, Louisiana restricted to traffic having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 140457 (Sub-No. 3), filed May 9, 1977. Applicant: W.H.P.T. CO., INC., Rt. 8, Box 644, Roanoke, Virginia 24014. Applicant's representative: Michael S. Ferguson, 214 Shenandoah Building, Roanoke, Virginia 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Super Phosphate (a fertilizer ingredient) in bulk, in Dump Truck Vehicles (1) from Roanoke, Virginia, to Winston-Salem, N.C. (2) From Chesapeake and Hopewell, Virginia, to Winston-Salem, N.C. (3) From Winston-Salem, N.C. to Chesapeake, Virginia, & Hopewell, Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Virgina.

No. MC 140842 (Sub-No. 4) (Correction), filed December 15, 1976, published in FEDERAL REGISTER issue of April 7, 1977, and republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Charles G. Dennis, Suite 101, 10205 Oasis St., San Antonio, Tex. 78216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers and air conditioners*, (except water evaporative types), from the plantsite of Friedrich Air Conditioning and Refrigeration Company located at San Antonio, Tex., to points in Florida, under a continuing contract, or contracts, with Friedrich Air Conditioning and Refrigeration Company located at San Antonio, Tex.

NOTE.—The purpose of this republication is to indicate applicant's corrected commodity description. Applicant holds common carrier authority in No. MC 106074 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex.; Charlotte, N.C.; or Jacksonville, Fla.

No. MC 141652 (Sub-No. 16), filed May 10, 1977. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wearing apparel*, from Hattiesburg, Miss. to points in California, restricted to the transportation of traffic originating at the facilities of Big Yank Corp. located at Hattiesburg, Miss. and destined to points in California.

NOTE.—Applicant states the purpose of this filing is to convert existing contract carrier authority in MC 138807 to common carrier authority. Applicants hold contract carrier authority in MC 138807 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Jackson, Miss., or Atlanta, Ga.

No. MC 141695 (Sub-No. 6), filed May 9, 1977. Applicant: Oliver Wendell Collins, d.b.a. COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oregon 97910. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, (except commodities in bulk, and commodities which because of size or weight require special equipment to load, unload or transport), between Jordan Valley and Sheaville, Oregon, on the one hand, and, on the other the facilities of the DeLamar Silver Mine, at or near DeLamar (Owyhee County), Idaho.

NOTE.—If a hearing is deemed necessary, it is requested to be held at Bosie, Idaho.

No. MC 141804 (Sub-No. 54), filed May 5, 1977. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper labels (plain or printed), gummed paper, corrugated boxes, and materials, parts and supplies*, used in the manufacture thereof (except commodities in bulk and which because of size or weight require special handling or equipment), from Azusa and Monrovia, Calif. to points in Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Delaware, New Jersey, Maryland, Missouri, Georgia, North Carolina, Florida, Louisiana, Kansas and Iowa, restricted to traffic originating at the plant sites and storage facilities utilized by Avery Label.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 57), filed May 11, 1977. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tennessee 37072. Applicant's representative: Frederick J. Coffman, P.O. 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: *Grinding wheels, rubbing stones, abrasive grain, crude abrasives, abrasive paper or cloth, crude silicon carbide, insulating materials, tools, high temperature mortar, metal alloys and cleaning compound other than liquid*, from the plantsite and storage facilities of The Carborundum Company located at or near Niagra Falls, New York and New Carlisle, Indiana, to Compton, Santa Fe Springs, and Los Angeles, California; Phoenix, Arizona; Salt Lake City, Utah; Farmington, New Mexico; Denver, Colorado; Seattle and Vancouver, Washington, restricted to traffic originating at or destined to the above locations and further restricted against commodities in bulk and commodities that because of their size and weight require special equipment for loading or unloading.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Niagara Falls, New York or Lincoln, Nebraska.

No. MC 142559 (Sub-No. 1), filed May 3, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *water heaters* and *water heater parts* and *accessories*, and (2) *materials and supplies* (except commodities in bulk), used in the manufacture or distribution of the commodities in (1) above, between the facilities of the Bradford-White Corporation, at Middleville, Mich., and Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the said facilities of the Bradford-White Corporation.

NOTE.—Common control may be involved. Applicant holds motor contract carrier authority in No. MC 139254; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 142727 (Sub-No. 1), filed May 2, 1977. Applicant: REYNALDO TAMAYO, 4421 N.W. 200th Street, Miami, Fla. 33133. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, Class A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement, and commodities requiring refrigeration), Between all points in Dade County, Fla., lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, restricted to shipments having a prior or subsequent movement by water.

NOTE.— If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142732 (Sub-No. 1), filed May 3, 1977. Applicant: TIFFANY TRANSPORTATION COMPANY, INC., 3346 NW. 78th Avenue, Miami, Fla. 33122. Applicant's representative: James P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except the transportation of commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement), between points in Dade County, Fla., east

of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142765 (Sub-No. 2), filed May 11, 1977. Applicant: AMERICAN TRANSPORTATION, INC., P.O. Box 2379, Trenton, New Jersey 08601. Applicant's representative: Mel P. Booker, Jr., 118 North St. Asaph Street, Alexandria, Virginia 22314. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *such commodities* as are dealt in or sold by direct sale, catalog sale and mail order houses, and *material, equipment and supplies*, used or useful in the manufacture, distribution or sale of products dealt in by direct sale, catalog sale, and mail order houses, between the Facilities of Amway Corporation, at or near Dayton, New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Amway Corporation Regional Distribution System. *Restriction*: Restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Trenton, New Jersey or Washington, D.C.

No. MC 142772 (Sub-No. 2) (Correction), filed March 28, 1977 published in the FEDERAL REGISTER issue of May 19, 1977 and republished as corrected this issue. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, Wis. 54729. Applicant's representative: Roderick A. Cameron, 101 N. Broadway, Stanley, Wis. 54768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing slabs, tile and panels*, and *related materials, parts, supplies and accessories*, from Cornell, Wis., (a) to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan; and (b) to points in Wisconsin, restricted in (b) above to shipments having a subsequent movement in interstate commerce by rail or water; and (2) *wood fabricated components* for cabinets and store fixtures, *wood building materials and lumber*, and *materials* used or useful in the transportation and installation of these commodities, from Chippewa Falls, Wis., to points in Illinois, Indiana, Iowa and Minnesota.

NOTE.—The purpose of this republication is to correct territorial description. If a hearing is deemed necessary, applicant requests it be held at either Eau Claire, Wis., or Minneapolis, Minn.

No. MC 142856 (Sub-No. 1), filed May 9, 1977. Applicant: THOMAS A. McKISSICK, 5945 Hunt Club Road, Baltimore, Md. 21227. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products and materials, supplies and equipment*, used in the manufacture and distribution of concrete products, between Jessup, Md., and Manassas, Va., on the one hand, and, on the other, points in Maryland, Delaware, Virginia, W. Virginia, Pennsylvania, New Jersey, North Carolina and the District of Columbia, under a continuing contract with Concrete Pipe & Products Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142894 (Sub-No. 1) (Correction), filed February 2, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished as corrected this issue. Applicant: Charles Miller, doing business as MILLER DELIVERY SERVICE, 134 Shinkle Street, Findlay, Ohio 45840. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck panels*, from Findlay, Ohio, to Detroit, Detroit Metropolitan Airport, Warren, and Willow Run Airport, Mich., under contract with Findlay Industries, Inc., and Superior Trim Company, restricted to the transportation of shipments weighing 2,000 pounds or less.

NOTE.—The purpose of this correction is to indicate the elimination of restriction (1) and (3), from the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 143203 (Sub-No. 1), filed May 10, 1977. Applicant: UNITED TRUCKING COMPANY, a corporation, P.O. Box 1158, Miles City, Montana 59301. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Montana 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages and empty containers*, between Olympia, Washington, Milwaukee, Wisconsin, Vancouver, Washington and Portland, Oregon, on the one hand, and, on the other, Miles City, Montana, under a continuing contract, or contracts, with Olympia Brewing Company and United Beverage Company.

NOTE.—If a hearings is deemed necessary, the applicant requests it be held at either Billings, Mont. or Olympia, Wash.

No. MC 143216, filed May 2, 1977. Applicant: ANDREW DENTON, P.O. Box 5863, Jackson, Mississippi 39208. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Texas 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, materials*, and *supplies* used in the manufacture of rubber products, paint and plastic (except commodities in bulk, in tank vehicles) from Memphis, Tenn.; Gulfport, Miss.; Mobile, Ala.; and New Orleans, La. to Torrance, Calif., under a continuing contract, or contracts, with The C. P. Hall Company.

NOTE.—If oral hearing is held, applicant requests that it be conducted in Los Angeles or San Francisco, Calif.

No. MC 143224 (Sub-No. 2), filed May 10, 1977. Applicant: LAPEYROUSE GRAIN CORPORATION OF MISSISSIPPI, P.O. Box 41, Lucedale, Mississippi 39452. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Mississippi 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *fertilizer*, bagged and in bulk; (1) from the facilities of Kerr-McGee Chemical Corporation at Cottondale and Pensacola, Florida to points in Mississippi; and (2) from the facilities of Keer-McGee Chemical Corporation at Franklinton, Louisiana to points in Mississippi, under a continuing contract, or contracts with Kerr-McGee Chemical Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Mississippi and Mobile, Alabama.

No. MC 143234, filed May 9, 1977. Applicant: PHILLIPS BROTHERS WARE HOUSING AND DISTRIBUTING CORPORATION, 25 Thomas Avenue, Baltimore, Md. 21225. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *containers, container chassis and trailers* and (2) *general commodities* (except commodities requiring special equipment, household goods as defined by the Commission, Class A and B explosives and commodities of unsual value): Between Baltimore, Md. and points in the Baltimore, Md. commercial zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Baltimore, Md.

No. MC 143251, filed May 6, 1977. Applicant: FOB TRANSPORTATION GROUP, 103 Branch Ave., Red Bank, N.J. 07701. Applicant's representative: Robert A. Russell, 19 Midvale Road, P.O. Box 215, Mountain Lakes, N.J. 07046. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of (1) Paper from Middletown, Ohio to points in Connecticut, Delaware, Georgia, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin, (2) materials and supplies used in the manufacture of paper from the above States to Middletown, Ohio, under a continuing contract or contracts with the Sorg Paper Company of Middletown, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Newark, New Jersey or New York, N.Y.

No. MC 143253, filed May 5, 1977. Applicant: KENNETH J. LOTZ, d/b/a, CONLEY'S TOWING SERVICE, 2100 Bowman Avenue, McKeesport, Pa. 15132. Applicant's representative: Arthur J. Diskin, Esq., 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting wrecked, disabled, or repossessed motor vehicles, trailers and buses (except mobile homes and trailers designed to be drawn by passenger automobiles) and replacement vehicles therefor, by use of wrecker equipment or single car haulers, between points in the counties of Allegheny, Washington, Westmoreland, Fayette, Greene and Somerset, Pa. on the one hand, and on the other, points in Me., Vt., N.H., Mass., Conn., R.I., N.Y., N.J., Del., Md., D.C., Va., N.C., S.C., Ga., Fla., Ky., Tenn., Ala., Ohio, Mich., Ind., and Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washintgon, D.C.

No. MC 143254, filed May 6, 1977. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, Mass. 02167. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *polymeric products* (except in bulk), and (2) *equipment, materials, and supplies* (except commodities in bulk), used in the manufacture and distribution of polymeric products, between the facilities of Family Products, Inc., in Middlesex and Essex Counties, Mass., and Hillsborough County, N.H., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service performed under a continuing contract or contracts with Family Products, Inc., located at Lowell, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 143255, filed May 6, 1977. Applicant: R & D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, Iowa 50306. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Lumber, lumber products, and building materials; and (2) such commodities as are dealt in or used by distributors of the commodities named in (1) above, between the facilities of Roberts & Dybdahl Inc., at or near Des Moines, Carroll, Waterloo, Marengo, and Ottumwa, Iowa, Sun Prairie and LaCrosse, Wisconsin; Chillicothe, Missouri; Indianapolis, Indiana; Mitchell and Milan, Illinois; Minneapolis, Minnesota; Wichita, Kansas; and Omaha, Nebraska, on the one hand, and, on the other, points in North Dakota, South Dakota, Wyoming, Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Montana, Mississippi, Alabama, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Arkansas, Missouri, Iowa, and Minnesota. Restricted against the transportation of commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with Roberts & Dybdahl Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 143256, filed May 10, 1977. Applicant: LAND-O-NOD, INC., 945 Northeast Broadway, Minneapolis, Minnesota 55411. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55411. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and accessories*, from Minneapolis and Cokato, Minnesota, to points in Iowa, Wisconsin, Nebraska, North Dakota, South Dakota, Michigan, and Illinois; (2) *Materials, equipment and supplies* used in the manufacture of furniture and furniture accessories, from points in Illinois, Iowa, Wisconsin, Nebraska, North Dakota, South Dakota and Michigan to Minneapolis and Cokato, Minnesota, under a continuing contract or contracts with Land-O-Nod, Inc., and Richwell Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minnesota.

No. MC 143257, filed May 11, 1977. Applicant: CHAMBERS, LTD., P.O. Box 304, Corydon, Iowa 50060. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: (1) *Grain drying equipment;* (2) *grain bins;* and (3) *parts and accessories* for (1) and (2); and *materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), (2), and (3), between Corydon, Iowa, on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Des Moines, Iowa, or Kansas City, Mo.

No. MC 143305, filed May 11, 1977. Applicant: JOHN H. SCHUFER and ROBERT W. HANNA, a partnership, doing business as JOHN & BOB'S AUTO SERVICE, Rt. 66, East Hampton Rd., Portland, Conn. 06480. Applicant's representative: John H. Schufer or Robert W. Hanna (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cars, trucks and other motor vehicle equipment*, between points in Connecticut, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Hartford or New Haven, Conn.

WATER CARRIER APPLICATION

No. W 104 (Sub-No. 30), 194 filed May 11, 1977. Applicant Union Mechling Corporation, One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York City, N.Y. 10017. Authority sought to operate as a *common carrier* by water: (I) By self-propelled vessels in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment in straight loads or mixed loads with materials, supplies and equipment used or useful in the construction, installation and maintenance thereof: (a) Between ports and points on the Pacific Coast and tributary waterways on the one hand, and on the other, ports and points on the Gulf of Mexico Coast and tributary waterways; (b) Between ports and points on the Atlantic Coast and tributary waterways, on the one hand, and on the other, ports and points on the Gulf of Mexico Coast and tributary waterways; (c) Between ports and points in (a) and (b) above, on the one hand, and on the other, ports and points presently served by non-self-propelled vessels with the use of separate towing vessels in Sixteenth Amended Certificate issued in Docket No. W-104; (d) Between ports and points on the Pacific Coast and tributary waterways on the one hand, and on the other, ports and points on the Atlantic Coast and tributary waterways.

NOTE.—The intention is to provide service by self-propelled vessel between points applicant now is authorized to provide transportation of the commodities herein by non self-propelled vessels with the use of separate towing vessels. The states involved in No. W-104 referred to in (c) above are Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at New Orleans, La.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 226), filed May 2, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Arizona 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, (1) between Chicago, Illinois and the junction of Interstate Highway 80 and U.S. Highway 66 (Interstate Highway 55) southwest of Joliet, Illinois, serving all intermediate points: From Chicago over Interstate Highway 94 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 66 (Interstate Highway 55) and return over the same route, (2) between Joliet, Illinois and the junction of Interstate Highway 80 and

U.S. Highway 30 serving all intermediate points: From Joliet over U.S. Highway 30 to junction Interstate Highway 80 and return over the same route, (3) between the junction of unnumbered highway and U.S. Highway 66 (portions of which are also designated Interstate Highway 55) at a point approximately one mile north of Mount Olive, Illinois and the junction of U.S. Highway 66 (Interstate Highway 55) and Interstate Highway 70 northeast of Collinsville, Illinois, serving all intermediate points: From the junction of unnumbered highway and U.S. Highway 66 over U.S. Highway 66 to junction Interstate Highway 55, thence over U.S. Highway 66 and Interstate Highway 55 to junction Interstate Highway 70 and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at Chicago, Illinois.

No. MC 41638 (Sub-No. 7), filed May 4, 1977. Applicant: DELUXE TRAILWAYS, INC., 1718 South Clark St., Chicago, Ill. 60616. Applicant's representative: C. Zimmerman, 413 Brown Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Decatur, Ill., and Fullerton, Ill.: From Decatur over U.S. Highway 51 to Clinton, Ill., thence over Illinois Highway 54 to Fullerton, Ill. and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Decatur or Springfield, Ill.

No. MC 99581 (Sub-No. 4), filed May 5, 1977. Applicant: HORACE SIMMONS, doing business as VACA VALLEY BUS LINES, 321 State Street, Fairfield, California 94533. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, California 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and baggage of passengers* in the same vehicle with passengers, in special and charter operations, from and to the following points or areas: Beginning and ending at points in Contra Costa County and those points in Alameda County on, north and east of the following highways including all points within 3 miles of said highways: Interstate Highway 680 between the Alameda-Contra Costa County Boundary Line and junction with State Highway 84; State Highway 84, between junction with Interstate Highway 680 and junction with Tesla Road; Tesla Road, between junction with State Highway 84 and the Alameda-San Joaquin County Boundary Line; and Dublin and Livermore, California; and extending to points in the United States, including Alaska (except Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 143252, filed May 5, 1977. Applicant: JOHN WILLIAM JIGGETTS, doing business as JIGGETTS CHARTERED BUS SERVICE, Post Office Box 18, Palmer Springs, Virginia 23957. Applicant's representative: Thomas B. Throckmorton, 1400 Ross Building, Richmond, Virginia 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and round trip operations, beginning and ending at Mecklenburg, Nottoway, Greenville and Lunenburg Counties, Virginia, and Vance and Warren Counties, N.C., and extending to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Virginia.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before July 18, 1977. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12881 (Amendment) (CASSENS TRANSPORT COMPANY—Purchase—Square Deal Cartage Company, Gate City Transport, et al.) published in the July 29, 1976 issue of the FEDERAL REGISTER. By notice served May 27, 1977, the Commission upheld the decision made in the initial decision by the Administrative Law Judge. The interstate operating rights initially sought to be purchased are held under certificates of public convenience and necessity issued to Square Deal in MC 2765 and various subs thereunder, and to Gate City in MC 61623, and various subs thereunder. After notice of the application to acquire the foregoing authority was published in the FEDERAL REGISTER, the Commission on December 10, 1976 issued an additional certificate of public convenience and necessity to Gate City in MC 61623 (Sub-No. 16) which is as follows: Motor homes, in secondary movements, in truckaway service, when moving in mixed loads with automobiles and trucks (otherwise authorized), except Chrysler Corporation products, as a common carrier over irregular routes between points in Ohio. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with carrier's other irregular route authority unless specifically authorized herein. General restrictions: The authority granted herein (a) to the extent that any one portion duplicates any other portion or is duplicative of any authority heretofore granted to or now held by the carrier, shall not be severed from common control by sale, lease, transfer of stock, or otherwise, and (b) may not be tacked or joined with the carrier's other irregular route authority.

No. MC-F-13229. Authority sought for control by THE FIRST GRAY LINE WEST CORPORATION, 3550 Wilshire Boulevard, Suite 1128, Los Angeles, CA 90010, of The Gray Line Tours Company, 1207 West Third Street, and for acquisition by The First Gray Line Corporation, who in turn is controlled by Mr. Henry F. Burroughs, Mr. James R. Burroughs and Ms. Mary Anne Doms, as Trustee for the estates of Mr. Henry F. Burroughs and Mrs. Henry F. Burroughs of 3550 Wilshire Blvd., Suite 1128, Los Angeles, CA 90010. Applicants' attorney: Warren N. Grossman, 606 South Olive, Suite 825, Los Angeles, CA 90014. Operating rights sought to be controlled: *Pending: Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, as a *common carrier* over irregular routes beginning and ending at points in Los Angeles and Orange Counties, Calif., and extending to the port of entry (located in California) along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5; visiting such points of sightseeing interest en route as San Juan Capistrano, San Clemente, LaJolla and Coronado, Calif. Applicant is a no record carrier, however, it is affiliated with Gray Line, Inc., (MC 453), which is authorized to operate as a common carrier in District of Columbia, Maryland, Virginia, West Virginia, Delaware, New Jersey, and Pennsylvania; and Gray Line Tours of Southern Nevada (MC-127564), which is authorized to operate in Nevada, Arizona, and California. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Applicant presently owns 100 percent of the issued and outstanding stock of The Gray Line Tours Company. By Initial Decision No. MC 141460 (Sub-No. 1), dated February 16, 1977, the latter, presently a noncarrier was issued a Certificate of Public Convenience and Necessity, subject to the filing of the instant application. Said Initial Decision was subsequently modified by "Stay Decision and Order," dated March 23, 1977.

No. MC-F-13230. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO, 80223, of a portion of the operating rights of Tischler Express Inc., 8408 Elliston Drive, Philadelphia, PA, 19118, and for acquisition by United Transportation Investment Company, David H. Ratner, 310 South Michigan

Avenue, Chicago, IL, 60604, of control of such rights through the purchase. Applicants' attorneys: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL, 60603, and Ira Megdal, Hyland, Davis and Reberkenny, Box 459, Cherry Hill, N.J., 08002. Operating rights sought to be transferred: Glassware, as a common carrier over irregular routes from Philadelphia, Pa. to Wilmington, Dela., serving no intermediate points; from Philadelphia over U.S. Highway 13 to Wilmington, and return over the same route, with no transportation for compensation except as otherwise authorized; from Philadelphia over U.S. Highway 1 to junction U.S. Highway 202, thence over U.S. Highway 202 to Wilmington, and return over the same route with no transportation for compensation except as otherwise authorized, glassware, chinaware, and advertising matter, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Kansas, Colorado, Oklahoma, New Mexico, Arizona, California, Wyoming, Utah, Nebraska, Missouri, Texas, Nevada, Louisiana Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Kentucky, Ohio, Michigan, Washington, Idaho, Oregon, Montana, New Jersey, Deleaware and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13231. Authority sought for purchase by ELFRINK TRUCK LINES, INC., P.O. Box 92, Advance, MO 63730, of a portion of the operating rights and property of RIGHTER TRUCKING CO., INC., 1238 Meadowbrook, Cape Girardeau, MO 63701, and for acquisition by EDWARD ELFRINK, 508 Berchman, Jackson, MO 63755, Edward Vandeven, Bloomfield, MO 63825, and Theodore Elfrink, 6804 Fyler, St. Louis, MO 63139, of control of such rights through the purchase. Applicant's attorney: Herman Huber, 101 E. High Street, Jefferson City, MO 65101. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over *regular* routes between St. Louis, Mo., and Cape Girardeau, Mo., service is authorized to and from intermediate points except those between East St. Louis and Cape Girardeau; and to and from the off-route points of Tamms and National Stockyards, Ill.; between junction Illinois Highways 3 and 146, and junction Illinois Highway 3 and U.S. Highway 51, service is not authorized to or from intermediate points, between Mound City, Ill., and Sikoston, Mo., service is authorized to and from all intermediate points; General commodities with exceptions as a common carrier over irregular routes between points and places in Mississippi County, Mo., on the one hand, and, on the other, points in which service is authorized in connection with the regular routes described above, General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over an alternate regular route, for operating convenience only, in connection with carrier's presently authorized regular route operations, between Chester, Ill., and Sikeston, Mo., service is not authorized to or from intermediate points, but service is authorized at Chester, Ill., for the purpose of joinder only; general commodities, with exceptions as a common carrier over regular routes serving the plant site of the West Virginia Pulp and Paper Company near Wickliffe, Ky., as an off-route point in connection with carrier's authorized regular-route operations; ground silica, in bags, as a common carrier over irregular routes from Tamms, Ill., to points in Florida, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Missouri, Illinois and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13237. Authority sought for merger by MIDWEST EMERY FREIGHT SYSTEM, INC., 7100 West Center Road, Omaha, NE 68106, of the operating rights and properties of LASKAS MOTOR LINES, INC., P.O. Box 2828, South Bend, IN 46680, and for acquisition by RENTAR INDUSTRIES, INC., 7005 South Pulaski Road, Chicago, IL 60629, of control of such rights through the merger. Applicants' attorney: Arnold Burke, Burke, Kerwin & Towle, LaSalle Plaza, 180 N. LaSalle Street, Chicago, IL 60601. Operating rights sought to be merged: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Hartford, Conn., and Perth Amboy, N.J., Between Hartford, Conn., and Waterbury, Conn., between Derby, Conn., and New Haven, Conn., between Naugatuck, Conn., and Stratford, Conn., between Hartford, Conn., and Boston, Mass., between Manchester, Conn., and Boston, Mass., with restrictions, between Springfield, Mass., and Meriden, Conn., between Northampton, Mass., and East Hartford, Conn., serving all intermediate points; and the off-route points of Chicopee, Easthampton, Greenfield, Indian Orchard, Ludlow, North Adams, Palmer, Pittsfield, Three Rivers and Turners Falls, Mass.; *General commodities*, with exceptions, over irregular routes, between points and places on the above-designated regular routes, including intermediate and off-route points, on the one hand, and, on the other, Bethel, Danbury, Danielson, Fitchville, Hanover, Jewett City, Mystic, Manchester, Norwich, New London, Sandy Hook, Southbury, Torrington, Taftville, Wauregan, Willimantic, Wilton and Winsted, Conn., Mineola, N.Y., and Bound Brook, Clifton, Carlstadt, Dunellen, Englewood, Guttenberg, Garfield, Hawthorne, Lodi, Maplewood, Montclair, Morristown, New Brunswick, Nutley, Passaic, Paterson, Plainfield, Ridgewood, Union City and West New York, N.J., from Hartford, Conn., to points in Massachusetts not authorized as intermediate or off-route points in connection with regular-route operations over the first three routes above. Vendee is authorized to operate as a common carrier in all the States in the United States including District of Columbia but excluding Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MIDWEST EMERY FREIGHT SYSTEM, INC., was granted control of LASKAS MOTOR LINES, INC., in MC-F-11193, served October 30, 1972.

