

# Register Federal

MONDAY, JULY 18, 1977



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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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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## FEDERAL REGISTER PAGES AND DATES—JULY

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# reminders

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

## Rules Going Into Effect July 15, 1977

DOT/CG—Drawbridge operation; revision of regulations at Dodge Island, Fla., Niantic River, Conn. and Dutch Kills, NY (3 documents).... 30178-30179; 6-13-77

FAA—Airworthiness directives; Agusta A-109A helicopters..... 33266; 6-30-77

FCC—FM broadcast station; table of assignments; Hobard, Okla..... 30371; 6-14-77

INTERIOR/NPS—National Park System; sale or distribution of printed matter; permit requirements.. 30501; 6-15-77

SEC—Securities Exchange Act; net capital uniform rule and customer protection rule..... 27221; 5-27-77

## Rules Going Into Effect July 16, 1977

DOT/FAA—Airworthiness directives; Beech model 278 propellers.... 28873; 6-6-77

## Rules Going Into Effect Today

DOT/FAA—Beech Models 60, A60 and B60 Airplanes; airworthiness directives..... 35634; 7-11-77

Standard instrument approach procedure..... 35641; 7-11-77

Standard instrument approach procedures..... 33273; 6-30-77

## List of Public Laws

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



# rules and regulations

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

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

## Title 10—Energy

### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

##### Codification

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is issuing a statement of its organization and functions that sets out in codified form a description of the major program and staff components of the agency and their functions, lists the location of NRC offices, and describes the NRC seal and flag. This notice, which supersedes notices published on January 22, 1975, and December 11, 1975, complies with provisions of the Freedom of Information Act that each agency shall publish a description of its organization and a list of locations where the public may obtain information.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Betty L. Wagman, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-8133.

**SUPPLEMENTARY INFORMATION:** On January 22, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 3520) a notice of the transition organization of its major program and staff components. This notice included a statement that "The organizational requirements of NRC are currently undergoing intensive review by the Commission and further refinements are expected in due course." On December 11, 1975, the NRC published a notice in the FEDERAL REGISTER (40 FR 57722), describing its official seal and restrictions on its use.

Notice is hereby given of a new Part 1 of the NRC regulations, entitled "Statement of Organization and General Information," which is issued pursuant to 5 U.S.C. 552(a)(1), the Freedom of Information Act. This notice supersedes the notices published on January 22, 1975, and December 11, 1975.

Because this notice relates to matters of agency organization and practice, general notice of proposed rulemaking and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorgani-

zation Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following new Part 1 of Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification.

A new Part 1 is added to read as follows:

##### Subpart A—Introduction

- Sec. 1.1 Creation and authority.
- 1.2 Sources of additional information.
- 1.3 Location of principal offices and regional offices.

##### Subpart B—Headquarters

- 1.10 The Commission.
- PANELS, BOARDS, AND COMMITTEES
- 1.11 Atomic Safety and Licensing Board Panel.
- 1.12 Atomic Safety and Licensing Appeal Panel.
- 1.20 Advisory Committee on Reactor Safeguards.
- 1.21 Other committees, boards and panels.

##### COMMISSION STAFF

- 1.30 Office of Inspector and Auditor.
- 1.31 Office of Policy Evaluation.
- 1.32 Office of the General Counsel.
- 1.33 Office of the Secretary.
- 1.34 Office of Public Affairs.
- 1.35 Office of Congressional Affairs.

##### EXECUTIVE DIRECTOR

- 1.40 Office of the Executive Director for Operations.

##### STAFF OFFICES

- 1.41 Office of Administration.
- 1.42 Office of the Executive Legal Director.
- 1.43 Office of the Controller.
- 1.44 Office of Equal Employment Opportunity.
- 1.45 Office of Planning and Analysis.
- 1.46 Office of International Programs.
- 1.47 Office of State Programs.
- 1.48 Office of Management Information and Program Control.

##### PROGRAM OFFICES

- 1.60 Office of Nuclear Material Safety and Safeguards.
- 1.61 Office of Nuclear Reactor Regulation.
- 1.62 Office of Nuclear Regulatory Research.
- 1.63 Office of Standards Development.
- 1.64 Office of Inspection and Enforcement.