No. MC-F-13239. Authority sought for purchase by B & L TRUCK LINES, INC. (non-carrier), wholly owned by BRAZOS, INC. which is controlled by LOYD LANOTTE, BILL BARNETT AND NICOLAS L LANOTTE, 339 East 24th Street, Lubbock, TX., 79404, of the operating rights and property W. D. SMITH TRUCK LINE, INC., Highway 71 North, De Queen, Ark., 71832, and for acquisition by LOYD LANOTTE and NICOLAS LANOTTE, 339 34th St., Lubbock, TX, 79404, and BILL BARNETT, Drawer F, Levelland, TX., 79336, of control of such rights through the purchase. Applicants' attorney: Mr. John C. Sims, 1607 Broadway, P.O. Box 2976, Lubbock, TX., 79408. Operating rights sought to be transferred: Lumber and Lumber products, and windows and door complete with glass panes, pressure-treated forest products, asphalt or composition lumber, paper and waste paper, tape, joint cement and joint systems used in the manufacture and installation of gypsum board, charcoal briquettes, composition or asphalt lumber, particleboard, plywood, paper, paper products, and linerboard, pressure-treated lumber, posts, poles and piling, milk carton, insulating materials, with certain specified exceptions, and numerous other specified commodities, as a common carrer over irregular routes, from, to, and between specified points in all the States in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC-103498 and Subs numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. B & L TRUCK LINES, INC., holds no authority from this Commission. However, it is wholly owned by BRAZOS, INC. which in turn owns 100 percent of BRAZOS TRANSPORT, INC. BRAZOS TRANSPORT, INC. is authorized to operate as a common carrier in Texas, Arkansas, Louisiana, New Mexico, Oklahoma, Kansas, Colorado, Missouri, Arizona Illinois, Iowa, Mississippi, Nebraska, Tennessee, Utah, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, Minnesota, Indiana, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13241. Authority sought for purchase by SPRINGFIELD EXPRESS, INC., U.S. Highway 41, North, Springfield, TN., 37172, of a portion of the operating rights of OWENSBORO EXPRESS, INC., Alsop Lane, Owensboro, KY. 42311, and for acquisition by DAVID P. FISHER, U.S. Highway 41, North, such rights through the purchase. Applicants' Attorney: Walter Harwood, P.O. Box 15214, Nashville, TN., 37215. Operating rights sought to be transferred: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, in tank vehicles), as a common carrier over regular routes between Owensboro, Ky., and Nashville, Tenn., serving no intermediate points; From Owensboro over U.S. Highway 431 to Springfield, Tenn., thence over U.S. Highway 41 to Nashville, and return over the same route. Between Owensboro, Ky., and Nashville, Tenn., as an alternate route for operating convenience only in connection with the route described above, serving no intermediate points: From Ownesboro over U.S. Highway 231 to junction Interstate Highway 65 near Bowling Green, Ky., and thence over interstate Highway 65 to Nashville, and return over the same route, with restrictions. Vendee is authorized to operate as a common carrier in Indiana, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13244. Authority sought for purchase by GAIL R. KALDENBERG, ABC CARTAGE, 129 SE 18th Street, Des Moines, IA., 50318, of a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, CO., 80207, and for acquisition by GAIL R. KALDENBERG, 129 SE 18th St., Des Moines, IA. 50318, of control of such rights through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA. 50309. Operating rights sought to be transferred: General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a common carrier over irregular routes from Des Moines, Iowa to points in Iowa within 100 miles of Des Moines, with no transportation for compensation or return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Iowa, Colorado, California, Wyoming, Nebraska, Illinois, Nevada, Utah, Missouri, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, Kansas, New Mexico, Minnesota, Wisconsin, Arizona, Idaho, Montana, Oregon, Washington, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13246. Authority sought for purchase by ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, MA., 02351 of the operating rights of BLACKHAWK MOTOR LINES, INC., P.O. Box 76, Charlestown (Boston), MA., 02129, and for by PIERCE ENTERPRISES, INC., also of Abington, MA., 02351, of control of such rights through the purchase. Applicants' attorneys: David M. Marshall, 135 State St., Springfield, MA., 01103, and James E. Mahoney, 84 State St., Boston, MA., 02129. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121196 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a common carrier in Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 63871 (Sub-No. 5), is a directly related matter.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 18, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 1515 (Deviation No. 729), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed June 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Alternate U.S. Highway 41 and Interstate Highway 24 north of Ft. Campbell, Ky., over Interstate Highway 24 to Nashville, Tenn., with the following access routes: (1) From Clarksville, Tenn., over Tennessee Highway 76 to junction Interstate Highway 24, and (2) From Pleasant View, Tenn., over Tennessee Highway 49 to junction Interstate Highway 24 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Alternate U.S. Highway 41 and Interstate Highway 24 north of Ft. Campbell, Ky., over Alternate U.S. Highway 41 to Nashville, Tenn., and return over the same route.

No. MC 2202 (Deviation No. 158), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed June 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bonham, Tex., over Texas Highway 78 to the Texas-Oklahoma State line, thence over Oklahoma Highway 78 to Durant, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bonham, Tex., over U.S. Highway 82 to junction U.S. Highway 69, thence over U.S. Highway 69 to Durant, Okla., and return over the same route.

No. MC 2202 (Deviation No. 159), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed June 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over Missouri Highway 13 to junction U.S. Highway 54, thence over U.S. Highway 54 to Iola, Kans., and return over the same route for operating convenience only. The Notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 169, thence over U.S. Highway 169 to Iola, Kans., and return over the same route.

No. MC 29555 (Deviation No. 18), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, Minn. 55104, filed June 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis/St. Paul, Minn., over Interstate Highway 35 to junction Interstate Highway 80 near Des Moines, Iowa, thence over Interstate Highway 80 to junction U.S. Highway 59, thence south over U.S. Highway 59 to junction Interstate Highway 29 near Craig, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis/St. Paul, Minn., over U.S. Highway 65 to Mason City, Iowa, thence over U.S. Highway 18 to Charles City, Iowa, thence over U.S. Highway 218 to Waterloo, Iowa, thence over U.S. Highway 63 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 275 in Council Bluffs, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in in-

terstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 77-181-MF/O, filed May 16, 1977. Applicant: Roy D. Earnest, doing business as DAVE EARNEST TRUCKING, Box 60, Craig, Alaska 99921. Applicant's representative: George L. Gucker, 320 Bawden St. No. 318, Ketchikan, Alaska 99901. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Common carrier permit authority in intrastate for truck hauling of *General commodities* (except those of unusual value and excluding explosives), between, from and to all points or places on Prince of Wales Island, Alaska, over irregular routes or regular routes on all road areas of Prince of Wales Island, Alaska, non-scheduled. Also, for the same commodities to pick up and send said interstate commodities arriving or going by boat, ferry or plane from or to Seattle or other states, or by boat, ferry or air from or to Ketchikan or other Alaska cities or other interstate carriers to or from Prince of Wales Island to be delivered to the recipient or sent by shipper. Intrastate, interstate or foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X-71 (Correction), filed May 9, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished as corrected this issue. Applicant: DUGAS EXPRESS CO., 101 Knox Street, Lewiston, Maine 04240. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Applicant seeks to amend Maine Common Carrier Certificate No. 68 by adding authority to extend its present service to include service (1) Between Portland-South Portland and Burnham, passing through and serving Lewiston, Canaan, Pittsfield, Palmyra, Newport, East Newport, Detroit, Etna, Carmel, Herman, Bangor, Orono, Veazie, Brewer, Holden, South Brewer, Hampden, Plymouth, with pick up and delivery service between all points in both directions. (2) Between Portland-South Portland and Moose River, passing through and serving Lewiston, Norridgewock, Mercer, Skowhegan, Madison, Anson, North Anson, Embden, Solon, Bingham, Moscow, Caratunk, West Forks, Lake Parlin, Jackman, with pick up and delivery service between all points in both directions. (3) Between Portland-South Portland and Belgrade, passing through and serving Lewiston, Riverside, Vassalboro, East Vassalboro, North Vassalboro, China, Winslow, Waterville, Benton, Fairfield, Clinton, Hinckley, Shawmut, Oakland, North Sidney, Sidney, Larone, Smithfield, Rome, North Belgrade, with pick up and delivery service between all points in both directions. (4) Between Portland-South Portland and Fayette, passing through and serving Lewiston, Sabattus, Litchfield, Leeds Junction, Wales, Monmouth, Litchfield Corner, West Gardiner, Gardiner, South Gardiner, Farmingdale, Pittston, Randolph, Chelsea, Togus, Hallowell, Augusta, Manchester, Winthrop, Greene, Leeds, North Leeds, Wayne, North Wayne, Readfield, Kents Hill, with pick up and delivery service between all points in both directions.

(5) Between Portland-South Portland and Vienna, passing through and serving Lewiston, Turner, Turner Center, North Turner, Livermore, East Livermore, Hartford, Canton, Gibertville, East Peru, North Livermore, Livermore Falls, Chisholm, East Dixfield, North Jay, Dryden, Jay, Wilton, East Wilton, Farmington Falls, Farmington, North Chesterville, New Sharon, Mount Vernon, Belgrade Lakes, with pick up and delivery service between all points in both directions; and (6) Between Portland-South Portland and Peru, passing through and serving Lewiston, Mechanic Falls, Minot, Welchville, West Minot, Hebron, South Paris, Paris, Norway, Buckfield, East Sumner, Sumner, West Sumner, West Woodstock, West Paris, Bryant Pond, North Woodstock, Locke Mills, Bethel, Milton, Abbotts Mill, Rumford, Mexico, Dixfield, West Peru, with pick up and delivery service between all points in both directions.

NOTE.—The purpose of this correction is to indicate the correct authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Main Public Utilities Commission, State House Annex, Capitol Shopping Center, Augusta, Maine 04330 and should not be directed to the Interstate Commerce Commission.

No. MC 4610 (Sub-No. 8) (Partial Correction), filed February 24, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished as corrected this issue. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 11080, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph (3) to read: Between the junction of Interstate Highway 40 and Interstate Highway 81 (in Jefferson County) and Newport, Tenn.: From junction Interstate Highway 40 and Interstate Highway 81 to junction with U.S. Highway 411, thence via U.S. Highway 411 to Newport, Tenn., and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 40 and Interstate Highway 81 for joinder only, the rest remains the same. Hearing: Date, time and place was scheduled for May 23, 1977, at 9 a.m. in the Conference Room, C&C Bank, White Pine, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-111 Cordell Hull Building, Nashville, Tenn. 37129 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17053 Filed 6-15-77;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: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., June 16, 1977.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-660-77 Filed 6-13-77;4:08 pm]

2

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, June 23, 1977 (NM-77-17).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. *Letter* to Air Line Pilots Association re reconsideration of probable cause and revised accident report, Pan American B-707, Pago Pago, American Samoa, January 30, 1974. 2. *Recommendation* to Equitable Gas Co. and Materials Transportation Bureau re pipeline accident in Mononghela, Pennsylvania, March 13, 1977. 3. *Letter* to Mr. John Halligan re reconsideration of probable cause, Cessna 337, N5464S, Augusta, Georgia, July 6, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-661-77 Filed 6-13-77;5:07 pm]

3

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2:30 p.m., Thursday, June 23, 1977 (NM-77-18).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. *Opinion and Order—Administrator* v. *Apte*, Dkt. SE-3281; Disposition of Administrator's Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-662-77 Filed 6-13-77;5:07 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., June 22, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED: Designation of Elective Directorships for Federal Home Loan Banks, 1977 Election.

Application for Modification of Condition and Extension of Time—Hayward Savings and Loan Association, Hayward, California.

Branch Office Application—South Suburban Federal Savings and Loan Association, Flossmoor, Illinois.

Consideration of Proposed Major Loan Information System (MLIS).

Consideration of Final Amendments Relating to Participation Interests in Large Pools of Loans.

Consideration of Final Amendment Relating to Three-Year Term to Maturity on IRA and Keogh Accounts.

Consideration of Final Amendments Relating to Alteration, Repair, or Improvement Loans.

EFTS-RSU Application—P.O.S. Services, Inc., Minneapolis, Minnesota.

Branch Office Application—Lincoln Federal Savings and Loan Association of Owensboro, Owensboro, Kentucky.

No. 34, June 13, 1977.

[S-663-77 Filed 6-14-77;10:02 pm]

5

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, June 22, 1977, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, phone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-664-77 Filed 6-14-77;10:02 am]

6

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed on June 13, 1977).

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 16, 1977.

STATUS: Open meeting.

CHANGES IN THE MEETING: Additional item to be considered on the agenda.

Additional discussion of the Commission's consideration of the publication for comment of a proposed amendment to Rule 3-07 of Regulation S-X to substantially eliminate the practice of accounting for certain transactions as adjustments of prior period earnings. This item was discussed previously at the open meeting held by the Commission on June 9, 1977.

Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 13, 1977.

[S-665-77; Filed 6-14-77;10:18 am]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 14, 1977, 4 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTER TO BE CONSIDERED: Post-oral argument discussion by the Commission.

Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 13, 1977.

[S-666-77 Filed 6-14-77;10:18 am]

8

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 23, 1977 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: 9.30 a.m.—*Baby Rattles.* The Commission will consider whether or not to regulate certain baby rattles and under what regulatory authority. 2:00 p.m.—*Management Budget Review.* This is one of a series of briefings on the zero-based budget process for FY 79.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, telephone 202-634-7700.

[S-667-77 Filed 6-14-77;10:27 am]

9

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 24, 1977 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: *Management Budget Review.* The Commission will continue the zero-based budget review process for FY 79.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, telephone 202-634-7700.

[S-668-77 Filed 6-14-77;10:27 am]

10

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: 9:30 a.m., June 21, 1977.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I (9:30 A.M.)

P-1.—Docket No. E-8264, Maine Public Service Company.

P-2.—Docket No. ER77-311, Utah Power & Light Company.

P-3.—Docket No. ER77-388, Lake Superior District Power Company.

P-4.—Docket No. ER77-408, ER77-409, ER76-410, Idaho Power Company.

MISCELLANEOUS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I

M-1.—Docket No. RM75-29, fuel adjustment provisions in FPC rate schedules.

M-2.—Reserved.

M-3.—Reserved.

M-4.—Docket No. R-424, accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

GAS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I

G-1.—Docket No. RP76-159, Columbia Gas Transmission Corporation.

G-2.—Docket No. RP77-8-1, United Gas Pipe Line Company (Southland Oil Company).

G-3.—Docket No. RI77-3, Panhandle Production Company.

G-4.—Docket No. RI77-30, Karis Oil Company, Inc.

G-5.—Docket No. CI76-806, Pennzoil Offshore Gas Operators, Inc.

G-6.—Docket No. CI77-298, Tenneco Inc., Amoco Production Company, et al.

G-7.—Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.

G-8.—Docket Nos. CP74-138, CP74-139, Trunkline LNG Company. Docket No. CP74-140, Trunkline Gas Company.

G-9.—Docket Nos. CP75-17 and CP75-277, Transwestern Pipeline Company.

G-10.—Tennessee Gas Pipeline Company, Midwestern Gas Transmission Company.

G-11.—Smyrna, Tennessee, Loretto, Tennessee.

POWER AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CP-1.—Docket No. ER77-344, Public Service Company of Oklahoma.

CP-2.—Docket No. ER77-397, Louisville Gas & Electric Company.

CP-3.—Docket No. ER77-214, Ohio Power Company and Ohio Edison Company.

CP-4.—Docket Nos. ER76-250, ER77-320, Union Electric Company, Central Illinois Public Service Company, Illinois Power Company.

CP-5.—Docket No. ES77-32, Upeer Peninsula Power Company.

CP-6.—Docket No. ES77-39, Iowa Power and Light Company.

CP-7.—Docket No. ES77-37, Northwestern Public Service Company.

CP-8.—(A) Project No. 3270, Pensylvania Electric Company. (B) Project No. 2370, Pennsylvania Electric Company.

CP-9.—Project Nos. 2498 and 2499, Nekoosa Paper Inc., Potsdam Paper Corporation.

MISCELLANEOUS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CM-1.—Utah Power & Light Company.

CM-2.—Commission minutes.

GAS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CG-1.—Docket No. RP77-64, Valley Gas Transmission, Inc.

CG-2.—Docket No. CI77-355, Chevron U.S.A. Inc.

CG-3.—Docket No. CI77-240, Victory Petroleum Company.

CG-4.—Docket No. CI76-195, Marathon Oil Company.

CG-5.—Docket No. CP77-327, Natural Gas Pipeline Company of America, Columbia Gulf Transmission Company, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CG-6.—Docket No. CP77-323, South Texas Natural Gas Gathering Company.

KENNETH F. PLUMB,
Secretary.

[S-669-77 Filed 6-14-77;10:53 am]

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AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10 a.m., June 22, 1977.

PLACE: Room 12126, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Report of Notation Items Disposed of During May, 1977, pursuant to Commission Procedures.

2. Report on times shortened for submitting comments on section 15 agreements during the month of May, 1977, pursuant to delegated authority.

3. Report on Applications for Admission to Practice approved during the month of May, 1977, pursuant to delegated authority.

4. Assignment of Informal Dockets during the month of May, 1977, pursuant to delegated authority.

5. Agreements Nos. 8054-14 and 9502-9: Modifications of the South and East Africa/U.S.A. Conference and the United States/South & East Africa Conference Agreements to increase the

amount of admission fee for membership from $5,000 to $25,000.

6. Agreement No. 8210–35: Modification of the Continental North Atlantic Westbound Freight Conference Agreement; prohibit agents of member lines from giving unauthorized conclusions to shippers.

7. Docket No. 73–64—Additional Provisions and Reporting Requirements Applicable to Self-Policing Systems Under General Order 7—Possible Discontinuance of Proceeding.

8. 9972–5—Application for two-year extension of the Mediterranean Discussion Agreement among carriers in the U.S./Mediterranean Ports trade.

9. Docket No. 74–45—Agreement No. 80005–7—Between Members of the New York Terminal Conference NYTC)—Request for Oral Argument.

10. Docket No. 75–45—Madeplac S.A. Industria De Madeiras v. L. Figueiredo Navegacao, S.A. A/K/A Frota Amazonica, S.A.—Request for Oral Argument.

11. Docket No. 76–10—Joy Manufacturing Co. v. Lykes Bros. Steamship Co., Inc.—Request for Oral Argument.

12. Docket No. 74–10—Freight Forwarders Bids on Government Shipments at United States Ports—Possible Violations of the Shipping Act, 1916, and General Order 4—Petition for Partial Reconsideration of Report and Order served March 18, 1977.

Portions closed to the public:

1. E. L. Mobley, Inc.—FMC Independent Ocean Freight Forwarder License No. 1064–R—Qualification for Continuance of License.

2. Docket No. 76–42—Heavy Lift Practices and Charges of Hapag-Lloyd Aktiengesellschaft, the North Atlantic Westbound Freight Assoc. and its Member Lines and Europe Canada Lakes Line (Ernst Russ) in certain United Kingdom Trades—Review of Initial Decision of Administrative Law Judge served May 24, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202–523–5727).

[S–670–77 Filed 6–14–77;10:58 am]

federal register

THURSDAY, JUNE 16, 1977

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRPORT SECURITY

Revision of Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 107]

[Docket No. 16245; Notice No. 77-8]

AIRPORT SECURITY

Proposed Revision of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making. Withdrawal of Notices 73-30 and 76-13.

SUMMARY: This notice of proposed rule making (NPRM) proposes to revise those Federal Aviation Regulations which are designed to ensure the security of certain airports serving scheduled air carriers. The experience of airport operators and the FAA has indicated that these regulations are in need of clarification. In addition, it is necessary to add certain requirements, including uniform standards for law enforcement personnel, which the Congress has directed the FAA to adopt.

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

ADDRESS: Send comments in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16245, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Milford T. Conarroe, Ground Operations Security Division (ACS-300), Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-8768.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, (AGC-24), 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before August 15, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to:

Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center (APA-430), 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-8058.

Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Part 107 (Airport Security) of the Federal Aviation Regulations (14 CFR Part 107) was adopted on March 16, 1972 (37 FR 5689; March 18, 1972). It was adopted to provide aviation security standards for operators of airports serving certain scheduled air carriers that would meet the growing need for aviation security measures to protect persons and property.

On December 5, 1972, Part 107 was amended by Amendment 107-1 (37 FR 25934; December 6, 1972) to require that operators of airports covered by Part 107 provide for the presence of armed law enforcement personnel prior to and throughout the screening of passengers before boarding. The amendment was issued in response to the direction of the President that the Civil Aviation Security Program be strengthened to meet the escalating threats of hijacking, extortion, sabotage, and terrorism against U.S. civil air commerce.

The purpose of this revision is to update and clarify Part 107, and to provide more effective protection of persons and property in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. In addition, it is proposed to add certain new provisions to Part 107 which are needed to implement specific requirements of section 316 of the Federal Aviation Act of 1958 (49 U.S.C. 1357).

The applicability of Part 107 is presently described in § 107.1(a) as "aviation security rules for the operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in common carriage covered by § 121.7, of this chapter, operating large aircraft other than helicopters." The FAA believes that this statement of applicability should be revised to make it clear that Part 107 is intended to apply to airports regularly serving air carriers and commercial operators required by § 121.538 or § 129.25 of the chapter to have their own security programs. This would not be a substantive change in the applicability of the part.

In addition, it is proposed to expand the applicability of Part 107 to cover each person who is on an airport subject to this part. This expansion is necessary because of a new provision proposed herein regarding the unlawful carriage of certain weapons that would apply directly to these persons.

Experience has indicated that the definitions now contained in § 107.1 are in need of clarification and modification. Without expanding the meaning of the term "airport operator" as it is presently used in Part 107, it is proposed to define "airport operator" as a person who operates an airport regularly serving a certificate holder or permit holder to whom § 121.538 or § 129.25 applies. It should be noted that "person", as defined in § 1.1, is not limited to an individual but includes a firm, partnership, corporation, company, association, or governmental entity, as well as a trustee, receiver, assignee, or similar representative of any of them.

"Air operations area" is presently defined as "any area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft." This definition would be revised by substituting the phrase "designed and used" for the phrase "used or intended to be used." This would make it clear that abandoned runways and taxiways are not part of an air operations area since they are not, in fact, used for their intended use. In addition, "airplane" would be substituted for "aircraft" in the definition to specifically exclude areas designed and used exclusively for helicopter operations.

The definition of "law enforcement officer" would be revised to limit it to the essential elements of his authority and to clarify his power of arrest. Under the proposed definition, a law enforcement officer would have to be "[A]uthorized to arrest for the violation, either in or out of his presence, of any criminal law of the State and local jurisdictions in which the airport where he is assigned to duty is located * * *." In the case of an airport operated by the Federal government including airports operated by the military, or other Federal agencies, such as Washington National Airport and Dulles International Airport, the criminal law of the local jurisdiction would include Federal criminal law. Certain operational requirements now in the definition would be transferred to the proposed new § 107.17.

A definition would also be added to § 107.1 to indicate that "the Regional Director" referred to in Part 107 is the Director of the FAA region in which the airport is located.

It is proposed to delete as unnecessary § 107.1(d) which deals with military installations having joint-use agreements with civil agencies. The present provisions are not sufficiently broad to cover all of the airports jointly used by government and civil agencies. Moreover, experience has indicated that identification of air operations areas on these airports is generally not a problem.

Section 107.3 presently contains the security program and related requirements for airport operators. It is proposed to revise that section to provide a more specific statement of the material that must be included in the airport security program which each airport operator must adopt and carry out. The requirement in § 107.3 for a master security plan would be deleted since these plans were originally required only to provide for temporary security measures to protect air operations areas while comprehensive security programs were

being developed and to provide a timetable for their development. Moreover, the elimination of the requirement for these plans would avoid some confusion that has arisen between them and airport master plans which are the subject of Part 152 (Airport Aid Program Contents; 14 CFR Part 152).

Revised § 107.3(a)(1) would set forth the basic standard which each airport security program must meet; namely, that it must provide for the safety of persons and property traveling in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. This standard is mandated by section 316 of the Act which requires the Federal Aviation Administrator to prescribe reasonable rules and regulations requiring practices, methods, and procedures to accomplish this end.

Paragraph (b) of revised § 107.3 would provide a more comprehensive list of those items that must be included in each airport security program. However, it must be recognized that airports frequently have unique security problems and, for this reason, an exhaustive statement of the necessary provisions of each security program cannot be made.

Under proposed § 107.3(b), in addition to descriptions of the procedures, facilities, and equipment needed to comply with the various requirements of revised Part 107, the airport operator would be allowed to include in the security program a description of alternate procedures to be used during those emergencies and other unusual conditions specified by the airport operator in his security program, including those conditions for which the airport operator must provide an appropriate response in the emergency plan required by § 139.55 (14 CFR 139.55).

A listing in the master security plan of the items of security equipment necessary to carry out that plan was proposed by Notice 73–30, issued on December 12, 1973 (38 FR 35016; December 21, 1973), for the purpose of implementing the Airport Development Acceleration Act of 1973. The notice stated that the proposed required listing would not represent a complete or exclusive listing of security equipment, and acknowledged that security equipment requirements may differ between airports, requiring that some flexibility be provided.

The FAA believes that the required listing proposed in that notice would not be practical for the security program required by proposed § 107.3, since some security programs approved under revised Part 107 may contain security equipment which exceeds that required for the safety and security of persons and property on the airport. Any equipment in excess of the minimum required for safety and security purposes is not required security equipment within the meaning of Part 107. Therefore, while an airport operator may weigh aesthetic and other considerations when purchasing appropriate security equipment, the cost of that equipment, to the extent that it exceeds the reasonable cost of the minimum equipment required, will not be eligible for funding under Part 152. For these reasons, Notice 73–30 is hereby withdrawn.

As is presently required by § 107.3(d), each airport operator would have to maintain at least one complete copy of his approved security program at his principal operations office. The rule would be revised to specify that Civil Aviation Security Inspectors are the FAA personnel to whom the airport operator must make his security program available for inspection upon request. Under proposed § 107.3(d), applications by persons other than those with an operational need-to-know for disclosure of information contained in the airport security program would have to be submitted to the Director, Civil Aviation Security Service.

Sections 107.9 and 107.11 presently prescribe requirements for the identification of persons and ground vehicles to control access to air operations areas. These requirements do not apply to access from a non-air operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538. It is proposed to replace these provisions with a new § 107.13 which would recognize the airport operator's underlying responsibility for the security of all air operations areas.

New § 107.13 would require the airport operator to use appropriate procedures, facilities, and equipment to control access to air operations areas and movement within them. Under new § 107.3(b)(3), he would be required to set out these procedures and describe the facilities and equipment used for this purpose in his security program. The airport operator would not be required to duplicate any of the procedures, facilities, and equipment in the security program of a Part 121 certificate holder occupying or controlling an air operations area or a portion thereof. However, he would not be allowed to ignore security problems that may arise in these areas which have not been or cannot be dealt with by the Part 121 certificate holder.

New § 107.13 would also provide for a flexible identification system that would not require a person to "carry" identification in every case. In this connection, the FAA recognizes that at some small airports recognition of individuals by sight may be the best and most practical system of identification.

The FAA also believes that flexibility should be provided in the airport operator's system of law enforcement support. Public Law 93–366 was enacted two years after the current § 107.4 was effective. It expanded the use of law enforcement officers in the aviation security program, but did not require that the officer be at a fixed station at a screening point. The law requires law enforcement presence and capability at the airport. To effectuate this concept of law enforcement officer presence and capability, the airport operator must provide officers at the airport in a manner adequate to assure the security of persons in air transportation against acts of criminal violence and aircraft piracy.

The passenger screening function remains a focal point of airport security. However, the law enforcement officer could patrol and support, if necessary, other sensitive areas of a terminal, while at all times remaining ready to respond promptly to the screening point should the need arise. Considerations such as the complexity of a terminal, the volume of traffic, and the ever-changing nature of the security threat would affect whether the officer could patrol a terminal and, if so, how promptly a response should occur. No fixed response time is proposed. However, at this time the FAA believes that the response to the screening point should not ordinarily exceed one minute.

Accordingly, proposed new § 107.15 (Law enforcement support) would not make it mandatory that a law enforcement officer be present at the point of, and prior to and throughout, the final passenger screening process prior to boarding, as does current § 107.4. Rather, under proposed new § 107.15, each airport operator would provide law enforcement officers in a number and manner adequate to ensure support of his own security program and that of the passenger screening conducted by Part 121 certificate holders and Part 129 permit holders. Support of the screening systems of Part 129 permit holders would not begin until 90 days after the effective date of the revision of Part 107, unless it is requested sooner by the permit holder. The airport operator's security program would have to contain a description of the law enforcement support necessary to comply with new § 107.15, including the number and duty stations of law enforcement officers and their response times to the screening stations and other locations.

Notice 76–13 was issued on April 23, 1976 (41 FR 17933; April 29, 1976) proposing to require that Part 107 airport operators have a master security plan which ensures that at least one law enforcement officer is present during passenger screening conducted by foreign air carriers under § 129.25 of the Federal Aviation Regulations. However, as already noted, the FAA believes that the requirement that a law enforcement officer be present at the point of, and prior to and throughout, the final passenger screening process prior to boarding may not be appropriate in every instance. For this reason, Notice 76–13 is hereby withdrawn.

It is noted that the prime objections raised by the foreign governments and air carriers who commented on Notice 76–13 were based on economic considerations. They believed that security costs should be absorbed by a government rather than the aviation industry and perceived that under the proposed requirement the airport operator would simply pass the cost of law enforcement support to the foreign air carriers. In

the United States, civil aviation recognizes security costs as a valid and necessary operational expense of the air transportation system and are treated no differently than the costs of fuel, wages or maintenance. The position taken in this Notice is believed to be consistent with this concept. It should be emphasized that the new provision, discussed earlier, for a flexible law enforcement response could appreciably reduce any economic impact previously envisioned by the foreign air carriers.

Each required law enforcement officer used by an airport operator would have to meet the standards of new § 107.17. In addition to being armed, he would have to be readily identifiable by a uniform and he would have to display or carry a badge or other indicia of his authority. This would be a change from the present rule. In addition, each officer would have to have completed a training program that meets the standards of proposed § 107.17(b) and is described in the airport operator's security program.

Section 316(c) of the Act requires that the Administrator prescribe uniform standards with respect to training provided law enforcement personnel whose services are used to enforce air transportation security programs. To comply with this requirement, it is proposed to require that each airport operator's training program meet the training standards for law enforcement officers prescribed by either the State or the local jurisdiction in which the airport is located. The program also would have to meet training standards prescribed by a Federal jurisdiction, if appropriate. In addition, the program would have to include training in the use of firearms and in the responsibilities of a law enforcement officer under the airport operator's security program. Moreover, to comply with a specific directive of section 316(a) of the Act, each officer would have to be trained in the courteous and efficient treatment of persons subject to inspection, detention, search, and other aviation security activities. Finally, to ensure that each training program meets an acceptable level of uniformity, the program would have to include any other subject the Administrator determines is necessary to cover a particular situation.

Section 316(b) of the Act provides that the Administrator may authorize an airport operator to use, on a reimbursable basis, personnel employed by the FAA or other Federal agencies, when the airport operator notifies him that State, local, and private law enforcement personnel are not available in sufficient numbers to ensure the safety of persons traveling in air transportation and intrastate air transportation from acts of criminal violence and aircraft piracy. To implement this provision a new § 107.19 would be added. Each airport operator requesting authorization for the use of Federal law enforcement officers would have to submit with his request, in addition to an estimate of the number of officers needed, information on the number of passengers enplaned, the risk of criminal violence and aircraft piracy, and the specific security program requirements for law enforcement support. The airport operator would also have to submit information on the availability of qualified State, local, and private law enforcement officers and his efforts to obtain the needed number of officers. Finally, before a request for Federal law enforcement officers could be considered, the airport operator would have to acknowledge responsibility for providing reimbursement for the cost of providing Federal officers, as required by section 316 of the Act.

Procedures for approval of a security program would be contained in new § 107.5. They would be substantially the same as those now contained in § 107.3 (b) and (c). The specific dates used when Part 107 was originally adopted in 1972 would be eliminated. The revision would make clear the role of the Regional Director in the approval of the program and in the review of a petition for reconsideration of a notice to modify.

For clarity it is proposed to divide the procedures for amending an approved security program presently in § 107.5 into two separate sections. New § 107.9 would apply to amendments proposed by the airport operator; new § 107.11 would apply to amendments by the FAA.

Under proposed § 107.9 the airport operator would have to submit his request for approval of a proposed amendment at least 30 days before he intends it to become effective, instead of the 15 days now required by § 107.5(c). A shorter period for submission could still be allowed by the Regional Director. Also, a procedure would be added for reconsideration by the Administrator of the denial by a Regional Director of a request for approval.

Proposed § 107.11 would provide for amendment of a security program by the FAA in accordance with procedures substantially the same as those now contained in § 107.5. In addition, the procedures for reconsideration of an amendment would be clarified.

It must be recognized that changing conditions on an airport can reduce the effectiveness of an approved security program. The FAA believes that each airport operator should be responsible for maintaining the level of security which the approved security program is intended to provide. Accordingly, it is proposed to prescribe procedures for the airport operator to follow whenever the procedures, facilities, and equipment described in the security program are not adequate to secure each air operations area in accordance with proposed § 107.13 or when the law enforcement support described in the security program is not adequate to comply with proposed § 107.15. These procedures would require the airport operator to immediately notify the Regional Director of any changed security condition and to advise him of each interim security measure he is taking to maintain adequate security until an appropriate amendment to his security program is approved. He would then be required to submit for approval an amendment to his security program.

The FAA believes that a necessary element in the protection of persons traveling in air transportation and in interstate air transportation is the elimination of unlawful possession of weapons on every part of the airport. Accordingly, it is proposed to prohibit the carriage of a weapon in violation of any applicable law of the State and local jurisdictions in which the airport is located by any person on the airport.

Finally, section 315 of the Act requires that semi-annual reports be submitted to the Congress concerning the effectiveness of the screening procedures required by that section. To assist the Administrator in preparing this report, it is proposed to require the airport operator to ensure that a record is maintained of certain information. This information is now provided to the FAA by airport operators voluntarily. Proposed new § 107.23 would not require the airport operator to maintain his own system of records if this information is accessible to him elsewhere, e.g., in the records of a State or local law enforcement agency.

The FAA believes that a 60-day comment period is sufficient for this notice. It is normally the FAA's policy to allow a longer comment period for rulemaking involving the international community. However, the provision at § 107.15 calling for law enforcement support of foreign air carrier screening operations was proposed previously in Notice 76-13, and extensive comment was received from the aviation community at that time. Furthermore, the subject was discussed at length during several international conferences attended by both foreign air carrier and foreign government representatives.

The principal authors of this document are Milford T. Conarroe, Civil Aviation Security Service, and Joseph M. Dorsey, Office of the Chief Counsel.

Accordingly, it is proposed to revise Part 107 of the Federal Aviation Regulations to read as follows:

PART 107—AIRPORT SECURITY

Sec.
107.1 Applicability and definitions.
107.3 Security program.
107.5 Approval of security program.
107.7 Changed security conditions.
107.9 Amendment of security program by airport operator.
107.11 Amendment of security program by FAA.
107.13 Security of air operations areas.
107.15 Law enforcement support.
107.17 Law enforcement officers.
107.19 Use of Federal law enforcement officers.
107.21 Carriage of Firearms, explosives, or incendiary devices.
107.23 Records.

AUTHORITY: Secs. 313, 315, 316 and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

§ 107.1 Applicability and definitions.

(a) This part prescribes aviation security rules governing—

(1) The operation of each airport regularly serving a certificate holder to whom § 121.538 of this chapter applies;

(2) The operation of each airport regularly serving a permit holder to whom § 129.25 of this chapter applies; and

(3) Each person who is on an airport described in paragraph (a)(1) or (a)(2) of this section.

(b) For purposes of this part—

(1) "Airport Operator" means a person who operates an airport regularly serving a certificate holder or a permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(2) "Air Operations Area" means a portion of the airport designed and used for landing, taking off, or surface maneuvering of airplanes;

(3) "Law enforcement officer" means an individual who, while on duty at the airport, is—

(i) Authorized to arrest for the violation, either in or out of his presence, of any criminal law of the State and local jurisdictions in which the airport where he is assigned to duty is located; and

(ii) Authorized to carry and use a firearm; and

(4) "Regional Director" means the Director of the FAA region in which an airport is located.

§ 107.3 Security program.

(a) No airport operator may operate an airport subject to this part unless he adopts and carries out a security program that—

(1) Provides for the safety of persons and property traveling in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy;

(2) Is in writing and signed by the individual empowered to so act by the airport operator;

(3) Includes the items listed in paragraph (b) of this section; and

(4) Has been approved by the Regional Director.

(b) Each security program required by paragraph (a) of this section must include at least the following:

(1) A description of each air operations area, including its dimensions and boundaries.

(2) A description of each area on, or adjacent to, the airport which affects the security of any air operations area.

(3) The procedures, and a description of the facilities and equipment, used to secure each air operations area in accordance with § 107.13.

(4) A description of any alternate procedures the airport operator may wish to use in emergencies and other unusual conditions, including those described in § 139.55(b)(1) of this chapter.

(5) A description of the law enforcement support necessary to comply with § 107.15.

(6) A description of the training program for law enforcement officers required by § 107.17(b).

(7) A description of the system for maintaining the records described in § 107.23.

(8) Copies of documents issued by the airport operator to implement the provisions of the security program.

(c) Each airport operator shall maintain at least one complete copy of his approved security program at his principal operations office, and shall make it available for inspection upon the request of any Civil Aviation Security Inspector.

(d) Each airport operator shall restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know and shall refer requests for such information by other than those persons to the Director of the Civil Aviation Security Service.

§ 107.5 Approval of security program.

(a) Unless a shorter period is allowed by the Regional Director, each airport operator seeking initial approval of a security program for an airport subject to this part shall submit his program to the Regional Director at least 90 days before regular service is expected to begin by any certificate holder or permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(b) Within 30 days after receipt of a proposed security program, the Regional Director either approves the program or gives the airport operator written notice to modify the program to make it conform to the applicable requirements of this part.

(c) After receipt of a notice to modify, the airport operator may either submit a modified security program or petition the Administrator to reconsider the notice to modify. A petition for reconsideration must be filed with the Regional Director.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the notice to modify and either amends or withdraws the notice or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to withdraw or amend the notice to modify, or by affirming the notice to modify.

§ 107.7 Changed security conditions.

(a) After approval of his security program, the airport operator shall follow the procedures prescribed in paragraph (b) of this section whenever either of the following changed security conditions occus:

(1) The procedures, facilities, and equipment described in the security program are not adequate to secure each air operations area in accordance with § 107.13.

(2) The law enforcement support described in the security program is not adequate to comply with § 107.15.

(b) Whenever a changed security condition described in paragraph (a) of this section occurs, the airport operator shall:

(1) Immediately notify the FAA security office having jurisdiction over the airport of the changed security condition, and identify each interim security measure he is taking to maintain adequate security until an appropriate amendment to the security program is approved; and

(2) Within 30 days after notifying the FAA in accordance with paragraph (b)(1) of this section, submit for approval in accordance with § 107.9 an amendment to the security program to bring it into compliance with § 107.3(b)(3) or (5), as appropriate.

§ 107.9 Amendment of security program by airport operator.

(a) An airport operator requesting approval of a proposed amendment to the security program shall submit his request to the Regional Director. Unless a shorter period is allowed by the Regional Director, the request must be submitted at least 30 days before the proposed effective date.

(b) Within 15 days after receipt of a proposed amendment, the Regional Director issues to the airport operator in writing either an approval or a denial of the request.

(c) The Regional Director approves an amendment to a security program if he determines that:

(1) Safety and the public interest allow it; and

(2) The proposed amendment provides the level of security required by §107.3.

(d) After denial of a request for an amendment, the airport operator may petition the Administrator to reconsider the denial. A petition for reconsideration must be filed with the Regional Director.

(e) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the denial of approval and either approves the proposed amendment or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(f) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to approve the proposed amendment or affirming the denial of approval.

§ 107.11 Amendment to security program by FAA.

(a) The Administrator or Regional Director may amend an approved security program for an airport, if he determines that safety and the public interest require the amendment.

(b) Except in an emergency as provided in paragraph (f) of this section, when the Administrator or the Regional Director proposes to amend a security program, he notifies the airport operator, in writing, of the proposed amendment, fixing a reasonable period (but not less than 7 days) with which the airport operator may submit written information, views, and arguments on the amendment. After considering all relevant material, including that submitted by the airport operator, the Administrator or the Regional Director either rescinds the notice or notifies the air-

port operator in writing of any amendment adopted, specifying an effective date not less than 30 days after receipt of the notice of amendment by the airport operator.

(c) After receipt of a notice of amendment from a Regional Director, the airport operator may petition the Administrator to reconsider the amendment. A petition for reconsideration must be filed with the Regional Director. Except in an emergency as provided in paragraph (f) of this section, a petition for reconsideration stays the amendment until the Administrator takes final action on the petition.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the amendment and either rescinds or modifies the amendment or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by directing the Regional Director to modify, rescind, or approve the amendment.

(f) If the Administrator or the Regional Director finds that there is an emergency requiring immediate action with respect to safety that makes the procedure in paragraph (b) of this section impracticable or contrary to the public interest, he may issue an amendment, effective without stay on the date the airport operator receives notice of it. In such a case, the Administrator or the Regional Director incorporates the finding, and a brief statement of the reasons for the emergency and the need for emergency action, in the notice of the amendment.

§ 107.13 Security of air operations areas.

Each airport operator shall use the procedures, facilities, and equipment, contained in his approved security program, to:

(a) Control access to each air operations area, including methods for preventing entry by unauthorized individuals and ground vehicles;

(b) Control movement of individuals and ground vehicles within each air operations area, including, when appropriate, requirements for the display of identification; and

(c) Promptly detect and take action to control any unauthorized persons who penetrate an air operations area.

§ 107.15 Law enforcement support.

Each airport operator shall provide law enforcement officers, in the number and in a manner adequate to support:

(a) His security program;

(b) Each passenger screening process required by Part 121 of this chapter; and

(c) Each passenger screening system required by Part 129 of this chapter after (90 days after the effective date) or after the date specified by the foreign air carrier involved, whichever date is earlier.

§ 107.17 Law enforcement officers.

(a) No airport operator may use any individual as a required law enforcement officer unless he: (1) is armed;

(2) Is readily identifiable by uniform and displays or carries a badge or other indicia of his authority; and

(3) Has completed a training program that meets the requirements in paragraph (b) of this section.

(b) The training program required by paragraph (a)(3) of this section must: (1) Meet the training standards prescribed for law enforcement officers by either the State or the local jurisdiction in which the airport is located, whichever are higher; and

(2) Include training in: (i) The use of firearms;

(ii) The courteous and efficient treatment of persons subject to inspection, detention, search, and other aviation security activities;

(iii) The responsibilities of a law enforcement officer under the airport operator's approved security program; and

(iv) Any other subject the Administrator determines is necessary.

§ 107.19 Use of Federal law enforcement officers.

(a) Whenever State, local, and private law enforcement officers who meet the requirements of § 107.17 are not available in sufficient numbers to meet the requirements of § 107.15, the airport operator may request that the Administrator authorize him to use Federal law enforcement officers.

(b) Each request for the use of Federal law enforcement officers must be accompanied by the following information:

(1) The number of passengers enplaned at the airport during the preceding calendar year and the current calendar year as of the date of the request.

(2) The anticipated risk of criminal violence and aircraft piracy at the airport and to the air carrier aircraft operations at the airport.

(3) A copy of that portion of the airport operator's security program which describes the law enforcement support necessary to comply with § 107.15.

(4) The availability of State, local, and private law enforcement officers who meet the requirements of § 107.17, including a description of the airport operator's efforts to obtain law enforcement support from State, local, and private agencies and the responses of those agencies.

(5) The airport operator's estimate of the number of Federal law enforcement officers needed to supplement available State, local, and private law enforcement officers and the period of time for which they will be needed.

(6) A statement acknowledging responsibility for providing reimbursement for the cost of providing Federal law enforcement officers.

(7) Any other information the Administrator considers necessary.

(c) In response to a request submitted in accordance with this section, the Administrator may authorize, on a reimbursable basis, the use of law enforcement officers employed by the FAA or by any other Federal agency, with the consent of that agency.

§ 107.21 Carriage of firearms, explosives, or incendiary devices.

No person on an airport subject to this part may have any firearm, explosive, or incendiary device, on or about his person or property in violation of any applicable law of the State and local jurisdictions in which the airport is located.

§ 107.23 Records.

(a) Each airport operator shall ensure that a record is made of law enforcement actions taken in furtherance of this part, that these records are maintained for a minimum of 90 days, and that they are made available to the Administrator upon request.

(b) Data developed in response to paragraph (a) of this section shall, as a minimum, include the following:

(1) The number and type of firearms, explosives, and incendiary devices discovered during any passenger screening process, and the method of detection of each.

(2) The number of acts and attempted acts of air piracy.

(3) The number of bomb threats received, real and simulated bombs found, and actual bombings on the airport.

(4) The number of detentions and arrests, and the immediate disposition of each person detained or arrested.

(Secs. 313, 315, 316, and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

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

RICHARD F. LALLY,
Director Civil Aviation Security Service.

[FR Doc.77-16666 Filed 6-15-77;8:45 am]

federal register

THURSDAY, JUNE 16, 1977

PART III

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

HEALTH AND SAFETY STANDARDS RELATING TO FIRE PREVENTION AND CONTROL, AIR QUALITY AND VENTILATION AND RADIATION

Public Hearing

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

HEALTH AND SAFETY STANDARD

Notice of Public Hearing

AGENCY: Department of the Interior, Mining Enforcement and Safety Administration (MESA).

ACTION: Proposed health and safety standards, notice of public hearing.

SUMMARY: This is a notice to conduct formal public hearings on proposed new and revised health and safety standards relating to fire prevention and control, air quality and ventilation and radiation, loading and hauling and dumping, hoists and hoisting, toilet facilities, and gassy mines.

There has been widespread interest and comment on these proposed standards from many individuals and groups representing mine operators and workers.

The Federal Metal and Nonmetallic Mine Safety Act (Act) (30 U.S.C. 721–740) requires the Secretary of the Interior and MESA to follow certain rulemaking procedures for promulgating health and safety standards. The Department must hold a formal public hearing on certain proposed standards, with the opportunity for cross-examination, and establish a record to contain the testimony and documents being considered.