##### Subpart C—NRC Seal and Flag

- 1.80 Description and custody of NRC seal.
- 1.81 Use of NRC seal or replicas.
- 1.82 Establishment of official NRC flag.
- 1.83 Use of NRC flag.
- 1.84 Report of violations.

**AUTHORITY:** Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); secs. 201, 203, 204, 205, and 209, Pub. L. 93-438, 88 Stat. 1242, 1244, 1245, 1246, and 1248 (42 U.S.C. 5841, 5843, 5844, 5845, and 5849); Pub. L. 94-79, 89 Stat. 413; and 5 U.S.C. 552 and 553.

## Subpart A—Introduction

### § 1.1 Creation and authority.

(a) The Nuclear Regulatory Commission was established by the Energy Reorganization Act of 1974, as amended, Pub. L. 93-438, 88 Stat. 1233 (42 U.S.C. 5801 et seq.). This Act abolished the Atomic Energy Commission and, by section 201, transferred to the Nuclear Regulatory Commission all the licensing and related regulatory functions assigned to the Atomic Energy Commission by the Atomic Energy Act of 1954, as amended, Pub. L. 83-703, 68 Stat. 919 (42 U.S.C. 2011 et seq.). These functions included those of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. The Energy Reorganization Act became effective January 19, 1975 (E.O. 11834).

(b) As used in this part, "Commission" means the five members of the Nuclear Regulatory Commission or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, as amended. "NRC" means the Nuclear Regulatory Commission, the agency established by Title II of the Energy Reorganization Act of 1974, as amended, comprising the members of the Commission and all offices, employees, and representatives authorized to act in any case or matter.

### § 1.2 Sources of additional information.

(a) The definitive statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Manual and other elements of the NRC's Management Directives System, including local directives issued by Regional Offices. Copies of the Manual, other elements of the Management Directives System, and agency operating procedures that affect the public are available for public inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. and at each of NRC's Regional Offices. Information may also be obtained from the Office of Public Affairs or from Public Affairs Officers at the Regional Offices.

(b) Commission meetings are open to the public, as provided by the Government in the Sunshine Act, unless they fall within an exemption to the Act's openness requirement and the Commission also has determined that the public interest requires that those particular meetings be closed. Information concerning Commission meetings may be obtained from the Office of the Secretary.

(c) Information regarding the availability of NRC records under the Free-



dom of Information Act and the Privacy Act of 1974 may be obtained from the Division of Rules and Records, Office of Administration. NRC's regulations are published in the *FEDERAL REGISTER* and codified in Title 10 of the Code of Federal Regulations. They are also published in "NRC Rules and Regulations," available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. Final opinions made in the adjudication of cases are published in "Nuclear Regulatory Commission Issuances," available on a subscription basis from the National Technical Information Service, Springfield, Va. 22161.

### § 1.3 Location of principal offices and Regional Offices.

(a) The principal NRC offices are located in the Washington, D.C., area. Facilities for the service of process and papers are maintained within the District of Columbia at 1717 H Street NW. The mailing address for all NRC Headquarters offices is Washington, D.C. 20555. The locations of NRC offices in the Washington area are:

- (1) Matomic Building, 1717 H Street NW., Washington, D.C.
- (2) Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.
- (3) Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.
- (4) Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.
- (5) Lugenbell Building, 4922 Fairmont Avenue, Bethesda, Maryland.
- (6) East West Towers Building, 4350 East West Highway, Bethesda, Maryland.
- (7) Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.
- (8) Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

(b) The addresses of the NRC Regional Offices (see § 1.64) are:

- Region I, USNRC, 631 Park Avenue, King of Prussia, Pennsylvania 19406.  
 Region II, USNRC, 230 Peachtree Street NW., Suite 1217, Atlanta, Georgia 30303.  
 Region III, USNRC, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.  
 Region IV, USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012.  
 Region V, USNRC, 1990 North California Boulevard, Suite 202, Walnut Creek, California 94596.

### Subpart B—Headquarters

#### § 1.10 The Commission.

(a) The Nuclear Regulatory Commission, composed of five members, one of whom is designated by the President as Chairman, is established pursuant to section 201 of the Energy Reorganization Act of 1974, as amended. The Chairman is the principal executive officer of the Commission, and exercises its executive and administrative functions with respect to appointment and supervision of personnel, except as otherwise provided by the Energy Reorganization Act of 1974, as amended; distribution of business; use and expenditure of funds (except that the function of revising budget estimates and purposes is reserved to the Commission); and appointment, subject to approval of the Commission,

of heads of major administrative units under the Commission.