DATES: The public hearing will be held during the week of August 22 through August 26, 1977, beginning at 9 a.m. on Monday, August 22, 1977, and continuing each day thereafter until all objections subject to hearing have been heard. The hearing will be held in the Rivera Room, Hilton Inn, 1901 University Blvd., NE., Albuquerque, New Mexico 87125, telephone number 505–243–8661.

ADDRESSES: All communications with the Office of Hearings and Appeals should be addressed to: The Honorable George A. Koutras, Administrative Law Judge, Office of Hearing and Appeals, Department of the Interior, Room 1235, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone number 703–557–9200.

FOR FURTHER INFORMATION CONTACT:

Interested persons may obtain additional information and examine or obtain copies of all written comments and objections including requests for public hearing, which have been filed by contacting: Mr. E. Levi Brake, Chief, Division of Safety, Metal and Nonmetal Mine Health and Safety, Mining Enforcement and Safety Administration, Room 717, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone number 703–235–8647.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of section 6 of the Act (30 U.S.C. 725) authorizing the Secretary of the Interior to develop, revise, and promulgate health and safety standards for metal and nonmetal mining and milling operations subject to the Act, there was published in Part III of the FEDERAL REGISTER for September 25, 1975, (40 FR 44272–44285) a notice of proposed rulemaking setting forth proposed amendments to Parts 55, 56, and 57 of Title 30 of the Code of Federal Regulations by revising certain existing standards and adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and revising and adding new mandatory standards relating to fire prevention and control; air quality, ventilation, radiation, and physical agents; explosives; loading, hauling, dumping; travelways and escapeways; man hoisting; toilets and gassy mines. The proposed health and safety standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee authorized to be established under section 7 of the Act (30 U.S.C. 726) and established in accordance with section 9 of the Federal Advisory Committee Act (5 U.S.C. Appendix I (Supp. V 1975)).

The notice of proposed rulemaking provided that each standard which is to be a mandatory standard is designated by the word "Mandatory" which appears at the beginning of the subsection in which the standard was prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard was preceded by the words "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC."

The notice of proposed rulemaking provided further that subject to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period of time fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee could file with the Secretary of the Interior written objections thereto stating the grounds for such objections and request a public hearing, subject to the Administrative Procedure Act (5 U.S.C. 553–557), on such objections. Also, the notice advised interested persons that a mandatory standard which is recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee is not subject to public hearing.

Interested persons were afforded a period of time until November 6, 1975 within which to submit written data, views, arguments, and objections including a request for public hearing on the proposals to the Administrator, Mining Enforcement and Safety Administration. The period of time for comment was subsequently extended to and including December 5, 1975, by a notice published in the FEDERAL REGISTER for November 4, 1975 (40 FR 51202).

Following the publication of the notice of proposed rulemaking numerous persons and organizations representing a broad interest of metal and nonmetal open pit mines; sand, gravel, and crushed stone operations; and underground mines timely submitted written comments and objections. Requests for public hearing were requested on practically every proposed mandatory health and safety standard that was designated as a mandatory standard by the Secretary of the Interior and which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee. At the request of interested parties and in order to provide a reasonable opportunity for interested persons to prepare, attend, and participate in public hearings, the proposed mandatory health and safety standards subject to hearing have been divided or grouped and separate hearings held at staggered time intervals for each group of standards. This notice concerns the public hearing for the second and final group of mandatory standards or the proposed new and revised health and safety standards relating to fire prevention and control; air quality, ventilation, radiation; loading, hauling, dumping; hoists and hoisting; toilet facilities; and gassy mines. A prior notice was published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16163–16169) advising interested persons of the time and location for the public hearing on proposed new and revised safety standards relating to explosives. This hearing was held in Salt Lake City, Utah, and Denver, Colorado, on June 27 through July 2, 1976, and July 12 and 13, 1976, respectively.

STANDARDS NOT SUBJECT TO HEARING

In accordance with subsections (c) and (e) of section 6 of the Act and as stated in the notice of proposed rulemaking (40 FR 44272), proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings. Objections were filed and hearings were requested by the National Crushed Stone Association on proposed new mandatory standard 57.5–32 which requires that when ventilation control doors are open as part of the normal mining cycle, they must be closed as soon as possible to re-establish normal ventilation. The National Crushed Stone Association and The American Mining Congress also filed objections and requested hearings on proposed mandatory standard 57.5–31 which required that ventilation doors must be substantially constructed, covered with fire-retardant materials if constructed of wood, maintained in good condition, self-closing if manually operated, and equipped with audible and (changed to "or") visual warning devices if manually operated; and, proposed mandatory standards 55.9–19, 56.9–19, and 57.9–19 which require that tract guardrails, lead rails, and frogs must be protected or

blocked so as to prevent a person's foot from becoming wedged. These proposals were recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee and so designated as Advisory Committee recommendations by the letters "MNMSAC" preceding each proposal. Since interested persons were advised by the notice of proposed rulemaking that all proposals identified by the designation "MNMSAC" are not subject to public hearings, hearings will not be held on these proposals. However, the objections filed by the National Crushed Stone Association and The American Mining Congress and all other writen comments and objections received on these proposals were given thorough and careful consideration prior to promulgating these mandatory standards in Part VI of the FEDERAL REGISTER on Thursday, June 10, 1976 (41 FR 23612–23618).

In response to the comments and objections filed the following proposed new definition and mandatory standards are withdrawn: The term "Fire-retardant wood" to be used in Parts 55, 56, and 57; and standards 55.9–64, 56.9–64, and 57.9–64.

HEARING

The Honorable George A. Koutras, Administrative Law Judge will preside over the public hearing and receive evidence relevant and material to the issues raised by the objections which are set forth below. The Administrative Law Judge shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing including the powers provided in 5 U.S.C. 556 (c) (1) through (7). The Administrative Law Judge will consider all objections and based upon the record will submit a recommended decision to the Secretary who will review the recommended decision and record, and the Secretary will issue the final decision.

PUBLIC PARTICIPATION

An opportunity for interested persons to submit oral and written testimony concerning the issues raised by the proposed new definition and standards, or any changes thereto, will be provided during this hearing.

Persons desiring to participate at the hearing, including those who requested that a public hearing be held, should file with the Administrative Law Judge a notice of intention to appear on or before Friday, August 19, 1977. The notice should contain: (1) The name, address, and telephone number of each person to appear; (2) the capacity in which the person will appear; and (3) the issues that will be addressed. This information will be available to the public and is necessary in order to properly schedule the hearing. At the hearing any interested person may be heard.

ISSUES

In response to comments received, objections filed and grounds stated for the objections, MESA will recommend and offer evidence in support of revising certain proposed definitions and standards. The recommendations to be made by MESA are set forth following the statements of objections. Interested persons may submit relevant evidence, comments, and suggestions at the hearing on the recommendations which will be made by MESA.

The comments, objections, grounds for objections, and recommended changes to the proposed definition and mandatory standards are:

I. PROPOSED NEW DEFINITION FOR THE TERM "PORTABLE FIRE EXTINGUISHER"

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This definition should be omitted because it is unnecessary, too restrictive, confusing (it does not even speak to portability) and it conflicts with proposed standard 57.4–24 (item No. 22).

"It is a serious mistake to restrict portable fire extinguishers for use underground or at surface locations to multipurpose dry chemical extinguishers. Dry chemicals are not always the most effective extinguishing agent. In areas involving potential electrical hazards, carbon extinguishers may be more desirable for certain applications, such as electric motor fires. In recent years extinguishers utilizing nontoxic Halon gases, which offers some substantial advantages for certain applications have become available. The effect of the definition (which would in effect be a regulation) as proposed by MESA would be to prevent the use of the most effective portable fire extinguisher in some cases, including areas where electrical fire hazards may be present."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"We object to the definition proposed as (b). We believe that the National Fire Protection Association is not in the business of approving fire extinguishers. As written, no operators possess, or could obtain, extinguishers that would meet this Standard."

MESA Recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition for "Portable fire extinguisher" and replacing the definition with the term "Multipurpose dry-chemical fire extinguisher". MESA will recommend that the term "Multipurpose dry-chemical fire extinguisher" read as follows:

"Multipurpose dry-chemical fire extinguisher" means a listed or approved multipurpose dry-chemical fire extinguisher having a minimum rating of 2A: 10BC by Underwriters Laboratories, Inc. and containing a minimum of 4.5 pounds of dry-chemical agent.

II. PROPOSED MANDATORY STANDARDS 55.4–36, 56.4–36, AND 57.4–36 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"The potential hazards intended to be covered are adequately taken care of by present mandatory standard 57.4–29. If it is necessary to include soldering with an open flame, this term should be added to 57.4–29.

"This proposed standard makes no attempt to determine how much combustible or flammable material is contained in the non-dimensional 'active working' area or how close such material is to the actual welding, cutting, or soldering. One fire extinguisher of the proper size may be adequate for any possible combustion. A water line and fire hose may also be readily available. The presence of a second person is not necessary for fire protection and could be a 'make work' requirement.

"These comments should be considered with those on Items No. 28, No. 29, No. 30, No. 31.

B. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"This standard appears unusually vague and open to wide interpretation. What is your definition of an active working area both in terms of activity and size? It is conceivable that the proposed language could be interpreted to include the entire mining area in which case it would be ludicrous to require the presence of a 'second person.' Even if the term is more narrowly defined, the decision as to whether a second person is necessary should be left up to management. Otherwise, many man-hours could be wasted with no apparent benefit."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"It is not the purpose of safety regulations to specify how jobs should be manned. Therefore, we propose the following revised wording for the Standard to avoid pit-fall(s).

'*Mandatory.*—Adequate precautions shall be made in advance where welding or cutting with an arc or open flame or soldering with an open flame is done in an active working area or area containing combustible or flammable materials.' "

MESA recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising proposed mandatory standards 55.4–36, 56.4–36, 57.4–38 which will be applicable to surface only, and reserved standard number 57.4–38 will be transferred and placed under the center subheading "Surface Only". MESA will recommend that these proposed mandatory standards read as follows:

"Where welding or cutting with an arc or open flame or soldering with an open flame in an active working within 35 feet of or more than 1 gallon of combustible liquid, or more than 50 pounds of nonfire-retardant treated wood, or more than 10 pounds of plastic, 2 multipurpose dry-chemical fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in

other areas, 1 multi-purpose dry-chemical fire extinguisher shall be present."

III. PROPOSED MANDATORY STANDARD 57.4–65 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"The promulgated version of 57.4–65 should be amended by adding the phrase 'soldering with an open flame, or thawing with an open flame' after the words 'welding or cutting' in the first and third sentences.

"The length of time necessary for a fire patrol is dependent on the potential hazard involved, and the pre- and post-welding precautions taken, such as wetting down. The 8-hour requirement is entirely arbitrary and is, in any case, unenforceable."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Maintaining a fire patrol in areas where open flame or soldering has been done in areas containing combustible or flammable material will be difficult, impractical, and a severe economic matter for many mines, particularly small mines and those that operate one or two shifts a day. To retain personnel to patrol a mine would require a hoistman and two other people on shift. Many mines do not employ over three people in total. This could effect doubling the personnel requirements on an intermittent basis; a virtual impossibility in some areas. In addition it is questionable whether such extreme surveillance is necessary; particularly in those areas where only minimum amounts of combustible material exists and where little or no problem would arise even if it did burn. We suggest that welding, cutting and soldering requirements need only the following provisions for safety: (1) Wet down the area before welding, cutting and soldering except in shop areas or other similar locations where flammable material is adequately confined and not exposed to open flame. (2) Inspect the area during and immediately after welding to be alert for any insidious fire that may start. (3) Wet down the area except as noted in Item 1 following completion of welding and during and after the inspection process. (4) If any indication is noted during the welding or inspection process and following wetting down a fire watch will be maintained for one-half hour and the area patrolled within the following hour."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of including revised requirements of this proposed standard in MESA's recommendations to revise proposed mandatory standard 57.4–77 and reserving standard number 57.4–65. (See MESA's recommendation in V below.)

IV. PROPOSED MANDATORY STANDARD 57.4–76 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objectives filed by the American Mining Congress are as follows:

"This proposal should be omitted. See AMC comments on items No. 25 and No. 28. The same objections and points raised are applicable to 57.4–76."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–76 read as follows:

"Where welding or cutting with an arc, or thawing pipes electrically (excluding heat tape) or soldering with an open flame a multipurpose dry-chemical fire extinguished shall be provided."

V. PROPOSED MANDATORY STANDARD 57.4–77 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted. The hazards involved are adequately covered by existing standard 57.4–65."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–77 read as follows:

Where welding or cutting with an arc, or thawing pipes electrically (excluding heat tape), or soldering with an open flame within 35 feet of more than 1 gallon of combustible liquid, or more than 50 pounds of nonfire-retardant treated wood, or more than 10 pounds of plastic, the following precautions, in addition to those provided in 57.4–76, shall be taken:

a. A second multipurpose dry-chemical fire extinguisher, or equivalent, shall be provided.

b. The area shall be wetted down (precautions should be taken against electrical shock, where necessary) before and after, for a distance of 35 feet in all directions from the location of the operation; or, when wetting down is not practical, the combustibles shall be isolated by non-combustible material.

c. A second person shall be continuously present at the operation to observe and extinguish fires if the precautions in (b) are not practical.

d. A fire patrol of the affected area shall be made for the first hour after the operation is terminated.

e. The operator shall be responsible for extra precautionary measures in areas where necessary."

VI. PROPOSED MANDATORY STANDARD 57.4–78 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be omitted. The hazards involved are adequately covered by existing standard 57.4–65."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"To require a bulkhead below the open flame or soldering within a *shaft*, raise, or winze, or other active workings where sparks and heated material may fall does not take into consideration the fact that there are such locations, particularly shafts, where there is no combustible material Metal or concrete shafts with steel guides will have nothing that can burn. Furthermore, there should be some provision for alternate methods. Extremely large shafts would require bulkheads which may be far more dangerous to build than using water sprays, etc. In some shafts the amount of water flowing in the shaft itself would make it necessary as well as very difficult to install a bulkhead; particularly a tight bulkhead."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–78 read as follows:

"When welding, cutting with an arc or using an open flame for any purpose in shafts, mine facilities located within 100 feet of a shaft, intake air courses, escapeways, main or booster fan installations; and, where the operation is within 35 feet of more than 1 gallon of combustible liquid, or more than 50 pounds of non-fire-retardant treated wood, or more than 10 pounds of plastic, a second person shall be continuously present at the operation to observe and extinguish fires.

VII. PROPOSED MANDATORY STANDARD 57.5–188 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted.

"Advisory standard 57.4–42, 43, 44 concerns keeping mine fan installations or surface free of combustible materials. The requirements for surface installations and underground fan installations should be treated separately.

"Under the existing definition of 'combustible', *no* material would be allowed within 100 feet of any fan. The proposed standard is exceedingly vague in that 'accumulate' is not defined or explained. Does this mean that no 'combustible material' (for example, minor quantities of wood, electrical wiring, etc.) may not be used in constructing a fan housing? What is fire-retardant material? Would shotcreted wood suffice? Where did the magic figure of 100 feet come from? These and other questions of interpretation must be clarified."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"To keep all combustible material from areas within a hundred feet of main or booster fans will be difficult and seems unnecessary. Particularly difficult will be alternative of using fire retarding material for ground support. As noted in our earlier comments the definition of fire retardant material permits only pressure impregnated wood which precludes the application of any fire retardants to any existing timber in the area. We suggest that this should be worded to lessen

the distance and permit fire retardant material other than pressure impregnated."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–18B read as follows:

"Areas within 25 feet of main and booster fans shall be kept free of combustible materials except for installed wiring, materials used for fan maintenance, direct fired heaters, and material used for ground support."

VIII. PROPOSED MANDATORY STANDARD 57.5–18D APPLICABLE TO SURFACE AND UNDERGROUND.

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted. This standard is not indicated in nongassy mines and it implies that the quality of the mine air will be reduced to unhealthy conditions in the event of fan failure. This would rarely be the case.

"The important criteria is the air quality itself, not mechanical devices which may or may not be necessary to ensure air quality. The standard as proposed would require continuous operation of fans in unoccupied areas of the mine (certainly not an energy concerning measure). In fact, blindly requiring continuous operation of fans could, in some circumstances, actually impair air quality, particularly in mines having good natural ventilation during certain times of the year."

B. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

C. The objections and grounds stated for the objections filed by Colorado United Mine Operators are as follows:

"It may not be necessary to operate all main and booster fans in a mine to achieve the desired ventilation. Certain areas of the mine may not be occupied and it would be unnecessary to operate fans serving those areas. In other cases the natural air flow through the mine most of the year is so great that main and booster fans are not only unnecessary but detrimental at times. The important thing is to achieve the desired air quality and quantity. This is the function of the ventiliation department or person at the mine assigned to measure and achieve the desired result."

D. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–18D read as follows:

"All main and booster fans of the mine shall be operated continuously in those areas where persons are underground, except for scheduled production-cycle shutdowns where air quality is maintained. In the event of fan failure, scheduled maintenance, or fan adjustments:

(a) The air quality in the affected active workings shall be tested at least every 2 hours by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in section 57.5, before any other persons are permitted to enter the affected active workings."

IX. PROPOSED MANDATORY STANDARD 57.5–20 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The proposed standard should be revised as follows:

"A current ventilation plan, suitable to the conditions and mining system of the mine, shall be adopted and kept current by the operator. The plan shall show the type and location of mechanical ventilation equipment installed and operated at the mine, the quality of air reaching each working area, and the direction of ventilating air currents. The plan should be available for review by the Secretary.

"The detailed requirements of this proposed standard would not improve the health and safety of the miners and would only result in voluminous amounts of paperwork by the mine operators and the government. A ventilation plan should be available for review by the Secretary or his representatives, but it should not require MESA approval. A mine operator has a thorough understanding of the ventilation requirements of his particular mine. There are no criteria upon which MESA could base approval.

"The basic principles of the ventilation plan are now required under the provisions of standard 57.11–53 concerning escape and evacuation plans."

B. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

C. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"Our initial concern with this standard was that it would require the installation of unnecessary and expensive equipment. We contacted MESA in order to get their interpretation. The response we received from MESA is enclosed. It is our feeling, as mentioned in my opening comments, that this standard was written for deep shaft mines and is not relevant to the room and pillar mines employed by this industry."

D. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"This very detailed ventilation plan requirement including submission of information goes far beyond practicality or necessity. We question whether submission of this vast amount of detail from each mine to MESA would serve any purpose. Should there be a mine emergency the mine management who have an intimate knowledge of the mine situation would be the ones who would have to make decisions as to how and what action should be taken. The information they need is available at the mine. The pertinent information to aid in any evacuation or emergency process is covered in existing 57.11–53 and which requires necessary information availability to personnel at the mines as well as to the Secretary. The details of mine equipment, ventilation methods, fans, engines, etc., is not the kind of information many mines wish to make available on open record. To accumulate document, and provide the wide amount of information mentioned in the proposed standard would take considerable employee time and could never be kept really updated; particularly regarding location of equipment underground which is moved in many cases daily. To make up this information document for a small mine would be another record keeping requirement added onto the many onerous and burdensome requirements already in existence. We suggest that if MESA wishes to review the type of information specified here the practical approach would be to have the inspector shown the information in whatever form it is available on his routine visits to the mine. This standard should be an advisory standard and should serve as a guide to developing information by the employer which would be of service to him and could be evaluated by MESA representatives. It would appear this is the type of thing that President Ford had in mind when he asked the regulatory agencies to minimize their reporting and related requirements."

E. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–20 read as follows:

"A ventilation plan, and revisions thereof, suitable to the conditions and the mining system of the mine shall be set out by the operator in written form and submitted within 45 days after promulgation of this standard for review and comments to the District Manager, Metal and Nonmetal Mine Health and Safety, of the district in which the mine is located. The plan shall be reviewed, updated and resubmitted by the operator to the District Manager for review and comments at least every 12 months from the date of the last submittal. The plan shall, where appropriate, contain the following:

(a) The mine name

(b) A current mine map or series of mine maps of an appropriate scale, not greater than 500 feet to the inch, showing

(1) Locations of seals used to isolate abandoned workings;

(2) Locations of unventilated areas;

(3) Locations of air regulators and stoppings not shown in subsection (e) of this standard;

(4) Locations of overcasts, undercasts, and other airway crossover devices;

(5) Locations of known oil or gas wells;

(6) Locations of known underground mine openings adjacent to the mine;

(7) Locations of underground shops, diesel fuel storage, oil storage, substations, battery charging stations, hoist rooms, compressors, and explosive storage facilities intended to be used for 1 year; and

(8) Projected ventilation changes for 1 year.

(c) Mine fan data for all main, booster, and auxiliary fans including manufacturer's name, type, size, speeds, water gages, air quantity capabilities, blade settings at present operating points, and fan motor name plate data.

(d) The procedure for reversing main and booster fans, including location of remote controls.

(e) Descriptions and sketches showing how face ventilation is accomplished in each typical type of working place and the approximate quantity of air provided.

(f) The number and type of internal combustion engine powered units used underground, including make and model of unit, type of engine, make and model of engine, horsepower rating of engine, and approval number. This list shall designate number of typical units used on each split of air and the expected maximum number of units used on each split of air."

X. PROPOSED MANDATORY STANDARD 57.5–24 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"Keeping intake areas separate from exhaust airways is not possible in many types of mines. For example, in some open stope and room-and-pillar mining it would be totally impractical if not physically impossible to construct the necessary brattices, or curtains, across miles of openings, some of which would be at least eighty feet high. In any case, such separation would serve no useful purpose.

"Few metal and nonmetal mines are developed and designed like coal mines with multiple entry systems or parallel intake and exhaustways.

"Again, we must emphasize that in nongassy mines the important criteria should be air quality, not quantity."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Keeping intake airways separate from exhaust airways is not possible in many existing mines which have been developed with ventilation carried in pipes or tubes within the drift or shaft which acts as the exhaust airway. Metal/Nonmetal mines are not developed and designed like the coal mines with multiple separate entry systems. To require parallel entryways and exhaustways in existing mines is unbelievable and certainly would force many, if not most, of the mines out of business. Obviously, this does not square with the statement at the beginning of this set of standards, 'It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with the OMB Circular A–107.'"

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–24 read as follows:

"Ventilation air shall be coursed through the mine by defined routes. To prevent recirculation the defined routes or airways used for intake airflow shall be separated from those defined routes or airways used for exhaust airflow.

XI. PROPOSED MANDATORY STANDARD 57.5–34 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"Auxiliary fans are often installed for intermittent, as-needed use and the continuous operation of an auxiliary fan is often not necessary to assure the quality of the air specified by other standards."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Requiring that auxiliary fans be operated continuously, or that the air be monitored every two hours or people removed seems to go beyond the need in some cases. As noted previously in 57.5–18 it is the quality and the quantity of the air available at a particular time that it be important. Freqently auxiliary ventilation is used only when conditions are such that primary ventilation may be inadequate. Auxiliary fans should be mandatory only if there is a potential for hazardous or toxic problems such as radon daughters, gassy mines involving methane, or some known hazard such as buildup of diesel smoke, etc. To be prepared to conduct air monitoring tests in two hours would require a trained person with specialized equipment at the mine on all shifts. This is a burden, especially for small mines. The use of all fans when not necessary for air quality is a waste of energy and money (OMB Circular A107)."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air the purposes of safety and health are quality standard regulations are met, the purposes of safety and health served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–34 read as follows:

"Auxiliary fans shall be operated continuously while persons are in working places ventilated by these fans, except for scheduled production-cycle shutdowns and where they are not used for air quality. In event of auxiliary fan failure, scheduled maintenance, or fan adjustments:

(a) The air quality in the affected active workings shall be tested at least every 2 hours by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in section 57.5, before any other persons are permitted to enter the effected active workings."

XII. PROPOSED MANDATORY STANDARD 57.5–37 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is highly arbitrary to require the operators of nonuranium mines which have no reason to suspect even minor concentrations of radon daughters to conduct sampling of mine air exhaust. Training of a competent person to take the required initial sample is much more extensive than that required for routine mine atmosphere sampling. The equipment required is only applicable to radiation sampling. The initial sampling

should be performed by MESA personnel. If radon daughter concentrations are found at the levels which will require subsequent sampling as in subparagraph (a)(1), the operator should then assume the responsibility for subsequent sampling. The levels of radon concentrations contemplated in MESA's proposals are well below the limits in which constant exposure would result in the annual 4 wlm exposure limit. In our view the existing standard adequately covers the potential 'hazard' to which this proposal is directed. However, if any modification is made it should incorporate further revisions to the proposal. For example, in (a)(1) the phrase 'Except where uranium is mined' is confusing. It is our understanding that this is to cover conditions other than those in paragraph (a)(2) which with the phrase 'Where uranium is not mined'. Also the proposal should be revised to require initial sampling to be done by MESA personnel in nonuranium mines, as discussed above."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory 57.5–37 read as follows:

"Mandatory. In all mines:

"(a) At least one mine air sample shall be taken in exhaust air by a competent person to determine if concentrations of radon daughters are present. Sampling shall be done using suggested equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled 'American National Standard Radiation Protection in Uranium Mines,' approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof or equivalent procedures and equipment acceptable to MESA. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office, Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute Inc., 1430 Broadway, New York, New York 10018. Thereafter—

"(1) Where uranium is not mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in active workings, radon daughter concentration measurements shall continue to be determined within 90 days from the date of the last sample or until such time as the radon daughter concentrations are below 0.1 WL, and annually thereafter.

"(2) Where uranium is mined—radon daughter concentrations shall be determined within 30 days from the date of the last sample in all working places, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel or congregate.

"(b) The sample date, location, and results obtained under (a) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary of the Interior or his duly authorized representative."

XIII. PROPOSED MANDATORY STANDARDS 57.5–40 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"The weekly sampling requirements in paragraph (a) should be limited to those working areas in which the radon daughter concentrations are in excess of 0.3 WL or those areas of the mine which have substantial fluctuation in radiation. Many areas in uranium mines have consistent readings of less than 0.3 WL. In such areas monthly sampling is sufficient and is consistent with the requirements of 57.5–37(a)(2) as amended by proposed item #45, and existing standard 57.5–37.

"In paragraph (c)(1) we object to the requirement for submitting data directly to MESA in states which have a state plan. The Federal Metal and Nonmetallic Mine Safety Act clearly gives the enforecent authority to the state where a state plan has been executed. If MESA desires to obtain this information, it should be obtained from the state.

"In paragraphs (c)(1) and (c)(2), the 14–day period for submission of records is unreasonably short. To collect the data, mail it to a computer center, review it for completeness, punch tab cards, calculate exposures (even using automatic tab equipment), check data, and correct any errors, a minimum of 45 days is required. Exposure data is by definition "after-the-fact" information to be retained for future reference and does not require urgent action. Hence a 45–day period is a reasonable one.

"We object to the reporting requirements of paragraph (c) and to the forms designated Y–4000–8, Y–4000–8s, X–4000–9 and X–4000–9s. The provisions in paragraph (b) which require the operator to maintain records of the individual exposure for all persons working underground including the supporting data is sufficient for MESA to enforce the standard limiting individual exposure to 4 WLM/year."

MESA recommendations: At the hearings MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–40 read as follows:

57.5–40 Mandatory. When concentrations of radon daughters are found in excess of 0.3 WL in any active working:

(a) The operator shall sample the air within the breathing zones of persons working in stopes and drift headings, and sample the air in all travelways, haulageways, shops, stations, lunchrooms, magazines, and any other place or location where persons work, travel, or congregate. Sampling shall be performed at least weekly at random times during regular work shifts, and shall be done by a competent person using suggested equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines", approved July 18, 1973, pages 13–15 by the American National Standards Institute Inc., which is hereby incorporated by reference and made a part hereof, or equivalent procedures and equipment acceptable to MESA. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(b) The operator shall record individual exposures to concentrations of radon daughters for all persons working underground. These records shall include the individual's time in each working place and each active working, and the average concentration of airborne alpha radiation for each working place and each active working.

(c) The operator shall maintain a "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Form Y–4000–8s for mines located in States with State Plans) and a "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or Form X–4000–9s for mines located in States with State Plans), or equivalent reporting forms that are acceptable to the Administrator, Mining Enforcement and Safety Administration, on which there shall be entered and recorded specific information with respect to each person's average exposure to concentrations of radon daughters. Form Y–4000–8 or Y–4000–8s shall also include any non-duplicated measurements taken by Federal and State representatives and reported to the operator. Such Federal and State measurements shall be clearly identified.

(1) For mines located in a State with a State Plan approved by the Secretary of the Interior under section 16 of the Federal Metal and Nonmetallic Mine Safety Act, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9s) shall consist of an original of each form for the operator's records and a first and second copy of each form for use by the Mining Enforcement and Safety Administration and the State, respectively. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form to the State agency responsible for administering the State Plan on behalf of the State in which the mine is located, and to:

Data Management—Attn: MCS System, Mining Enforcement and Safety Administration, 603 Miller Court, Lakewood, Colorado 80215.

Such forms shall be mailed or delivered no later than 45 days following a reporting period covering each month.

(2) For mines located in a State without a State Plan, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8) and the "Record of Individual Exposure to Radon Daughters"

(Form X–4000–9) shall consist of an original of each form for the operator's records and a carbon copy of each form, for use by the Mining Enforcement and Safety Administration. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form, to the Mining Enforcement and Safety Administration, address given in (c)(1) above, no later than 45 days following a reporting period covering each month.

(3) Errors detected by the operator shall be corrected, and a corrected copy of the reporting form, or acceptable equivalent, shall identify the error and indicate the date the correction was made. The corrected copy or acceptable equivalent shall be mailed or delivered within 45 days to the Mining Enforcement and Safety Administration, address given in (c)(1) above and, if applicable, to the State agency.

(4) The operator's records of individual exposure to concentrations of radon daughters and copies of "Records of Work Area Radon Daughter Concentrations" and "Record of Individual Exposure to Radon Daughters", or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period of 2 years from the date the records are mailed or delivered to the Mining Enforcement and Safety Administration. These records shall be open for inspection by the Secretary of the Interior, his duly authorized representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located.

(5) Upon written request from a person who is a subject of these records, a statement of year-to-date and cumulative exposure applicable to that person shall be provided to the person, or to whomever such person designates.

(6) The blank forms entitled "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or X–4000–9s) may be obtained on request from any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration.

NOTE.—To calculate an individual's exposure in WLM for a given period of time in each working place or each active working, as applicable, multiply the total exposure time (hours to the nearest half hour) in a working place or an active working as applicable, by the average concentration of airborne alpha radiation for the applicable working place or active working (average working level calculated to the nearest hundredth working level), and divide the product by the constant, 173 hours per month.

An average airborne alpha radiation concentration for a designated working place or active working shall be determined by averaging all sampling results for the applicable working place or active working during the time that the person is present in that designated working place or active working.

An individual's exposure for an extended period of time is the sum of the individual's exposure calculated each week, or part thereof, for all working places and active workings where the individual has worked during that period of time.

XIV. PROPOSED MANDATORY STANDARDS 55.9–1, 56.9–1, AND 57.9–1 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is recommended that this proposed standard be revised as follows:

'Mobile equipment shall be inspected by a competent person before being placed in operation. Equipment defects affecting safety shall be corrected before the equipment is used.'

"Existing standard 57.9–2, which requires that the equipment defects affecting safety be corrected before the use of such equipment, could be revoked if our revision were adopted since it would be incorporated. The two-year record keeping requirement for each shift inspection will result in a burdensome and voluminous record keeping requirement and serves no useful purpose.

"The purpose of the standard is to ensure (1) detection and (2) correction of defects affecting safety on equipment. Compliance can easily be determined through inspections of the equipment, not necessary records."

B. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"This industry takes particular exception to the record keeping requirements proposed in this standard. Existing MESA regulations (55/56/57.14–26) already require that 'unsafe equipment or machinery shall be removed from service immediately.' This new regulation, in our opinion, imposes additional needless record keeping without any apparent merit and, therefore, should be removed entirely."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"The crushed stone industry concurs that operator inspection of his equipment is fundamentally a good idea. We vigorously oppose the proposed requirement to maintain records of equipment defects, so detected, for the period specified. The volume of records to be maintained under the proposed standard will constitute a superfluous and record keeping hardship, especially since existing Mandatory Standards 56.9–2 and 57.9–2 require that 'equipment defects affecting safety shall be corrected before the equipment is used.' If this existing standard (56.9–2 and 57.9–2) is followed and enforced, there is no need for 56.9–1 or 57.9–1."

D. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend that mandatory standards 55.9–1, 56.9–1, and 57.9–1 read as follows:

"Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by the mine operator. The records shall be maintained at the mine or nearest mine office for at least 6 months from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative."

XV. PROPOSED MANDATORY STANDARDS 55.9–34, 56.9–34, AND 57.9–34 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be changed to the following:

'Haulage equipment shall be loaded in such a manner as to minimize spillage while in route (sic) to a dumping site.'

"It appears that the intent of the proposal to minimize spillage (sic) which would be covered by our proposed revision. The published proposal is totally unacceptable because haulage units are often built to allow alterations and the safe carrying capacities can easily be greater than the nominal rated capacity. The density of the material being hauled can vary, for example, a 150-ton rated truck could safely carry from 120 to 190 tons of material depending on the density of the material. The proposed standard would seem to require scales near the loading site which would be totally impractical, and load indicator on haulage equipment have not been proved to be reliable or satisfactorily maintenance free."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"This proposed standard is acceptable so long as reasonable calculated values and visual checks based on the material handled can be substituted for routine weighing."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend that mandatory standards 55.9–34, 56.9–34, and 57.9–34 read as follows:

"Haulage equipment shall not be loaded in excess of the manufacturer's rated weight capacity and the equipment shall be loaded in a manner to minimize spillage during haulage."

XVI. PROPOSED MANDATORY STANDARD 57.9–104 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is recommended that the word 'and' be inserted between 'chute lips' and 'air doors' and the words 'and obstructions' should be omitted.

In underground mines there are all sorts of conditions that could be interpreted as an 'obstruction'. This very loose wording would be very difficult to comply with."

MESA recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.9-104 read as follows:

"Warning devices or conspicuous markings shall be installed where chute lips, ventilation doors, and obstructions create a hazard to persons on equipment."

XVII. PROPOSED MANDATORY STANDARD 57.11-59 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be changed to the following:

'An auxiliary respiratory system, with sufficient capacity to effect mine evacuation plans, shall be provided for operators of all underground hoists.'

"The provisons necessary to provide a respirable atmosphere for underground hoist operators is dependent on the local conditions in the mine—the number of men to be surfaced by the hoist, the location of the hoist with relation to the fresh air supplies, and its physical location in the mine. The proposed detailed requirements are much too rigid to apply to the varying situations found in underground mines."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"The many requirements for hoistman protection in this standard seem to go beyond the needs of personal protection. In addition automatic hoists or self-actuated hoists should be excluded. None of the three alternatives for ventilation specified in (a) are feasible in large, deep, existing mines. Air through a bore hole from the surface or supplied by compressors on the surface and piped or aircoursed through metal ducts not located in timber would be fantastically expensive in a mine many thousands of feet deep or several miles under a mountain. (b) Provides for compressed air storage in containers. This is a practical method of providing the hoistman with his personal air supply. (c) The two-hour self-contained breathing apparatus for escape may be far more than needed depending on the distance and estimated time to rach safety. In addition, many hoistmen are not physically able to qualify for 2-hour breathing apparatus training or wearing whereas they might meet a minimum of some simpler device for supplied air to provide for their travel to safety."

C. The objections and grounds stated for the objections filed by Gulf Mineral Resources are as follows:

"Are you sure that the rules should not call for a blower not a compressor?"

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.11-59 read as follows:

"For the protection of operators of hoists located underground which are part of the mine escape and evacuation plan required under Standard 57.11-53, the hoist operator shall be provided with respirable atmosphere completely independent of the mine atmosphere. This independent ventilation system shall convert, without contamination, to an approved and properly maintained 2-hour self-contained breathing apparatus to provide a safe means of escape for the hoist operator after the hoisting duties have been completed as prescribed in the mine escape and evacuation plan for that hoist. The hoist operators independent ventilation system shall be provided by one of the following methods:

(a) A suitable enclosure equipped with a positive pressure ventilation system which may be operated continuously or be capable of immediate activation from within the enclosure during an emergency evacuation. Air for the enclosure's ventilation system shall be provided in one of the following ways—

(1) Air coursed from the surface through a borehole into the hoist enclosure directly or through a metal pipeline from such borehole; or

(2) Air coursed from the surface through metal duct work into the hoist enclosure (although this duct work shall not be located in timber-supported active workings); or,

(3) Air supplied by air compressors located on the surface and coursed through metal pipe into the hoist enclosure.

A back-up system shall be provided for a hoist enclosure ventilation system provided by either of the methods set forth in (a)(2) and (a)(3) above. This back-up system shall consist of compressed air stored in containers connected to the enclosure. This back-up system shall provide and maintain a respirable atmosphere in the enclosure for a period of time equal to at least twice the time necessary to complete the evacuation of all persons designated to use that hoist as prescribed in the mine escape and evacuation plan required under Standard 57.11-53; or

(b) An approved and properly maintained self-contained breathing apparatus system which shall consist of a mask connected to compressed air stored in containers adjacent to the hoist controls. This self-contained breathing system shall provide a minimum of 24 hours of respirable atmosphere to the hoist operator. In addition, the self-contained breathing system shall be capable of a quick connect with the approved 2-hour self-contained breathing apparatus above."

XVIII. PROPOSED MANDATORY STANDARDS 55.19-78, 56.19-78 AND 57.19-78

A. The objections and grounds stated for the objections filed by American Mining Congress are as follows: "In the third sentence 'minimum speed' should be changed to 'slow speed'.

"Hoisting at a minimum speed may be much slower than necessary for safe operations and in addition is a very vague term. We realize that the term 'slow speed' is also a general term but it is felt that it would be more readily understood."

XIX. PROPOSED MANDATORY STANDARDS 55.-20-8, 56.20-8, AND 57.20-8 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be changed to the following:

'Toilet facilities shall be provided at convenient locations and shall be kept clean and sanitary.'

"The detailed requirements in the proposed standard do not take into proper consideration the different conditions in: (1) underground mining situations; (2) surface mining operations; and (3) fixed facilities, such as shops, mills, etc.

"The positioning of toilets based on 10-minute accessibility is totally unreasonable. The proposed standard goes beyond the requirements for general industry in requiring one toilet per ten workers. The requirement for weekly cleaning, recharging and disposal should not apply to the enzyme-type unit. Separate facilities for males and females are not necessary if privacy can be maintained by locks. Because of the wide variety of conditions at surface and underground mining operations throughout the country, a very flexible standard is necessary."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows: "NCSA believes that such matters as toilet regulations should be left to local health service authorities if possible particularly since section 6(b) of Pub. L. 89-577, the Federal Metal and Nonmetallic Mine Safety Act states that mandatory standards should '* * * deal with conditions or practices of a kind which could reasonably be expected to cause death or serious physical harm.'

"NCSA agrees that providing adequate number of clean, well maintained toilet facilities for employees is highly desirable. However, we question seriously the requirement for separate sexes because of the limited number of total people involved and the field conditions experienced in mining."

"Further, at least one other Federal regulatory agency which does have existing standards for employee toilets allows for use of a toilet by either sex when the toilet room can be occupied by no more than one person at a time, can be locked from the inside, and contained at least one water closet.

"Also, mobile crews of those working in normally unattended work locations cannot always have toilet facilities within 10 minutes accessibility.

"Finally, the requirement to service toilets '* * * when full, but not less frequently than weekly' ignores recent re-

circulating, self cleaning, advanced systems of toilet design, some of which require removal of waste as seldom as once a year. Exception provision should be made for those which do not require such servicing at less frequent intervals than once a year or month."

C. The objections filed and grounds stated for the objections filed by the National Limestone Institute are as follows:

"The requirements in this standard are frivolous, in many cases extremely impractical, and fail to recognize new technology. To begin with, we are at a complete loss as to how this standard relates to safety. Further, many of this industry's operations are portable and operate in remote areas where it would be extremely difficult and costly to meet the requirements of the standard. Also, we do not think it necessary to provide separate facilities for men and women. Certainly there is ample precedent for this line of reasoning for one need only to look at the airlines where no such distinction is made—and they certainly don't require a separate facility for every ten passengers.

"The requirement that each toilet be serviced 'not less frequently than once a week' does not recognize the existence of new technology. We have been informed of a new chemical type toilet which utilizes a recirculating liquid and reportedly needs service only once a year.

"Because we do not feel it is MESA's responsibility to set standards for toilet facilities, we would like to see this standard deleted in its entirety. Failing that, we urge you to give consideration to our other arguments with respect to number of toilets, servicing requirements and the need for separate facilities for men and women."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 55.20–8, 56.20–8, and 57.20–8 read as follows: Toilet facilities shall be provided at readily accessible locations and shall be kept clean and sanitary.

(a) The number of toilets provided shall be in accordance with the following table:

Number of employees:	*Minimum number of water closets*
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	(1)

[1] One additional fixture for each additional 40 employees.

(b) The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

(c) Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the District in which the mine is located. Such facilities shall be protected from the elements. Toilets shall be removed to the surface for cleaning, recharging, disposal (as applicable); or toilet waste transfer tanks and transfer equipment shall be provided with fittings to permit complete transfer of waste without spillage. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

XX. PROPOSED MANDATORY STANDARD 57.21–21

A. The objections and grounds stated for the objections filed by FMC Corporation are as follows: "The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–21 read as follows:

"Main fans shall be:

"(a) Operated continuously while persons are underground except when stopped or slowed down for fan maintenance and/or fan adjustments and related ventilation system adjustments and compliance is made with the provisions of mandatory standard 57.21–24.

"(b) Provided with pressure-recording gauges which shall be examined daily for good operating condition. The charts of such gauges shall be changed after completing one revolution.

"(c) Inspected daily and logs kept of such inspections and of fan maintenance.

"(d) Charts and logs shall be retained for a minimum of one year. Such records and charts shall be available for inspection by the Secretary of the Interior or his duly authorized representative."

XXI. PROPOSED MANTATORY STANDARD 57.21–24

A. The objections and grounds stated for the objections filed by FMC Corporations are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–24 read as follows:

"(a) At mines where a single main fan is used and such fan stops, or at mines where multiple main fans are used and all such fans stop, the operator shall take the following immediate action:

(1) Withdraw all persons from the affected active workings.

(2) Deenergize the power in affected active workings.

(3) Withdraw all persons from the mine when a 1.0 percent concentration of methane in air is measured in any active working.

"If ventilation has been interrupted for more than 15 minutes, all working places and active workings where methane may accumulate shall be examined by a competent person(s). The power shall not be restored or persons permitted to reenter the affected active workings until the competent persons(s) has determined the methane concentration in such active workings is less than 1.0 percent.

"(b) At mines where multiple main fans are used and one or more but not all fans stop; and air flow in intake and return air courses is maintained, the operator shall take the following immediate action:

(1) Monitor the air in all active workings for methane content.

(2) Withdraw all persons from, and deenergize the power, in all active workings when a 1.0 percent concentration of methane in the air is measured.

(3) Comply with all related mandatory standards in section 57.21."

XXII. PROPOSED MANDATORY STANDARD 57.21–80

A. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–80 read as follows:

"A methane monitoring device (methane monitor), approved by the Secretary of the Interior, shall be installed and properly maintained on all continuous miners and longwall face equipment. The sensing unit of the methane monitor shall be positioned as close to the working face as practicable. When the concentration of methane is 1.0 percent or more, the monitor shall give a warning and deenergize the equipment automatically when the concentration reaches 1.5 percent. The methane monitor also shall deenergize such equipment automatically when the monitor is not functioning properly."

Drafting Information

The principal persons responsible for preparation of these proposed and revised proposed standards are: Arthur P. Nelson, Assistant Administrator, Metal and Nonmetal Mine Health and Safety, MESA; E. Levi Brake, Chief, Division of Safety; Aurel Goodwin, Chief, Division of Health; and, Donald R. Tindal, Assistant Solicitor, Metal and Nonmetallic Mine Health and Safety, Office of the Solicitor.

Dated: June 10, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77-17105 Filed 6-15-77;8:45 am]

federal register

THURSDAY, JUNE 16, 1977
PART IV

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS, JUNE 1977

Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS, JUNE 1977

Cumulative Report

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1977, of the 14 rescissions and 58 deferrals contained in the first twelve special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, December 3, 1976, January 7 and 17, March 9 and 24, April 4 and 28, and May 18, 1977.

RESCISSIONS (TABLE A AND ATTACHMENT A)

One rescission totaling $126.2 million in fiscal year 1977 budget authority is presently before the Congress. Table A summarizes the status of rescissions proposed as of June 1, 1977. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of June 1, 1977, $4,434.5 million in 1977 budget authority was being deferred from obligation and another $38.1 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of existing deferrals. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI).
Monday, September 27, 1976 (Vol. 41, No. 188, Part III).
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV).
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII).
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II).
Thursday, January 13, 1977 (Vol. 42, No. 9, Part X).
Monday, January 24, 1977 (Vol. 42, No. 15, Part VIII).
Wednesday, March 16, 1977 (Vol. 42, No. 51, Part IV).
Wednesday, March 30, 1977 (Vol. 42, No. 61, Part VI).
Friday, April 8, 1977 (Vol. 42, No. 68, Part VI).
Wednesday, May 4, 1977 (Vol. 42, No. 86, Part VI).
Monday, May 23, 1977 (Vol. 42, No. 99, Part IX).

BERT LANCE,
Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Proposed rescissions	1,261.6
Withdrawn (R77-4A, Special Message No. 4, R77-13A, Special Message No. 8)	-95.0
Accepted by the Congress (R77-3, R77-5, R77-8, R77-9, R77-10, R77-11)	-711.6
Rejected by the Congress	-60.4
Adjustments	-268.4 1/
Pending before the Congress	126.2

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (In millions of dollars)
Proposed deferrals	7,249.3
Routine Executive releases (-2,291.4M) and adjustments (-459.8M) 2/ through June 1, 1977	-2,751.1
Overturned by the Congress	-25.6
Currently before the Congress	4,472.6 3/

1/ This amount is the difference between $721.0 million in Navy shipbuilding and conversion funds originally proposed for rescission and $452.6 million rescinded. When the rescission was proposed, these funds were already obligated for supply contracts. In testimony before the House Appropriations Committee, the Secretary of Defense concurred in the opinion that these contracts should not be terminated.

2/ An amount equal to $1,652.7 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "Adjustments" entry above because superseded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

3/ Includes $38.1 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of June 1, 1977

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Foreign military credit sales.....	R77-5	[41,500] 1/	01-17-77	41,500 2/	03-25-77		
Department of Commerce							
U.S. Travel Service							
Salaries and expenses.	R77-6	[525]	01-17-77			525	03-15-77
National Oceanic and Atmospheric Administration:							
Operations, research, and facilities.....	R77-7	[1,500]	01-17-77			1,500	03-15-77
Department of Defense-Military							
Retired pay, Defense....	R77-8	[143,600]	01-17-77	143,600 2/	03-25-77		
Shipbuilding and conversion, Navy.....	R77-9	[721,000] 3/	01-17-77	452,600 2/	03-25-77		
Shipbuilding and conversion, Navy.....	R77-14	126,212	05-18-77				
Other procurement, Air Force.....	R77-10	[14,350]	01-17-77	14,350 2/	03-25-77		
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund.....	R77-2	[6,600]	09-22-76			6,600	03-02-77
Department of the Interior							
Bureau of Mines:							
Helium fund.....	R77-3	[47,500]	09-22-76	47,500 4/	03-10-77		

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of State							
Contributions for international peacekeeping activities.....	R77-11	[12,000]	01-17-77	12,000 2/	03-25-77		
Department of Transportation							
Federal Highway Administration:							
Highway crossing							
Federal projects.....	R77-4	[35,000]	09-22-76				
	R77-4A	0	11-05-76			35,000 5/	10-01-76
Coast Guard:							
Retired pay.....	R77-12	[6,803]	01-17-77			6,803	03-15-77
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation.	R77-1	[45,000] 6/	07-29-76			45,000 6/	10-01-76
Small Business Administration:							
Business loan and investment fund.....	R77-13	[60,000]	01-17-77				
	R77-13A	0	03-09-77			60,000 7/	10-01-76 7/
TOTAL:		126,212		711,550		155,428	

1/ This amount was included in a deferral (D77-38) that was transmitted to the Congress on 12-03-76.
2/ P.L. 95-15.
3/ Of the $721,000,000 proposed for rescission, $452,600,000 was rescinded because the difference, totaling $268,400,000, was previously obligated. The $452,600,000 was assumed to be included in a deferral (D77-34) transmitted to the Congress on 11-05-76.
4/ P.L. 95-10.
5/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
6/ These funds were not withheld during the 45-day Congressional consideration period.
7/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on March 9, 1977. These funds were not withheld during the 45-day Congressional consideration period.