(b) The following staff units and officials report directly to the Commission: Atomic Safety and Licensing Board Panel, Atomic Safety and Licensing Appeal Panel, Office of Inspector and Auditor, Office of Policy Evaluation, Office of the General Counsel, Office of the Secretary, Office of Public Affairs, Office of Congressional Affairs, the Executive Director for Operations, and other committees and boards which are authorized or established specifically by the Act. The Directors of the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Nuclear Regulatory Research may communicate with and report directly to the Commission, under the provisions of section 209 of the Energy Reorganization Act of 1974. The Advisory Committee on Reactor Safeguards also reports directly to the Commission.

#### PANELS, BOARDS, AND COMMITTEES

#### § 1.11 Atomic Safety and Licensing Board Panel.

The Atomic Safety and Licensing Board Panel is the organizational group from which Atomic Safety and Licensing Boards are selected. These three-member boards, named in accordance with the provisions of section 191 of the Atomic Energy Act, conduct such hearings as the Commission may authorize or direct, make such intermediate or final decisions as the Commission may authorize in proceedings to grant, suspend, revoke, or amend licenses or authorizations, and perform such other regulatory functions as the Commission may specify. The Panel develops procedures and makes recommendations to the Commission regarding activities of the hearing boards.

#### § 1.12 Atomic Safety and Licensing Appeal Panel.

The Atomic Safety and Licensing Appeal Panel is the organizational group from which Atomic Safety and Licensing Appeal Boards are selected. Under powers delegated by the Commission, these three-member Boards exercise the authority and perform the regulatory review functions which would otherwise be exercised and performed by the Commission. They perform these functions in proceedings on licenses under 10 CFR Part 50, and such other licensing proceedings as the Commission may specify, reviewing initial decisions and other issuances of Atomic Safety and Licensing Boards and other presiding officers.

#### § 1.20 Advisory Committee on Reactor Safeguards.

The Advisory Committee on Reactor Safeguards was established by section 29 of the Atomic Energy Act of 1954, as amended, and transferred to the NRC pursuant to the Energy Reorganization Act of 1974, as amended. The Committee reviews safety studies, and applications for construction permits and operating

licenses for production and utilization facilities, and makes reports thereon; advises the Commission with regard to the hazards of proposed or existing nuclear facilities and the adequacy of proposed reactor safety standards; and reviews matters specifically referred to it by the Commission, including generic issues and proposed amendments or changes to facility construction permits or operating licenses. The Committee on its own initiative may conduct reviews of specific generic matters or nuclear facility safety-related items.

#### § 1.21 Other committees, boards, and panels.

Pursuant to section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently only one such committee is in existence.

(a) The Advisory Committee on Medical Use of Isotopes (ACMI) was established by the Atomic Energy Commission in July 1958. The ACMI, composed of physicians and scientists, considers medical questions referred to it by the NRC staff, and renders expert opinion regarding medical uses of byproduct material. The ACMI also advises the NRC staff, as requested, on matters of policy regarding licensing of the medical uses of byproduct material.

#### COMMISSION STAFF

#### § 1.30 Office of Inspector and Auditor.

The Office of Inspector and Auditor: (a) develops policies and standards governing NRC's financial and management audit program; (b) plans and directs NRC's long-range comprehensive audit program; (c) conducts NRC's day-to-day internal audit activity; (d) conducts investigations and inspections to ascertain and verify the facts with regard to the integrity of all NRC operations; (e) investigates possible irregularities or alleged misconduct of NRC employees, equal employment opportunity and civil rights complaints, and claims for personal property loss or damage; (f) refers suspected or alleged criminal violations to the Department of Justice, after appropriately informing or consulting with the Office of General Counsel; except that in referrals requiring prompt field response (such as sabotage, terrorism, or theft of special nuclear material), the Office of Inspection and Enforcement shall make direct referral to the Federal Bureau of Investigation and thereafter coordinate with the Office of Inspector and Auditor; (g) under the Commission's "open door" policy, hears individual employee concerns regarding NRC operations and activities, and, as appropriate, investigates such concerns; (h) maintains liaison with the General Accounting Office and other audit organizations; (i) maintains liaison with the Department of Justice and other law enforcement agencies in criminal and other investigative matters; and (j) provides reports and recommendations to the Commission



on the results of its audits, investigations, and inspections.

**§ 1.31 Office of Policy Evaluation.**

The Office of Policy Evaluation: (a) provides for the Commission an independent evaluation of program policy objectives; (b) reviews staff issue papers and policy recommendations to determine if they are complete, balanced, and consistent with Commission guidance; (c) provides independent technical evaluation of selected cases presented to the Commission for adjudication; (d) conducts analyses and studies as requested by the Commission or on a self-initiated basis; (e) contributes technical and policy advice and guidance, as needed, for studies and projects being conducted and managed by other NRC offices or outside agencies.

**§ 1.32 Office of the General Counsel.**

The Office of the General Counsel: (a) provides legal advice and assistance to the Commission and Commission offices with respect to all activities of the NRC; (b) reviews Atomic Safety and Licensing Appeal Board decisions and rulings, decisions reached by staff offices under 10 CFR 2.206, petitions received from members of the public seeking direct Commission action, and rulemaking proceedings involving hearings; and prepares decisions, orders, and rulings for the Commission on these matters; (c) represents, and protects the interests of, the NRC in court proceedings, and in dealings with other government agencies, committees of Congress, foreign governments, and members of the public; (d) coordinates and prepares legislative materials in connection with legislation initiated by the NRC and legislations submitted to it for comment; (e) provides advice with respect to questions raised under the conflict of interest laws, Freedom of Information Act, Federal Advisory Committee Act, and Government in the Sunshine Act; (f) provides official written interpretations of the Commission's rules; and (g) performs other functions assigned by the Commission.

**§ 1.33 Office of the Secretary.**

The Office of the Secretary: (a) develops policies and procedures, and provides secretariat services for the conduct of Commission business and implementation of Commission decisions, including scheduling of Commission business and recording of meetings; (b) issues decisions, orders, and rulings of the Commission, and maintains the official docket of the Commission; and (c) directs and administers the NRC Public Document Room.

**§ 1.34 Office of Public Affairs.**

The Office of Public Affairs: (a) develops policies and administers programs at NRC headquarters and Regional Offices to inform the public and the news media about NRC policies, programs, and activities; (b) and keeps NRC management informed on media coverage of activities of interest to the agency.

**§ 1.35 Office of Congressional Affairs.**

The Office of Congressional Affairs: (a) provides advice and assistance to the Commission and NRC staff on all NRC relations with the Congress, and informs them concerning the views of Congress toward NRC policies, plans, and activities; (b) maintains liaison with congressional committees and members of Congress on matters of interest to NRC, and keeps Congress informed on NRC plans, policies, and activities; (c) serves as the contact point for all NRC communications with Congress, reviewing and concurring in all outgoing correspondence to members of Congress and congressional committees; and (d) monitors legislative matters of interest to NRC, and participates in planning and developing NRC's legislative programs.

**EXECUTIVE DIRECTOR**

**§ 1.40 Office of the Executive Director for Operations.**

The Executive Director for Operations (EDO) is appointed by the Commission, pursuant to the Energy Reorganization Act of 1974, as amended, and performs such functions as the Commission may direct, including the following:

(a) Provides the Commission with assistance on policy, management, and operational matters. Submits to the Commission for approval such appointments as the Commission shall designate, including Directors of certain divisions and offices. Submits for approval significant changes in the organization.

(b) Supervises and coordinates policy development and operational activities of the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, the Office of Inspection and Enforcement, and the Office of Standards Development; and the following staff offices: the Office of Administration, the Office of International Programs, the Office of State Programs, the Office of the Controller, the Office of the Executive Legal Director, the Office of Planning and Analysis, the Office of Management Information and Program Control, the Office of Equal Employment Opportunity, and such other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices.

(c) Recommends to the Commission proposed regulations to protect public health and safety and the environment from effects associated with nuclear facilities and materials subject to licensing; to provide for security of licensed nuclear facilities and safeguarding of licensed radioactive materials; and to assure that activities under facility licenses would not be inconsistent with antitrust laws, as specified in section 105a, of the Atomic Energy Act of 1954, as amended.

(d) Issues proposed amendments to regulations and amendments in final form, where the amendments are corrective or of a minor or nonpolicy nature

and do not substantially modify existing regulations; and issues amendments of regulations in final form, if no significant adverse comments or questions have been received on the notice of proposed rule-making and no substantial changes in text are indicated.