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Emergency Refugee and Migration Assistance Fund.....	D77-1		8,640	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				
				01-10-77	-1,000				
				01-31-77	-2,100				
				05-25-77				+3,660	5,000
International Security Assistance									
Military assistance, 1977.....	D77-37		73,000	12-03-76					73,000
Foreign military credit sales.....	D77-38		740,000	12-03-76				-41,500 1/	
				01-10-77	-23,627				
				01-25-77	-585,533				
				05-06-77	-27,500				
				05-20-77				+12,258	74,098
TOTAL:			821,640		-643,960			-25,582	152,098

1/ This amount was proposed for rescission (R77-5). The proposal was accepted by the Congress in P.L. 95-15.

E-2

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Foreign Agricultural Service									
Salaries and expenses: (Special foreign currency program).....	D77-2	[1,610]		10-01-76					
				01-17-77				-1,610 1/	
	D77-2A		1,743	01-17-77					1,743
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses.....	D77-3		2,919	10-01-76					
				12-30-76	-2,629				
				03-25-77	-84				
				05-19-77	-140				66
Forest Service									
Expenses, brush disposal.	D77-4		22,321	10-01-76					22,321
Licensee programs.....	D77-5	[146]		10-01-76					
				01-17-77				-146 1/	
	D77-5A		239	01-17-77					239
TOTAL:		1,756	27,222		-2,853			-1,756	24,369

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 05-01-77
General Administration									
Special foreign currency program	D77-45		654	01-17-77					654
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	D77-46	[7,500]		01-17-77					
				03-28-77	-1,200				
				04-28-77				-6,300 1/	
	D77-46A		6,300	04-28-77					6,300
Promote and develop fishery products and research pertaining to American fisheries	D77-6	[1,771]		10-01-76					
				01-07-77				-1,771 1/	
	D77-6A		1,772	01-07-77					
				03-08-77	-600				1,172
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					
				05-06-77	-58				1
Fisherman's guaranty fund	D77-9	[350]		10-01-76					
				01-07-77				-350 1/	
	D77-9A		946	01-07-77					946

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 05-01-77
Maritime Administration									
Ship construction	D77-47	[200,900]		01-17-77					
				04-04-77				-200,900 1/	
	D77-47A		200,900	04-04-77					
				05-16-77	-102,900				98,000
TOTAL:		210,527	216,028		-104,758			-209,327	112,470

1/ Subsequently incorporated in a supplementary report.

B-5

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Shipbuilding and conversion, Navy.....	D77-34		929,250	11-05-76					
				01-17-77				-452,600 1/	476,650
Military construction, all services.....	D77-10	[76,463]		10-01-76					
				12-03-76				-76,463 2/	
	D77-10A	[335,883]		12-03-76					
				01-17-77				-335,883 2/	
	D77-10B	[387,652]		01-17-77					
				03-09-77				-387,652 2/	
	D77-10C		424,240	03-09-77					
				03-25-77	-12,960				
				03-28-77	-18,527				
				03-30-77	-34,011				
				04-12-77	-8,210				
				04-14-77	-5,425				
				05-23-77	-24,253				320,854
TOTAL:		800,018	1,353,490		-103,386			-1,252,618	797,504

1/ This amount was included in a rescission proposal (R77-9). The proposal was accepted by the Congress in P.L. 95-15.
2/ Subsequently incorporated in a supplementary report.

B-6

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Corps of Engineers-Civil									
Construction, general.....	D77-53	[7,700]		03-24-77					
				03-14-77	-5,095				
				05-18-77				-2,665 1/	
	D77-53A		2,665	05-18-77					2,665
Panama Canal									
Canal Zone Government: Capital outlay.....	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations.....	D77-12	[363]		10-01-76					
				03-09-77				-363 1/	
	D77-12A		515	03-09-77					515
TOTAL:		8,123	3,326		-5,095			-3,028	3,326

1/ Subsequently incorporated in a supplementary report.

B-7

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 06-01-77
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign currency program)	D77-13	[1,113]		10-01-76 01-07-77				-1,113 1/	
	D77-13A		2,113	01-07-77					2,113
Office of Education									
Higher education	D77-14	[31,702]		10-01-76 11-05-76				-31,702 1/	
	D77-14A		303,862	11-05-76 02-28-77	-23,082				280,780
Social Security Administration									
Limitation on construction	D-77-15	[17,272]		10-01-76 11-05-76				-17,272 1/	
	D77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University	D77-35		500	11-05-76					500
TOTAL:		50,087	325,148		-23,082			-50,087	302,066

1/ Subsequently incorporated in a supplementary report.

B-8

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16	(5,426)		10-01-76					
				05-18-77				-5,426 1/	
	D77-16A		7,615	05-18-77					7,615
Bureau of Reclamation									
Colorado River Basin Project	D77-54		6,790	03-24-77					
				03-15-77	-6,790				0
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76					
				10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL:		5,426	49,205		-8,035			-5,426	41,170

1/ Subsequently incorporated in a supplementary report.

B-9

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Federal Prison System									
Buildings and facilities	D77-21		1,900	10-01-76				-1,900 1/	0
TOTAL:			1,900					-1,900	0

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

B-10

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Employment and Training Administration									
Advances to the unemployment trust fund and other funds.....	D77-39		2,919,000	12-03-76					
				12-28-76	-1,119,000				1,800,000
TOTAL:			2,919,000		-1,119,000				1,800,000

B-11

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad.....	D77-22		14,225	10-01-76					14,225
TOTAL:			14,225						14,225

B-12

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24	[464]		10-01-76 01-17-77				-464 1/	
	D77-24A		8,080	01-17-77					8,080
Facilities and equipment (Airport and airway trust fund)	D77-25	[276,101]		10-01-76 01-17-77				-276,101 1/	
	D77-25A	[287,095]		01-17-77 03-09-77				-287,095 1/	
	D77-25B		278,095	03-09-77					278,095
Federal Highway Administration									
Trust fund share of other highway programs	D77-46		31,250	01-17-77					31,250
TOTAL:		563,660	340,006					-563,660	340,006

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Office of the Secretary									
Antirecession financial assistance fund.....	D77-57		6,030	04-28-77					
				05-01-77	-938				
				05-31-77				+359	5,451
State and local government fiscal assistance trust fund.....	D77-26		113,732 1/	10-01-76					
				11-01-76	-28,433 1/				
				01-31-77	-28,433 1/				
				05-01-77	-28,433 1/				28,433 1/
State and local government fiscal assistance trust fund.....	D77-27	[10,000] 1/		10-01-76					
				12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76					
				12-31-76	-16,693 1/				
				01-31-77	-1,590 1/				
				05-01-77				+12,000 1/	
				06-01-77	-5,635 1/				9,617 1/
State and local government fiscal assistance trust fund.....	D77-28		81,500	10-01-76					
				11-01-76	-226				
				12-01-76	-186				
				12-31-76	-7,000				
				03-01-77	-317				
				04-01-77	-4				
				05-01-77				+8,200	61,147
Loans to the District of Columbia for capital outlay.....	D77-36		51,002	11-05-76					51,002
TOTAL:			136,532BA		-9,559BA			+8,027dA	127,000BA
		10,000	134,000TO		-10y,017O			+2,000O	36 050O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Energy Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Operating expenses (Energy extension service)	D77-49		7,500	01-17-77 02-22-77				-7,500 1/	0
Operating expenses (Magnetic fusion energy)	D77-50		12,000	01-17-77		-12,000 2/			0
Operating expenses (Program support-community operations)	D77-51		5,400	01-17-77		-5,400 3/			0
Operating expenses (Biomedical and environmental research)	D77-52		8,200	01-17-77		-8,200 4/			0
Operating expenses	D77-55		80,500	04-04-77					80,500
Operating expenses (Clinch River Breeder Reactor Plant project)	D77-58		31,800	05-18-77					31,800
Plant and capital equipment	D77-56		46,660	04-04-77					46,660
TOTAL:			192,060			-25,600		-7,500	158,960

1/ This adjustment reflects the impact of P.L. 95-3 which makes the source of ERDA's funding their regular 1977 appropriations, rather than the continuing resolution (P.L. 94-473), without need for enactment of authorizing legislation.
2/ Impoundment resolution H. Res. 305 passed the House on March 3, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 306 passed the House on March 3, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 307 passed the House on March 3, 1977, rejecting this deferral.

B-15

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Rare Silver Dollar Program	D77-29	[1,709]		10-01-76 01-07-77				-1,709 1/	
	D77-29A		1,797	01-07-77					1,797
TOTAL:		1,709	1,797					-1,709	1,797

1/ Subsequently incorporated in a supplementary report.

B-16

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
Action									
Operating expenses, international and domestic programs.....	D77-40		550	12-03-76					
				12-31-76	-15				535
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims.	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Commemorative activities fund.....	D77-31	[1,346]		10-01-76					
				01-07-77				-1,346 1/	
	D77-31A		198	01-07-77					198
Interstate Commerce Commission									
Payment for directed rail service.....	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year									
Salaries and expenses....	D77-33		680	10-01-76					680
U.S. Information Agency									
Salaries and expenses (special foreign currency program).....	D77-41		2,437	01-07-77					2,437
Special international exhibitions.....	D77-42		1,716	01-07-77					1,716

B-17

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 06-01-77
exhibitions (special foreign currency program).....	D77-43		112	01-07-77					112
U.S. Railway Association									
Payments for the purchase of Conrail securities.....	D77-44		680,700	01-07-77					
				01-27-77	-162,000				518,700
TOTAL:		1,346	710,926		-162,015			-1,346	548,911
TOTAL, ALL DEFERRALS:		1,642,652BA 10,000O	7,114,505BA 134,807O		-2,181,743BA -109,617O	-25,600BA		-2,115,312BA +2,860O	4,434,502BA 38,050O

1/ Subsequently incoporated in a supplementary report.

[FR Doc.77-17317 Filed 6-14-77;10:48 am]

federal register

THURSDAY, JUNE 16, 1977

PART V

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT MONITORING REPORT FOR FERTILIZERS

October–December 1976

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS

October–December 1976

Data collected during October through December 1976, the second quarter of the 1977 crop year, indicated a sizeable increase in imports and a modest increase in exports of nitrogen containing fertilizers, compared to the same three month period in 1975. Fertilizers containing nitrogen imported during October through December 1976, totaled 465,461 content tons. This was 190,650 content tons more than were imported during the same quarter of the preceding year, when 274,811 content tons entered the United States. During this same October through December period, exports of fertilizers containing nitrogen totaled 357,784 content tons, an increase of 31,297 content tons over the 326,487 content tons exported in the comparable 1975 period.

Of those nitrogen-containing fertilizer materials under export monitoring, ammonium phosphate was the commodity exported in the largest quantity during the October through December period, with 740,308 short tons being shipped abroad. This was 189,941 short tons more than the 550,367 short tons exported during October through December 1975. Ammonium sulfate, with exports totaling 152,841 short tons during October through December, was the second largest nitrogen fertilizer export. However, the ammonium sulfate exported in the October through December 1976 quarter, even though it was second largest in quantity for this period, was 124,344 short tons less than the 277,185 short tons of ammonium sulfate exported in the like period of 1975.

Imports of nitrogen containing fertilizers were, as already noted, well above the import level for the comparable 1975 period and also were 190,650 content tons above the 257,864 content tons imported in the first quarter of the 1977 crop year. The October through December import level reversed the trend prevailing during the preceding six months, when nitrogen-containing fertilizer imports were declining in comparison to the previous year's levels.

Imports of nitrogen fertilizer materials in the fourth calendar quarter of 1976, were led by urae. During the October through December period, 413,077 short tons of this commodity were imported, a dramatic increase over the 142,504 short tons of urea imported in the comparable period in 1975. Anhydrous ammonia was the nitrogen fertilizer imported in second largest quantity in the October through December 1976 quarter. The 200,679 short tons of anhydrous ammonia imported in October through December represented a 31,976 short ton increase over the 168,703 short tons imported in October through December 1975.

Contracts for the export of nitrogenous fertilizers for the remainder of the 1977 crop year and the first half of the 1978 crop year, were nearly double the quantity committed to export sale a year ago. Total export contracts for nitrogenous fertilizers, as of December 1975, were 103,444 content tons; in December 1976, export sales for future delivery totaled 198,733 content tons. This may presage increased export activity during the coming year, but short term contract sales, which are unaccounted for here, may greatly affect the final export figures.

During the three month reporting period, minimal production increases over previous year levels occurred only with anhydrous ammonia and ammonium phosphate. October through December anhydrous ammonia production amounted to 1,515,000 short tons in 1976, compared to 1,494,000 short tons in 1975. Ammonium phosphate production during this same 1977 period totaled 752,000 short tons, compared to 698,000 short tons in 1976. Urea and ammonium nitrate production decreased slightly from that of the comparable period a year earlier, and comparative figures were not available for ammonium sulfate production.

Producers' prices for nitrogen-containing fertilizer materials, as reported in the trade press for this three-month period, showed little change. Domestically, transaction prices were drastically discounted from those quoted in the trade press, and actual export prices as reported to the Office of Export Administration were as much as 50 percent lower than the quoted prices. In December, export prices, both for current and future shipments, were reported to be less than $100 per short ton for both ammonia and urea. In fact, worldwide prices for all nitrogen fertilizers drifted lower in December. Relatively ample worldwide supply accounted for this general price decline.

Tables of exports, imports, inventories, domestic production, and prices follow.[1]

FRANK A. WEIL,
Assistant Secretary for Domestic and International Business.

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[1] World supply and demand data are not available on a monthly basis. The most recent data on world supply and demand will be included in the Semi-Annual Report to Congress on operations of the Office of Export Administration covering the period ending with the first quarter of 1977.

TABLE 1
U.S. Trade in Nitrogen Fertilizer July 1975 - December 1976
In Content Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
IMPORTS											
Nitrogenous Fertilizer:											
N Content Tons 1/	265,601	65,074	92,420	117,317	274,811	683,661	257,864	143,406	153,485	168,570	465,461
EXPORTS											
Nitrogenous Fertilizer:											
N Content Tons 1/	319,469	124,604	107,827	94,056	326,487	585,709	341,859	92,968	91,121	173,695	357,784

TABLE 2
Export Contracts for January - December 1977
In Content Tons

	CONTRACTS			
	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
IMPORTS				
Nitrogenous Fertilizer:				
N Content Tons 1/	-	-	-	-
EXPORTS				
Nitrogenous Fertilizer:				
N Content Tons 1/	87,805	82,700	17,599	10,629

1/ N Content tons includes items not listed in accompanying tables.
Source: Bureau of the Census and Office of Export Administration

TABLE 3

U.S. Exports of Fertilizers Containing Nitrogen, July 1975 - December 1976
In Short Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
1/											
Anhydrous Ammonia	44,896	74,142	18,006	14,981	107,129	173,918	125,402	45,285	18,325	76,940	140,550
Urea	150,857	30,880	54,289	48,627	133,796	295,871	86,304	41,648	36,014	71,958	149,620
Ammonium Nitrate	9,406	2,372	19,530	22,095	43,997	8,068	2,840	161	508	526	1,195
Ammonium Sulfate	149,615	111,372	96,582	69,231	277,185	325,156	165,572	53,151	48,609	51,081	152,841
Ammonium Phosphate	368,021	136,710	222,444	191,213	550,367	1,202,697	879,899	133,861	248,728	357,719	740,308
Mixed Fertilizer	40,469	6,458	10,543	21,787	38,788	138,918	43,819	10,142	31,021	18,193	59,356

TABLE 4

Export Contracts for Fertilizers Containing Nitrogen, January 1977 - December 1977
In Short Tons

	CONTRACTS			
	Jan-Mar 1977	Apr-June 1977	Jul-Sep 1977	Oct-Dec 1977
1/				
Anhydrous Ammonia	30,900	-	-	-
Urea	48,500	26,025	1,975	856
Ammonium Nitrate	3,000	33 264	29,600	-
Ammonium Sulfate	122	-	125	-
Ammonium Phosphate	109,096	331,837	35,000	57,500
Mixed Fertilizer	25,426	3,307	3,307	-

1/ Includes fertilizer and other grades of anhydrous ammonia.
Source: Bureau of the Census and Office of Export Administration

TABLE 5

U.S. Imports of Fertilizers Containing Nitrogen, July 1975 - December 1976
In Short Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
Anhydrous Ammonia	222,300	42,824	27,925	97,954	168,703	375,758	153,216	70,393	51,855	78,431	200,679
Urea	77,173	20,368	94,898	27,238	142,504	307,925	120,625	127,359	154,752	130,966	413,077
Ammonium Nitrate	43,473	14,249	31,505	14,685	60,439	191,523	57,324	11,683	22,640	28,358	62,681
Ammonium Sulfate	25,383	20,242	14,780	18,274	53,296	341,646	74,477	14,954	63,387	71,842	150,183
Ammonium Nitrate Limestone	-	9,890	-	-	9,890	12,225	22	92	-	16,534	16,626
Ammonium Phosphate	41,944	27,104	47,394	45,418	119,916	177,809	109,926	29,671	18,924	13,043	61,638
Nitrogen Solution	39,107	5,866	3,650	6,644	16,160	132,546	60,661	40,410	44,343	26,937	145,414
Nitrogenous Fertilizer N.S.P.F.	31,051	3,727	7,690	20,903	32,320	65,565	9,108	6,308	3,903	14,899	19,319
Mixed Fertilizer	15,387	11,110	5,095	7,257	23,462	66,855	14,682	8,106	9,819	12,728	30,653

Source: Bureau of the Census

TABLE 6

U.S. Production of Fertilizers Containing Nitrogen, October - November 1976
(December Figures not Available
1,000 Short Tons

	Jul-Jun 75 76	Oct 1975	Oct 1976	Nov 1975	Nov 1976	Dec 1975	Dec 1976	4th Qr. 1975	4th Qr. 1976	4th Qr. % Change 1976/1975
Anhydrous Ammonia	16,442	1,283	1,332	1,299	1,297	1,494	1,515	4,076	4,144	1.4
Urea	3,822	294	307	280	280	312	247	886	834	- 5.9
Ammonium Nitrate	7,003	606	592	578	634	621	549	1,805	1,775	- 1.7
Ammonium Sulfate 1/	N.A.	212	N.A.	307	N.A.	240	N.A.	659	N.A.	N.A.
Ammonium Phosphate 2/	8,255	727	847	660	737	698	752	2,085	2,336	12.0

N.A. - Not Available
1/ Includes coke oven byproduct
2/ Gross weight
Source: Bureau of the Census

TABLE 7
U.S. Producers' Inventories of Fertilizer Materials Containing Nitrogen
In Short Tons

	June 1974	June 1975	June 1976	Sept 1976	Oct 1975	Oct 1976	Nov 1975	Nov 1976	Dec 1975	Dec 1976
Anhydrous Ammonia	615,376	1,131,500	1,427,269	1,655,418	1,614,729	1,801,911	1,676,432	1,907,499	2,061,804	2,279,136
Urea	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Ammonium Nitrate	90,491	214,326	86,442	249,609	423,788	277,232	481,816	300,245	435,116	347,922
Ammonium Sulfate	153,496	239,753	N.A.	N.A.	317,862	227,983	387,999	N.A.	407,405	N.A.
Ammonium Phosphate	95,773	263,300	305,002	188,386	217,824	237,549	229,039	315,153	261,204	311,033

N.A. - Not Available
Source: Bureau of the Census

TABLE 8

U.S. Producers' Prices of Fertilizer Materials
$ Per Ton

Commodity	Oct 24 1973	Oct 27 1975	Oct 11 1976	Dec 27, 1976 (low) (high)	% Change Oct '73 - Dec '76 (low) PERCENTAGE (high)
Anhydrous Ammonia	65	190	190	180 - 190	177 - 192
Urea	72	175	175	160 - 175	122 - 143
Ammonium Nitrate	62	115	115	91 - 115	47 - 86
Phosphoric Acid (52-54%)	78	173	173	173 - -	122 - -
Phosphate Rock (66-68%)	7	31	26	24 - 26	243 - 271
Concentrated Superphosphate	55	140	140	127 - 140	131 - 155
Ammonium Phosphate	75	135	140	110 - 125	47 - 67

Source: Price column 1 -- Cost of Living Council
Columns 2, 3, and 4 -- Chemical Marketing Reporter
(low and high quote)

TABLE 9
U.S. Export Prices of Selected Fertilizer Products Containing Nitrogen
($ Per Short Ton)

	October 1976			November 1976			December 1976		
	Low	High	Weighted Average	Low	High	Weighted Average	Low	High	Weighted Average
Ammonia									
Shipments	90	96	92	90	90	90	86	86	86
Remaining Contracts	90	90	90	82	82	82	81	81	81
Urea									
Shipments	68	142	77	68	147	80	68	147	79
Remaining Contracts	77	122	99	71	122	110	75	122	98
Diammonium Phosphate									
Shipments	90	447	105	95	525	111	98	447	112
Remaining Contracts	101	228	112	101	215	113	99	228	113

Source: Office of Export Administration, U.S. Department of Commerce

TABLE 10
October U.S. Exports and Anticipated
U.S. Exports as of October 1976
of Nitrogen Containing Fertilizers

	Actual Exports Oct 1976	Actual Exports Jul-Oct 1976	Unfilled Contracts as of Oct 1976 Nov-Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	64,026	237,556	78,382	9,449	3,013	1,710
Western Europe	19,123	140,723	28,208	11,513	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	9,041	46,686	35,341	5,910	-	-
Australia and Oceania	29	1,017	3,631	-	-	-
Africa	750	8,772	2,025	-	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	30,274	106,699	28,501	-	-	-
Western Europe	14,523	56,958	-	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	175	231	-	-	-	-
Australia and Oceania	-	-	-	-	-	-
Africa	313	6,710	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	66.6%				
UREA						
Western Hemisphere	41,470	107,012	43,225	16,880	1,960	800
Western Europe	-	-	-	-	-	-
Asia	178	20,793	28,889	-	-	-
Africa	0	147	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	87.5%				
AMMONIUM NITRATE						
Western Hemisphere	85	1,850	72	-	125	-
Western Europe	0	14	-	-	-	-
Asia	-	-	-	-	-	-
Australia and Oceania	76	76	-	-	-	-
Africa	0	1,061	200	-	-	-
% Exported to Developing Countries	-------	63.2%				
AMMONIUM SULFATE						
Western Hemisphere	53,116	214,036	73,466	54	21	37
Western Europe	0	4,617	-	-	-	-
Asia	0	30	-	-	-	-
Africa	35	40	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	88.5%				

TABLE 10 (continued)
October U.S. Exports and Anticipated
U.S. Exports as of October 1976
of Nitrogen Containing Fertilizers

	Actual Exports Oct 1976	Actual Exports Jul-Oct 1976	Unfilled Contracts as of Oct 1976 Nov-Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	42,640	280,622	98,905	9,400	11,600	7,500
Western Europe	39,038	519,377	158,979	64,678	30,000	50,000
Asia	49,459	192,356	111,432	33,200	-	-
Australia and Oceania	0	5,490	20,400	-	-	-
Africa	2,724	15,905	11,000	-	-	-
% Exported to Developing Countries Jul-Oct 1976	--------	30.5%				
MIXED FERTILIZER						
Western Hemisphere	8,438	33,283	13,042	-	-	-
Western Europe	1,604	3,430	-	-	-	-
Asia	72	17,151	14,159	-	-	-
Australia and Oceania	25	94	-	-	-	-
Africa	3	3	-	-	-	-
% Exported to Developing Countries, Jul-Oct 1976	--------	58.0%				

TABLE 11

November U.S. Exports and Anticipated U.S. Exports as of November 1976 of Nitrogen Containing Fertilizers

	Actual Exports: Nov 1976	Actual Exports: Jul-Nov 1976	Unfilled Contracts as of Nov 1976: Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	55,741	293,297	52,488	2,272	3,791	1,703
Western Europe	18,778	159,501	27,988	11,517	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	11,971	58,657	28,988	7,636	-	-
Australia and Oceania	732	1,749	3,657	-	-	-
Africa	3,898	12,670	5,664	-	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	17,439	124,538	14,099	-	-	-
Western Europe	0	56,959	8,300	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	34	265	-	-	-	-
Australia and Oceania	-	-	-	-	-	-
Africa	451	7,161	6,100	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 63.8%					
UREA						
Western Hemisphere	36,012	143,024	34,386	1,880	1,960	800
Western Europe	-	-	-	-	-	-
Asia	0	20,795	28,889	-	-	-
Africa	0	147	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 87.1%					
AMMONIUM NITRATE						
Western Hemisphere	489	2,339	72	-	125	-
Western Europe	19	33	-	-	-	-
Asia	-	-	-	-	-	-
Australia and Oceania	0	76	76	-	-	-
Africa	0	1,061	200	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 67.8%					
AMMONIUM SULFATE						
Western Hemisphere	48,509	262,645	67,024	-	-	-
Western Europe	0	4,617	-	-	-	-
Asia	0	30	-	-	-	-
Africa	0	40	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 88.2%					

TABLE 11 (Continued)
November U.S. Exports and Anticipated
U.S. Exports as of November 1976
of Nitrogen Containing Fertilizers

	Actual Exports Nov 1976	Actual Exports Jul-Nov 1976	Unfilled Contracts as of Nov 1976 Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	75,319	355,941	61,755	5,000	16,000	7,500
Western Europe	82,487	601,864	118,892	64,700	30,000	50,000
Asia	67,011	259,367	74,534	33,200	-	-
Australia and Oceania	4,092	9,582	20,400	-	-	-
Africa	19,819	35,724	3,307	-	-	-
% Exported to Developing Countries Jul-Nov 1976	-------	35.2%				
MIXED FERTILIZER						
Western Hemisphere	4,801	38,084	20	3,300	-	-
Western Europe	26,108	29,538	977	-	-	-
Asia	94	17,245	15,597	11,023	-	-
Australia and Oceania	18	112	-	-	-	-
Africa	0	3	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	-------	38.6%				

TABLE 12
December U.S. Exports and Anticipated
U.S. Exports as of December 1976
of Nitrogen Containing Fertilizers

	Actual Exports Dec 1976	Actual Exports Jul-Dec 1976	Unfilled Contracts as of Dec 1976 Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	101,046	394,343	18,970	35,119	12,259	1,729
Western Europe	33,463	192,964	25,043	13,797	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	26,832	85,489	43,754	33,195	-	-
Australia and Oceania	6,199	7,948	7	-	-	-
Africa	6,155	18,825	33	589	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	62,410	186,948	14,400	-	-	-
Western Europe	8,783	65,742	16,500	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	217	482	-	-	-	-
Australia and Oceania	0	-	-	-	-	-
Africa	5,530	12,691	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	70.8%				
UREA						
Western Hemisphere	50,849	193,873	-	1,775	1,975	856
Western Europe	0	-	-	-	-	-
Asia	20,606	41,401	48,500	24,250	-	-
Africa	503	650	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	90.1%				
AMMONIUM NITRATE						
Western Hemisphere	450	2,789	2,000	33,264	29,600	-
Western Europe	0	33	-	-	-	-
Asia	0	-	-	-	-	-
Australia and Oceania	76	152	-	-	-	-
Africa	0	1,061	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	70.1%				
AMMONIUM SULFATE						
Western Hemisphere	51,027	313,672	16	-	125	-
Western Europe	0	4,671	-	-	-	-
Asia	0	30	-	-	-	-
Africa	0	40	156	-	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	90.0%				

TABLE 12 (Continued)
December U.S. Exports and Anticipated
U.S. Exports as of December 1976
of Nitrogen Containing Fertilizers

	Actual Exports Dec 1976	Actual Exports Jul-Dec 1976	Unfilled Contracts as of Dec 1976 Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	74,935	430,876	28,950	127,195	5,000	7,500
Western Europe	146,985	748,849	64,212	77,512	30,000	50,000
Asia	93,383	352,750	105,934	123,823	-	-
Australia and Oceania	34,665	44,247	-	-	-	-
Africa	7,751	43,475	-	3,307	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	36.5%				
MIXED FERTILIZER						
Western Hemisphere	14,125	52,209	8,437	3,307	3,307	-
Western Europe	491	30,029	424	-	-	-
Asia	3,530	20,775	16,523	-	-	-
Australia and Oceania	20	132	42	-	-	-
Africa	27	30	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	-------	40.6%				

[FR Doc.77-17026 Filed 6-15-77;8:45 am]

federal register

THURSDAY, JUNE 16, 1977
PART VI

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

DEPARTMENT OF STATE

[Public Notice 549]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Governments of Japan, Poland, Spain and the German Democratic Republic and are published herewith.

Dated: June 9, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

(FISHING VESSEL IDENTIFICATION FORM (FOREIGN))
AMENDED APPLICATION (To add Pacific area)

Permit Period Applied For: 1977 Application No. PL-77-0029 For Use of Issuing Office

State: POLAND

1. Name of Vessel m/s "Helcelok"
2. Vessel No.: Hull No. _____ Registration No. 110870
3. Name and Address of Owner: Name: PPUKM "TRANSOCEAN" Address: 70-952 Szczecin, ul. Odrzańska 1, POB.611, Poland Cable Address: Transocean Szczecin
4. Homeport and State of Registry: Szczecin - Poland
5. Type of Vessel: Reefer
6. Tonnage (Gross) 3126 (Net) 2592
7. Length 113.83 M. 8. Breadth 17.02 M. 9. Draft 7.30 M.
10. Horsepower 8400 shp. 11. Maximum Speed 18 kt.
11. Propulsion: Diesel (x), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1971
14. Number and Nationality of Personnel 54
Officers 14 Crew 40 Other (Specify) _____
15. Communications: VHF-FM (x), AM/SSB, Voice (x), Telegraphy (x), Other _____
International Radio Call Sign SQSX
Radio Frequencies Monitored 500, 2182
Other Working Frequencies 480, 2038, 4190, 6265, 8380
Schedule 17.30 - 17.35 on the same times

PL-77-0029

16. Navigation Equipment: LR & 100 Loran C (x), Loran A ( ), Omega ( ), Decca (x), Navsat ( ), Radar (x), Fathometer (x), Other _____
17. Cargo Capacity (MT) 18. Cargo Space Number / Name

Salted Fish		Freezer	4	I, II, III, IV
Fresh Fish		Dry Hold	nr 1	IV
Frozen Fish	2250	Tanks	1	
Fish Meal	750	Other		
Other oil	500			

19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NE PACIFIC	1977			
FROM 15.VI. - TO 31.XII.1977				
(In addition to previously authorized Atlantic area operations)				

21. Name and address of Agent appointed to receive any legal process issued in the United States:
Amerpol International Inc. Official Representative
Two World Trade Center Ireneusz Krzesniewski
Suite 2222, New York, N.Y. 10048

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period May 1, 1977 Applied For: to December 31, 1977 Application No. JA-77-0069 For Use of Issuing Office

State: Japan

1. Name of Vessel Ise Maru No.8
2. Vessel No.: Hull No. (Small 114) Registration No. HK1-405
3. Name and Address of Owner: Name: Yamasan Tsubo Suisan Ltd. Address: 482 Otashima, Shinshaki-mura, Shinsaki-gun Hokkaido, Japan
Name and Address of Charterer: Ryoichi Yoshida 190-2 Tabata, Hiroto-machi Hikuzentakata-shi Iwate, Japan
Cable Address: —
4. Homeport and State of Registry: Hakodate, Japan
5. Type of Vessel Pot Vessel (Small), Independent
6. Tonnage (Gross) 289.15 M.T. (Net) 162.94 M.T.
7. Length 39.50 M. 8. Breadth 7.50 M. 9. Draft 3.60 M.
10. Horsepower 650 shp. 11. Maximum Speed 10.66 kt.
11. Propulsion: Diesel (x), Steam ( ), Diesel/Electric ( ), Other —
13. Date Built Jan., 1961
14. Number and Nationality of Personnel 18, Japan
Officers 5 Crew 13 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice (x), Telegraphy (x), Other —
International Radio Call Sign 7JZB
Radio Frequencies Monitored 500 khz.
Other Working Frequencies 2075 khz.
Schedule Watch Time 03:00-04:00, 10:00-11:00, 20:00-21:00 (G.M.T.)

JA-77-0069

16. Navigation Equipment: Loran C (x), Loran A (x), Omega (x), Decca ( ), Navsat (x), Radar (x), Fathometer (x), Other Direction Finder
17. Cargo Capacity (MT) 18. Cargo Space Number / Name

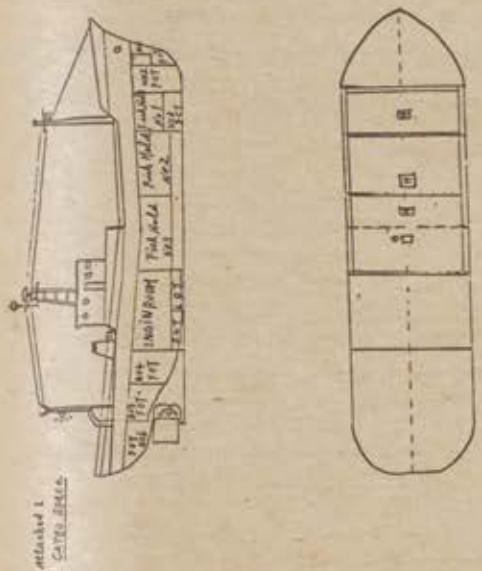
Salted Fish	—	Freezer	1.2.3.4.	See Attached I
Fresh Fish	—	Dry Hold		
Frozen Fish	150 M.T.	Tanks		
Fish Meal	—	Other		
Other	—			

19. Processing Equipment (Indicate daily capacity, MT)
Freezer Tanks 12M.T./Day (combined)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
See Attached II				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
See Attached III

JA-77-0869



JA-77-0869

ATTACHED II

NAME	ADDRESS
Ichiro Nakamura	Holiday Inn, Wellington, Room 506 2505 Wisconsin Ave. N.W. Washington D.C. 20007 U.S.A. Tel (202)337-7400 EXT 5114 5132
Sadayuki Kashiwagi	Suite 34, Post Office Mall333, West, 4th Anchorage, Alaska, U.S.A.

JA-77-0869.

1086

ATTACHED I

FISHERIES FOR WHICH PERMIT IS REQUESTED

OCEAN AREA : BERING SEA AND ALEUTIAN
PERIOD : MAY-DECEMBER
SPECIES : SNAIL
CONTEMPLATED CATCH : THIS VESSEL APPLIES FOR FISHING A PORTION OF THE ALLOCATION OF 2,700 METRIC TONS (EDIBLE MEAT)

GEAR TO BE USED : SNAIL POT.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1086
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KOTOKU MARU
2. Vessel No.: Hull No. ——— Registration No. TK1-933
3. Name and Address of Owner: TOKUMARU KAIUN KABUSHIKI KAISHA, 3-7, KYOBASHI, CHUO-KU, TOKYO, 104, JAPAN. Cable Address ———
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 3,991.24 (Net) 1,367.61
7. Length 110.70 M. 8. Breadth 15.00 M. 9. Draft 6.50 M.
10. Horsepower 5,800 shp. 11. Maximum Speed 15.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other ———
13. Date Built JULY, 1971
14. Number and Nationality of Personnel: 23(KOREAN), 2(JAPANESE) TOTAL 25
    Officers 10 Crew 14 Other (Specify) 1 REFRIGERATOR
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*), Other ———
    International Radio Call Sign 8JQH
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER 1
    Schedule SEE THE ATTACHED PAPER 1

JA-77-108

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar ( ), Fathometer ( ), Other _____

17. Cargo Capacity (MT)

Salted Fish	———	
Fresh Fish	———	
Frozen Fish	1,920 M.T.	
Fish Meal	———	
Other	———	

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
Freezer	I,II,III,IV,V,VI FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

———
———
———
———
———

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
A. Bering sea and Aleutian Trawl and Herring Gillnet Fishery				
B. Gulf of Alaska Trawl Fishery				
E. Snails Fishery				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

(1) Japan Fisheries Association Washington D.C. I. Nakamura
c/o Holiday Inn, Georgetown 2505 Wisconsin Ave., N.W.
Washington D.C. 20007 U.S.A.

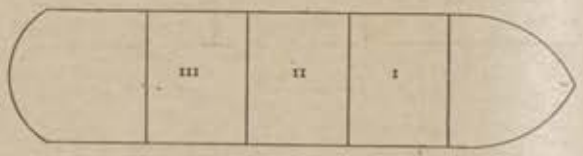
(2) J.F.A. Anchorage Alaska

JA-77-108

ATTACHED PAPER II

CARGO SPACE

TWEEN DECK



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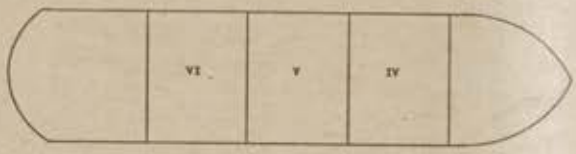


JA-77-108

ATTACHED PAPER I

OTHER WORKING FREQUENCIES

A1A2A	410 425 468 500 khz
A1	2070 2075 2091 KHZ
F3	CH 06, 08, 10-14, 16, 18, 20, 22, 24-27

SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS

01:00 TO 04:00 (GMT)
20:00 TO 23:00 (GMT)

GULF OF ALASKA

18:00 TO 21:00 (GMT)
23:00 TO 02:00 (GMT)

ATLANTIC

12:00 TO 15:00 (GMT)
17:00 TO 20:00 (GMT)

日本トロール底魚協会
JAPAN DEEP SEA TRAWLERS ASSOCIATION
NO.601 GAIYO BLDG.
3-6, KANDAOGAWACHO CHIYODA-KU
TOKYO JAPAN
TEL.

Bering Sea and Aleutian Islands Trawl and Herring Gillnet Fishery

Gulf of Alaska Trawl Fishery

Sablefish Fishery

Crabs Fishery

Snails Fishery

Seamount Groundfish Fishery

Squids Fishery-Atlantic

Other Finfish Fishery-Atlantic

JA-77-1086

日本トロール底魚協会
JAPAN DEEP SEA TRAWLERS ASSOCIATION
NO.801 DAITO BLDG.
3-6, KANDAOGAWACHO CHIYODA-KU
TOKYO JAPAN
TEL. (291)8908-6

SUMMARY OF ADDITIONAL APPLICATION

NUMBER OF PAGE	NAME OF SUPPORT VESSEL	TYPE OF FISHERY
80.1086	KOTOKU MARU	A,B,E

JA-77-0870

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*), Other ——

17. Cargo Capacity (MT)

Salted Fish ——	
Fresh Fish ——	
Frozen Fish 120 M.T.	
Fish Meal ——	
Other ——	

18. Cargo Space

Number	Name
Freezer	I. II.
Dry Hold	—
Tanks	—
Other	—

SEE ATTACHED I

19. Processing Equipment (Indicate daily capacity, MT)
FREEZER 2 SETS 7 M.T./ DAY (COMBINED)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

SEE ATTACHED II

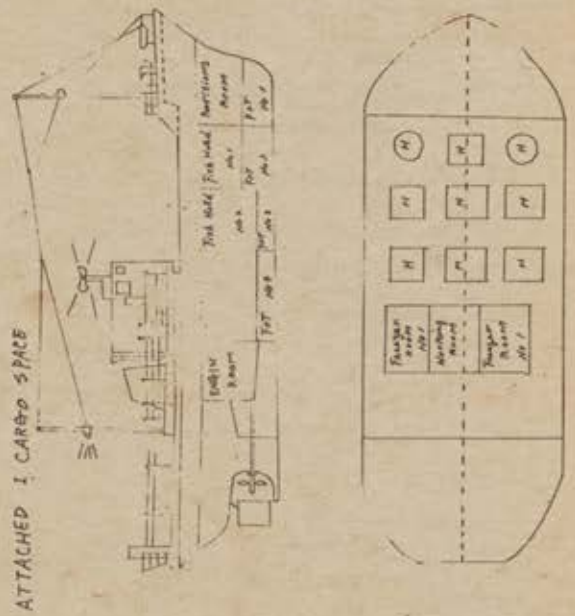
21. Name and Address of Agent appointed to receive any legal process issued in the United States :
SEE ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-0870

Permit period Applied For: MAY. 1, 1977 TO DECEMBER 31, 1977
Application No. JA-77-0870 For Use of Issuing Office
State: JAPAN

1. Name of Vessel KOHOKU MARU NO.7
2. Vessel No.: Hull No. (SNAIL 111) Registration No. HK1-614
3. Name and Address of Owner / Name and Address of Charterer
Name KOHOKU GYOGYO KABUSHIKI KAISHA
Address 8-35 MINAMIHAMA CHO
KUSHIRO, HOKKAIDO, JAPAN.
Cable Address ——
4. Homeport and State of Registry: KUSHIRO, JAPAN.
5. Type of Vessel POT VESSEL (SEA SNAIL) INDEPENDENT
6. Tonnage (Gross) 346.65 M.T. (Net) ——
7. Length 41.80 M. 8. Breadth 8.50 M. 9. Draft 5.80 M.
10. Horsepower 970 shp. 11. Maximum Speed 10.6 kt.
12. Propulsion: Diesel (*), Steam ( ), Diesel/ Electric ( ), Other ——
13. Date Built SEP. 26, 1967.
14. Number and Nationality of Personnel 21, JAPAN.
Officers 5 Crew 16 Other (Specify) ——
15. Communications: VHF-FM ( ), AM/ SSB, Voice (*), Telegraphy ( ), Other ——
International Radio Call Sign JDBU
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies 4138597
Schedule WATCH TIME (G.M.T.) 03:00 TO 10:30 16:30 TO 20:00



JA-77-0870

ATTACHED I

FISHERIES FOR WHICH PERMIT IS REQUESTED

OCEAN AREA : BERING SEA AND ALEUTIAN

PERIOD : MAY - DECEMBER

SPECIES : SNAIL

CONTEMPLATED CATCH :

THIS VESSEL APPLIES FOR FISHING A PORTION OF THE ALLOCATION OF 27ee METRIC TONS (EDIBLE MEAT)

GEAR TO BE USED : SNAIL POT

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF FISHERY RESOURCES

I

DATE May, 20th, 1977 APPLICATION NO. _____ for use of issuing Officer

In accordance with the provision of Section 204 of the Fishery Conservation and Management Act of 1976, (16 U.S.C. 1801-1882), and the governing international fisheries agreement entered into with the Government of the United States of America, which entered into force on February, 1977 (date), the government (or competent authority) of SPAIN hereby submits this application for permits for fishing vessels under its jurisdiction to fish within the fishery conservation zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States.

The following information is submitted in support of this application (Use additional sheets as required).

A completed Fishing Vessel Identification Form for each permit that is requested; and a compilation of data contained in questions 5 and 20 in the attached Fishing Vessel Identification Form.

Submitted May, 20th, 1977 (Date) _____ (Signature of Authorized Official)

-Bilateral Agreements Asst.- (Title)

..... See attached sheet...

JA-77-0870

ILLEX

MINISTERIO DE COMERCIO
SUBSECRETARIA DE LA MARINA MERCANTE

DIRECCION GENERAL DE PESCA MARITIMA

-SPAIN-

ASUNTO: OBJECT: APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FCZ OF THE UNITED STATES OF AMERICA.- SQUID (LOLIGO).

Madrid, May, 20th

ATTACHED II

NAME	ADDRESS
Ichiro Nakamura	Holiday Inn, Wellington, Room 506 2505 Wisconsin Ave. N.W. Washington D.C. 20007 U.S.A. Tel (202)337-7400 EXT 5114 5132
Sadayuki Kashiwagi	Suite 34, Post Office Mall333, West, 4th Anchorage, Alaska, U.S.A.

This format includes applications for new 14 (fourteen) Spanish vessels permits, corresponding to the period from June 15th to September 15th, 1.977, for the Squid (Loligo) fisheries, and are requested as complement of the first allocation -incomplete catched-, and also as complement of the reallocation that we expect be confirmed early next June.

In addition, we request to be deleted from the first submitsent in February, 22th, 1977, the name of the following vessels, that cannot carry out this fishery by several circumstances, as damage and others:

-PESCAMARO I
-EL QUEMADO
-EL DIAMANTE
-MONTE FUNADO, and
-TITO MARQUES.

Madrid, May, 20th, 1.977

THE AUTHORIZED OFFICIAL,

SP-77-0064

16. Navigation Equipment: Loran C (x), Loran A ( ), Omega ( ), Décca ( ), Navsat ( ), Radar (x), Fathometer (x), Other _____

17. Cargo Capacity (MT) 18. Cargo Space Number Name

Salted Fish _____ Freezer

Fresh Fish _____ Dry Hold 480 m³

Frozen Fish 480 m³ Tanks

Fish Meal _____ Other

Other _____

19. Processing Equipment (Indicate daily capacity,MT)

12 Tns for day (freezing)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC	15.6.77	Illex	194 T.M.	Otter trawl
ICNAF 5 y 6	15.9.77			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY 25 Broadway New York N.Y. 10.004

tf 253 212 425 - 5686

Cable Address - INACHNA
Telex - ITT 420211 New York

ANNEX: Data concerning the operations contained in Articles 5 and 20

Nº	Ocean Area	Name of Vessel	Type of Vessel	Period (From-To)	Species	Catch (MT)
1	ICNAF 5 - 6	IZARRA	STERN TRAWLER	15/6-15/9/77	Illex	194
2	ICNAF 5 - 6	RIO VENDUGO	STERN TRAWLER	15/6-15/9/77	Illex	314
3	ICNAF 5 - 6	PUERTO CARENA	STERN TRAWLER	15/6-15/9/77	Illex	235
4	ICNAF 5 - 6	ALTUNA I	STERN TRAWLER	15/6-15/9/77	Illex	161
5	ICNAF 5 - 6	MARMO	STERN TRAWLER	15/6-15/9/77	Illex	135
6	ICNAF 5 - 6	CAPITAN JORGE II	SIDE TRAWLER	15/6-15/9/77	Illex	314
7	ICNAF 5 - 6	PESCAO III	SIDE TRAWLER	15/6-15/9/77	Illex	235
8	ICNAF 5 - 6	M. GALLARDO MONTENEGRO	STERN TRAWLER	15/6-15/9/77	Illex	135
9	ICNAF 5 - 6	MARIA Y	SIDE TRAWLER	15/6-15/9/77	Illex	235
10	ICNAF 5 - 6	MARI CHUCHO	STERN TRAWLER	15/6-15/9/77	Illex	301
11	ICNAF 5 - 6	BRITANIA R.M.	STERN TRAWLER	15/6-15/9/77	Illex	214
12	ICNAF 5 - 6	CONSUELO VEIGA	SIDE TRAWLER	15/6-15/9/77	Illex	135
13	ICNAF 5 - 6	RIA DE PONTEVEDRA	STERN TRAWLER	15/6-15/9/77	Illex	301
14	ICNAF 5 - 6	PUENTE DE CORCUBION	STERN TRAWLER	15/6-15/9/77	Illex	301

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977

Application No. SP-77-0064 For Use of Issuing Office

State: SPAIN

1. Name of Vessel IZARRA
2. Vessel No.: Hull No. 55-1 Registration No. 2.300
3. Name and Address of Owner / Name and Address of Charterer
   Name: CONGELADOS JESUS, S.A / CONGELADOS JESUS, S.A
   Address: Primo de Rivera, 28 / Primo de Rivera, 28
   GNDARROA (VIZCAYA) / GNDARROA (VIZCAYA)
   Cable Address: It has not / —
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 281,9 (Net) 197
7. Length 33 M. 8. Breadth 8,6 M. 9. Draft 3,8 M.
10. Horsepower 485 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1.974
14. Number and Nationality of Personnel 15 Spanish
    Officers 2 Crew 3 Other (Specify) 10
15. Communications: VHF-FM ( ), AM/SSB, Voice (x), Telegraphy ( ), Other _____
    International Radio Call Sign E.O.X.O
    Radio Frequencies Monitored 2182 KHz
    Other Working Frequencies 2191 KHz
    Schedule HX Permanente

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977

Application No. SP-77-0065 For Use of Issuing Office

State: SPAIN

1. Name of Vessel RIO VENDUGO
2. Vessel No.: Hull No. GI - 4 Registration No. 2011
3. Name and Address of Owner / Name and Address of Charterer
   Name: BACAMAR, S.A. / BACAMAR, S.A
   Address: San Francisco, 33 / San Francisco, 33
   VIGO / VIGO
   Cable Address: It has not / —
4. Homeport and State of Registry: VIGO
5. Type of Vessel (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 344,69 (Net) 218
7. Length 40,20 M. 8. Breadth 8,30 M. 9. Draft 6,16 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1.976
14. Number and Nationality of Personnel 21 Spanish
    Officers 2 Crew 3 Other (Specify) 16
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other _____
    International Radio Call Sign E.H.W.P
    Radio Frequencies Monitored 2182/can. 16 VHF
    Other Working Frequencies 2191 kHz Apendice 18
    Schedule HX Permanente

SP-77-0065

16. Navigation Equipment: Loran C (x), Loran A ( ), Omega ( ), Décca ( ), Navsat ( ), Radar (X), Fathometer (x), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	384 m³
Frozen Fish	384 m³	Tanks	—
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)
12 Tons for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC 15.6.77 ICNAF 5 y 6 15.9.77		Illex	214 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENT - 25 Broadway New York N.Y. 10.004
Tf 252 212 425 - 5686
Cable Adrress - INAGENA
Telex - ITT 420211 New York

SP-77-0066

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Décca ( ), Navsat ( ), Radar (X), Fathometer (x), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	360 m³
Frozen Fish	360 m³	Tanks	—
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)
12 Tons. for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC 15.6.77 ICNAF 5 y 6 15.9.77		Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENT - 25 Broadway New York N.Y. 10.004
Tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0066
State: SPAIN

1. Name of Vessel: PIÑEIRO CORREA
2. Vessel No.: Hull No. VI - 5 — Registration No. 1983
3. Name and Address of Owner: Name: PESQUERA PIÑEIRO, S.L. / Address: Cuatro Caminos, 7 / CARBALLINO (Orense) / Cable Address: It has not
   Name and Address of Charterer: PESQUERA PIÑEIRO, S.L. / Cuatro Caminos, 7 / CARBALLINO (ORENSE)
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 350 (Net) 218
7. Length 34.5 M. B. Breadth 8.5 M. 9. Draft 4.15 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel 20 Spanish
    Officers 2 Crew 3 Other (Specify) 15
15. Communications: VHF-FM (X), AM/SSB, Voice (x), Telegraphy ( ), Other
    International Radio Call Sign E.H.N.I
    Radio Frequencies Monitored 2182 con 16 VHF
    Other Working Frequencies 2191 kHz Apendice 18
    Schedule Permanente Hx

SP-77-0067

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0067
State: SPAIN

1. Name of Vessel: ALTEAMAR I
2. Vessel No.: Hull No. VI-5 — Registration No. 2.539
3. Name and Address of Owner: Name: JAIME CORTES LLINARES / Address: / Cable Address: It has not
   Name and Address of Charterer: JOSE BALDO SUCH / Cordillo, 9 / Las Palmas
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 307,5 (Net) 198
7. Length 41,2 M. B. Breadth 8,8 M. 9. Draft 4 M.
10. Horsepower 870 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1976
14. Number and Nationality of Personnel 21 Spanish
    Officers 2 Crew 2 Other (Specify) 17
15. Communications: VHF-FM ( ), AM/SSB, Voice (x), Telegraphy ( ), Other
    International Radio Call Sign E.H.F.C
    Radio Frequencies Monitored 2182 kHz
    Other Working Frequencies
    Schedule Permanente Hx

SP-77-0067

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other _____

17. Cargo Capacity (MT) | 18. Cargo Space Number / Name

Salted Fish _____ | Freezer
Fresh Fish _____ | Dry Hold 304 m³
Frozen Fish 304 m³ | Tanks
Fish Meal _____ | Other
Other _____

19. Processing Equipment (Indicate daily capacity,MT)

8 Tons for day Freezing

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC	15.6.77	Illex	161 T.M.	Otter trawl
ICNAF 5 y 6	15.9.77			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

~~D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING~~
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Tf. 352 212 425 - 568
Cable Address - INAGENA
Telex - ITT 420211 New York

SP-77-0068

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega (X), Decca (X), Navsat ( ), Radar (X), Fathometer (X), Other _____

17. Cargo Capacity (MT) | 18. Cargo Space Number / Name

Salted Fish _____ | Freezer
Fresh Fish _____ | Dry Hold 250 m³
Frozen Fish 250 m³ | Tanks
Fish Meal _____ | Other
Other _____

19. Processing Equipment (Indicate daily capacity,MT)

8 Tns for day Freezing

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC	15.6.77	Illex	135 T.M.	Otter trawl
ICNAF 5 y 6	15.9.77			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Tf. 352 212 425 - 568
Cable Adress - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 | Application No. For Use of Issuing Office SP-77-0068

State: SPAIN

1. Name of Vessel MANANO
2. Vessel No.: Hull No. CO-2 Registration No. 3631
3. Name and Address of Owner | Name and Address of Charterer

Name SALVADOR LAGO COMESAÑA | PESQUERA CALAICA, S.A
Address Muelle Linares Rivas, 0 | Muelle Linares Rivas, 0
LA CORUÑA | LA CORUÑA
Cable Address IT HAS NOT

4. Homeport and State of Registry: La Coruña
5. Type of Vessel (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 282.25 (Net) 179
7. Length 39 M. 8. Breadth 8,60 M. 9. Draft 3,90 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 15 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1.976
14. Number and Nationality of Personnel 22 Spanish
Officers 2 Crew 2 Other (Specify) 18
15. Communications: VHF-FM (X), AM/SSB, Voice ( ), Telegraphy ( ), Other _____
International Radio Call Sign E.H.E.B.
Radio Frequencies Monitored 2182 Khz and 16
Other Working Frequencies 2191 2053 Apendice 18
Schedule Permanent Hx

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 | Application No. For Use of Issuing Office SP-77-0069

State: SPAIN

1. Name of Vessel CAPITAN JORGE II
2. Vessel No.: Hull No. 72-4 Registration No. 1791
3. Name and Address of Owner | Name and Address of Charterer

Name P. COSTA DE LA LUZ, S.A. | P. COSTA DE LA LUZ,S.A
Address Glorieta Norte, s/n | Glorieta Norte, s/n
HUELVA | HUELVA
Cable Address It has not

4. Homeport and State of Registry: Huelva
5. Type of Vessel (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 487,48 (Net) 463
7. Length 44,26 M. 8. Breadth 8,37 M. 9. Draft 4,40 M.
10. Horsepower 1.285 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built 1.969
14. Number and Nationality of Personnel 20 Spanish
Officers 2 Crew 3 Other (Specify) 15
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ), Other _____
International Radio Call Sign E.H.V.N
Radio Frequencies Monitored 2182 kHz
Other Working Frequencies 2049 - 2056
Schedule Permanent Hx

SP-77-0069

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega (X), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 420 m³
Frozen Fish 420 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

18 tons. for day freezing

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	214 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf. 252 212 425 - 9686

Cable Address - INAGENA
Telex - ITT 420211 New York

SP-77-0070

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 430 m³
Frozen Fish 430 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

12 tons for day freezing

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf. 252 212 425 - 9686

Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977
Application No. For Use of Issuing Office: SP-77-0070
State: SPAIN

1. Name of Vessel: PEGAGO III
2. Vessel No.: Hull No. HU - 3 Registration No. 1548
3. Name and Address of Owner: Name P. GABRIEL GONZALEZ, S.A. Address Glorieta Norte. s/n HUELVA Cable Address It has not
   Name and Address of Charterer: P. GABRIEL GONZALEZ, S.A. Glorieta Norte, s/n HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 450 (Net) 150
7. Length 35,5 M. 8. Breadth 9,32 M. 9. Draft 6,30 M.
10. Horsepower 1170 shp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ). Other
13. Date Built 1.974
14. Number and Nationality of Personnel 19 Spanish
    Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ). Other
    International Radio Call Sign E.G.P.K
    Radio Frequencies Monitored 2182/can 16 VHF
    Other Working Frequencies 2191 kHz. Apendice 18
    Schedule Permanente Hx

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977
Application No. For Use of Issuing Office: SP-77-0071
State: SPAIN

1. Name of Vessel: M. GALLARDO MONTESINOS
2. Vessel No.: Hull No. GT-4 Registration No. 1980
3. Name and Address of Owner: Name PESQUERIAS GADES, S.A. Address Avda Ramón de Carranza 17 - 5ª CADIZ Cable Address It has not
   Name and Address of Charterer: PESQUERIAS GADES, S.A. Avda Ramón de Carranza, 17 - 5 CADIZ
4. Homeport and State of Registry: BAYONA
5. Type of Vessel: (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 304,4 (Net) 100
7. Length 39 M. 8. Breadth 8,8 M. 9. Draft 6,1 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ). Other
13. Date Built 1.975
14. Number and Nationality of Personnel 21 Spanish
    Officers 2 Crew 4 Other (Specify) 15
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ). Other
    International Radio Call Sign E.H.D.R
    Radio Frequencies Monitored 2182 can . 16 VHF
    Other Working Frequencies 2191 - 2052 Apendice 18
    Schedule Permanente Hx

SP-77-0071

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca (X), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT)

Salted Fish		Freezer	
Fresh Fish		Dry Hold	225 m³
Frozen Fish	225 m³	Tanks	
Fish Meal		Other	
Other			

18. Cargo Space Number / Name

19. Processing Equipment (Indicate daily capacity, MT)

12 Tns for day Freezer

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	135 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway Nue York N.Y 10.004

tf 253 212 425 - 5686

Cable Address - INACENA
Telex - ITT 420211 New York

SP-77-0072

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT)

Salted Fish		Freezer	3
Fresh Fish		Dry Hold	430 m
Frozen Fish	430 m³	Tanks	
Fish Meal		Other	
Other			

18. Cargo Space Number / Name

19. Processing Equipment (Indicate daily capacity, MT)

12 tons. for day Freezer

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y 10.004

tf 253 212 425 - 5686

Cable Address - INACENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977

Application No. SP-77-0072 For Use of Issuing Office

State: SPAIN

1. Name of Vessel MAPOSA V
2. Vessel No.: Hull No. HU - 3 Registration No. 1370
3. Name and Address of Owner: Name MARITIMA POLUX, S.A. Address Glorieta Norte, s/n HUELVA Cable Address It has not
   Name and Address of Charterer: MARITIMA POLUX, S.A. Glorieta Norte, s/n HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 450 (Net) 150
7. Length 35.50 M. 8. Breadth 9.32 M. 9. Draft 6.30 M.
10. Horsepower 1.170 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.975
14. Number and Nationality of Personnel 19 Spanish
    Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.G.V.P
    Radio Frequencies Monitored 2182/can. 16 VHF
    Other Working Frequencies 2191 kHz. Apendice 18
    Schedule Permanent Hr

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977

Application No. SP-77-0073 For Use of Issuing Office

State: SPAIN

1. Name of Vessel MAYI CUATRO
2. Vessel No.: Hull No. GI-4 Registration No. 1.988
3. Name and Address of Owner: Name NAVALES CERDEIRAS, S.L. Address Cedeira, 3 CAMARIÑAS (LA CORUÑA) Cable Address It has not
   Name and Address of Charterer: NAVALES CERDEIRAS, S.L Cedeira, 3 CAMARIÑAS (LA CORUÑA)
4. Homeport and State of Registry: ~~LA CORUÑA~~
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 346,2 (Net) 115
7. Length 40,8 M. 8. Breadth 8,6 M. 9. Draft 4,1 M.
10. Horsepower ~~1.900~~ shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
12. Date Built 1.978
14. Number and Nationality of Personnel ~~18 Spanish~~
    Officers 2 Crew 8 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.N.C.F
    Radio Frequencies Monitored 2182/can 16 VHF
    Other Working Frequencies 2191 kHz Apendice 18
    Schedule Permanent Hr

SP-77-0073

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Décca ( ), Navest ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	355 m³
Frozen Fish	350 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

12 Tns for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	301 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martínez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y 10.004
Tf 252 212 425 - 9686
Cable Address — INAGENA
Telex - ITT 420211 New York

SP-77-0074

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navest ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	390 m³
Frozen Fish	390 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

12 tons. for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	214 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martínez Colón, President of INTERNATIONAL TRADING SHIPPING AGENCY, 25 Broadway, New York, N.Y. 10.004
Tf. 252 212 425 - 9686
Cable Adress: INAGENA
Telex: ITT 420211 New York.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0074

State: SPAIN

1. Name of Vessel: BRITANIA H.M.
2. Vessel No.: Hull No. VI-5 — Registration No. 9643
3. Name and Address of Owner — Name and Address of Charterer
   Name: EMPRESAS BASILIO MARQUINEZ
   Address: Zona Dique, HUELVA
   Cable Address: It has not
4. Homeport and State of Registry: Las Palmas
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 328.36 (Net) 144,98
7. Length 35.60 M. 8. Breadth 6,50 M. 9. Draft 4,10 M.
10. Horsepower 1.160 shp. 11. Maximum Speed 12.299 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel 15 Spanish
    Officers 4 Crew 11 Other (Specify)
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign EHNS
    Radio Frequencies Monitored 2182 kHz canal 16
    Other Working Frequencies 2191 Apendice 18
    Schedule Permanente Hx

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0075

State: SPAIN

1. Name of Vessel: CONSUELO VEIGA
2. Vessel No.: Hull No. CA — Registration No. 934
3. Name and Address of Owner — Name and Address of Charterer
   Name: MANUEL VEIGA COSTAS — MANUEL VEIGA COSTAS
   Address: Muelle Pesquero 509 — Muelle Pesquero, 509
   CADIZ — CADIZ
   Cable Address: It has not
4. Homeport and State of Registry: Cádiz
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 347,93 (Net) 191,82
7. Length 48,19 M. 8. Breadth 7,60 M. 9. Draft 4,20 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 10 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.964
14. Number and Nationality of Personnel 19 Spanish
    Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.D.V.V.
    Radio Frequencies Monitored 2182/can. 16 VHF
    Other Working Frequencies 2191 kHz. Apendice 18
    Schedule Permanente Hx

SP-77-0075

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish		Freezer	
Fresh Fish		Dry Hold	350 m³
Frozen Fish	350 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
10 tons. for day Forzen

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 Y 6	15-6.77 19.9.77	Illex	155 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INACENA
Telex - ITT 420211 New York

SP-77-0076

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish		Freezer	
Fresh Fish		Dry Hold	390 m³
Frozen Fish	390 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
14 tons. for day Forzen

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	201 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martinez Colón PRESIDENT OF INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INACENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977
Application No. For Use of Issuing Office SP-77-0076
State: SPAIN

1. Name of Vessel RIA DE PONTEVEDRA
2. Vessel No.: Hull No. VI-5 Registration No. 9451
3. Name and Address of Owner: Name GARCIA Y VIDAL ARMADORES; Address Rio Sil - POIO (Pontevedra); Cable Address It has not
   Name and Address of Charterer: GARCIA Y VIDAL ARMADORES, S.A; Rio Sil - Poio (PONTEVEDRA)
4. Homeport and State of Registry: Marín
5. Type of Vessel (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 314.12 (Net) 100
7. Length 36.88 M. 8. Breadth 8.52 M. 9. Draft 4.10 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.974
14. Number and Nationality of Personnel 20 Spanish
    Officers 3 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.A.O.S
    Radio Frequencies Monitored 2182/can . 16 VHF
    Other Working Frequencies 2191 kHz. Apendice 18
    Schedule Permanente Hr

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977
Application No. For Use of Issuing Office SP-77-0077
State: SPAIN

1. Name of Vessel PUENTE DE GONDOMAR
2. Vessel No.: Hull No. VI-6 Registration No. 9372
3. Name and Address of Owner: Name JOSE PEREIRA ALVAREZ; Address Puerto Pesquero 13 VIGO; Cable Address It has not
   Name and Address of Charterer: JOSE PEREIRA ALVAREZ; Puerto Pesquero, 13 VIGO
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 293.38 (Net) 100
7. Length 35.60 M. 8. Breadth 8.55 M. 9. Draft 6.15 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.973
14. Number and Nationality of Personnel 22 Spanish
    Officers 2 Crew 2 Other (Specify) 18
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.E.W.S.
    Radio Frequencies Monitored 2182/can. 16 VHF
    Other Working Frequencies 2191 kHz. Apendice 18
    Schedule Permanente Hr

SP-77-0077

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other _____

17. Cargo Capacity (MT) 18. Cargo Space Number Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	390 m³
Frozen Fish	300 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)

12 tons. for day Factory

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	201 T. M	Otter trowl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway Nue. York N.Y. 10.004

Tf 212 212 425 - 5686

Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: _____ Application No. For Use of Issuing Office GC-77-0028

State: German Democratic Republic

1. Name of Vessel Peter Kast
2. Vessel Hull No. Hull No. 310 Registration No. 2504
3. Name and Address of Owner: Name VEB Fischkombinat Rostock; Address VEB Fischkombinat Rostock, GDR 251 Rostock 5; Cable Address 31121 Fiko dd
   Name and Address of Charterer: _____
4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 2914,96 (Net) 1154,80
7. Length 81,62 m. B. Breadth 13,51 m. D. Draft 5,80 m.
10. Horsepower 2.300 shp. 11. Maximum Speed 11 kt.
11. Propulsion: Diesel (1), Steam ( ), Diesel/Electric ( ), Other -
13. Date Built: 1965
14. Number and Nationality of Personnel: 80, GDR
   Officers 16 Crew 64 Other (Specify) -
15. Communications: VHF-FM (X), AM/SSB, Telex (X), Telegraph (X), Other -
   International Radio Call Sign DAZP
   Radio Frequencies Monitored 500, 2182
   Other Working Frequencies 425,454,468,512,2046,2191,2049
   Schedule zone time: 8.00-12.00;12.30-14.30;18.00-20.00 o'clock

GC-77-0028

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF FISHERY RESOURCES

DATE April 19th, 1977 APPLICATION NO. GC-77-0028 - 0030 for use of issuing Officer

In accordance with the provision of Section 204 of the Fishery Conservation and Management Act of 1976, (16 U.S.C. 1801-1882), and the governing international fisheries agreement entered into with the Government of the United States of America, which entered into force on March 4th 1977, date

the government (or competent authority) of German Democratic Republic

hereby submits this application for permits for fishing vessels under its jurisdiction to fish within the fishery conservation zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States.

The following information is submitted in support of this application (Use additional sheets as required).

A completed Fishing Vessel Identification Form for each permit that is requested; and a compilation of data contained in questions 5 and 20 in the attached Fishing Vessel Identification Form.

Submitted _____ Date

_____ Signature of Authorized Official

Director General Title

16. Navigation Equipment: Loran C (-), Loran A (-), Omega (-), Decca (1), Navsat (-), Radar (2), Fathometer (2), Other Autopilot (1); Direction finder (1)

17. Cargo Capacity (MT) 18. Cargo Space Number Name

Salted Fish	-	Freezer	4 refrigerating holds
Fresh Fish	-	Dry Hold	1 fish meal holds
Frozen Fish	640,15	Tanks	2 fish oil tanks
Fish Meal	162	Other	
Other	fish oil tanks 52,8		

19. Processing Equipment (Indicate daily capacity, MT)

2 x Beader 666 (66 tons/d); 7 x Beader 47 (6 tons/d)
1 x Beader 338 (6 tons/d); 1 x Beader 188 (6 tons/d)
2 x Beader 33 (8 tons/d); 1 x Beader 181 (5 tons/d)
2 x KM 60 (8 tons/d);

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Long Island	1.10.- 31.12.77	Atlantic mackerel	849	OTM 2
		other finfish	10	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Faulkner and Schmidt,
9 east 40th street, New York, ny 10016

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

GC-77-0029

Permit Period Applied For: _____ Application No. GC-77-0029 For Use of Issuing Office

State: German Democratic Republic

1. Name of Vessel Heinz Priess
2. Vessel Serial Hull No. ROS 415 Registration No. 2616
3. Name and Address of Owner Name and Address of Charterer

Name VEB Fischkombinat Rostock

Address VEB Fischkombinat Rostock

GDR, 251 Rostock 5

Cable Address 31121 Piko dd

4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 963,63 (Net) 304,43
7. Length 59,01 M. 8. Breadth 10,62 M. 9. Draft 4,70 M.
10. Horsepower 1.500 shp. 11. Maximum Speed 13 kt.
12. Propulsion: Diesel (1), Steam (-), Diesel/Electric (-),

Other -

13. Date Built 1967
14. Number and Nationality of Personnel 22, GDR

Officers 7 Crew 15 Other (Specify) -

15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),

Other -

International Radio Call Sign DEXE

Radio Frequencies Monitored 500, 2182

Other Working Frequencies 425,454,468,512,2046,2049,2191

Schedule zone times: 08.00-10.00; 18.00-20.00 o'clock

16. Navigation Equipment: Loran C (-), Loran A (1), Omega (-),

Decca (1), Navaid (-), Radar (2), Fathometer (2),

Other Autopilot (1), Direction finder (1)

17. Cargo Capacity (MT) 18. Cargo Space

		Number	Kind
Salted Fish	-	Freezer	-
Fresh Fish	90	Dry Hold	-
Frozen Fish	-	Tanks	-
Fish Meal	-	Other	2 fish storage space
Other	-		

19. Processing Equipment (Indicate daily capacity,MT)

-

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Georges Bank	15.8.-30.9.77	Atlantic herring	643	OTM 2
Long Island	1.12.-31.12.77	Atlantic mackerel	312	OTM 2
		other finfish	3	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Paulkner and Schmidt,
9 east 40th street, New York, ny 10016

GC-77-0030

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: _____ Application No. _____ For Use of Issuing Office

State: German Democratic Republic

1. Name of Vessel F. C. Heilkopf
2. Vessel Serial Hull No. ROS 306 Registration No. 2441
3. Name and Address of Owner Name and Address of Charterer

Name VEB Fischkombinat Rostock

Address VEB Fischkombinat Rostock

GDR 251 Rostock 5

Cable Address 31121 Piko dd

4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 2917,66 (Net) 1138,98
7. Length 85,57 M. 8. Breadth 13,49 M. 9. Draft 5,80 M.
10. Horsepower 2.300 shp. 11. Maximum Speed 11 kt.
12. Propulsion: Diesel (1), Steam (-), Diesel/Electric (-),

Other -

13. Date Built 1962
14. Number and Nationality of Personnel 80, GDR

Officers 16 Crew 64 Other (Specify) _____

15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),

Other -

16. International Radio Call Sign DAZG
17. Radio Frequencies Monitored 500,2182

Other Working Frequencies 425,454,468,512,2046,2049,2191

GC-77-0030

16. Navigation Equipment: Loran C (-), Loran A (1), Omega (-),

Decca (1), Navaid (-), Radar (2), Fathometer (2),

Other Autopilot(1) Direction finder(1)

17. Cargo Capacity (MT) 18. Cargo Space

		Number	Kind
Salted Fish	-	Freezer	4 refrigerating holds
Fresh Fish	-	Dry Hold	1 fish meal holds
Frozen Fish	628,6	Tanks	2 fish oil tanks
Fish Meal	138,6	Other	
Other	fish oil tanks 67,1		

19. Processing Equipment (Indicate daily capacity,MT)

2 x Baader 666 (66 tons per day), 1 x Baader 181(5 tons per day)
1 x " 338 (6 " " "), 5 x " 47(6 " " ")
2 x KM 60(8 " " ")
2 x 33 (8 " " "), 1 x Vostra3310(5,5" " ")

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
long Island	1.10.-31.12.77		849	OTM 2
		atlantic mackerel		
		other finfish	9	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Paulkner and Schmidt,
9 east 40th street, New York, ny 10016

[FR Doc. 77-16998 Filed 6-15-77;8:45 am]

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CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

Volume

Title 6—Economic Stabilization

NOTE: No amendments to this volume were promulgated during the period January 1, 1976 to December 31, 1976. The CFR volume issued as of January 1, 1976, should be retained.

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

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