(e) Makes determinations, pursuant to 10 CFR Parts 30, 40, 50, and 70, that exemptions of individual prime contractors or subcontractors of the Energy Research and Development Administration or the NRC from NRC licensing requirements are authorized by law.

(f) Makes for the Commission, after consultation with the Attorney General, the determinations provided for in section 105c.(8) of the Atomic Energy Act of 1954, as amended, in regard to applications for facility construction permits or operating licenses.

(g) Negotiates and signs agreements, arrangements, and contracts with representatives of foreign countries and international organizations.

(h) Designates which facilities, installations, and real property shall be subject to the prohibitions of 10 CFR Part 160, "Trespassing on Commission Property."

(i) Administers the contracting activities of the Commission.

(j) Administers the Commission's equal employment opportunity program.

(k) Develops and maintains the NRC financial management program.

(l) Acts for the Head of the Agency in making determinations required in administering the NRC labor relations program.

(m) Exercises final determination on appeals under the Privacy Act of 1974, and issues minor revisions of systems of records notices.

(n) Exercises final determination on appeals under the Freedom of Information Act except for those pertaining to the Office of the Executive Legal Director or to advisory committees, boards, panels, and offices reporting to the Commission.

**STAFF OFFICES**

**§ 1.41 Office of Administration.**

The Office of Administration develops and directs policies and programs for personnel administration, organization and management analysis, security and security classification, building management and administrative services, document control, automatic data processing, rules and records, contracting and procurement, and facilities and material license fees.

(a) The Division of Organization and Personnel administers and directs policies, standards, and programs for organization and personnel management activities, including recruitment, training, executive development, staffing services and information, organization and management analysis, labor-management relations, and employee services.

(b) The Division of Security develops, administers, and directs the overall NRC security program; assures the safeguarding of Restricted Data, other National Security Information, and NRC sensi-



tive unclassified matter including NRC telecommunications of significant intelligence value; assures the physical protection of NRC Headquarters buildings, Regional Offices and contractor facilities; and provides advice and assistance on security matters.

(c) The Division of Facilities and Operations Support is responsible for the planning and direction of support programs for facilities and administrative services, including building operations, property, supply, telecommunications, travel, mail, and messenger services.

(d) The Division of Document Control is responsible for planning and directing the production (exclusive of writing and editing) and control of NRC documents. Its responsibilities include: Typing services; publication and graphics; NRC management directives; and document evaluation, dissemination, storage, and retrieval.

(e) The Division of Automatic Data Processing Support Plans, coordinates, and directs development and utilization of NRC computer services and computer facilities for the storage, retrieval, analysis, and dissemination of information; advises and assists in the development and conversion of scientific and analytical programming and the interpretation of automatic data processing procedures; evaluates expected benefits and costs of computer applications; and provides systems development, programming and operation services for NRC offices.

(f) The Division of Rules and Records is responsible for: NRC implementation of the Freedom of Information Act, Privacy Act, and Federal Reports Act; directing and coordinating NRC local public document room activities; publishing "NRC Rules and Regulations" and "Nuclear Regulatory Commission Issuances"; and reviewing and preparing notices and amendments to NRC regulations, including the processing of petitions for rulemaking.

(g) The Division of Contracts develops and implements agency-wide contracting policies and procedures; directs and coordinates contracting and purchasing activities for NRC, including contractor selection, and negotiation, administration, and closeout of contracts; and provides advice and assistance to NRC program officials concerning procurement regulations and requirements.

(h) The License Fee Management Branch is responsible for collecting fees from licensees and applicants for licenses, as required by 10 CFR Part 170, which sets fees for licensing nuclear production and utilization facilities and nuclear materials. Responsibilities include: reviewing license applications to ensure appropriate fee payment, issuing Orders to Show Cause and Orders of Revocation where licensees violate Commission regulations by nonpayment of license fees, recommending license fee policy changes, and preparing amendments to license fee regulations for Commission approval.

#### § 1.42 Office of the Executive Legal Director.

The Office of the Executive Legal Director provides legal advice and services

to the Executive Director for Operations and offices reporting to that official, including interpretation of laws, regulations, and other sources of authority, advising on the legal form and content of proposed official actions and representing such offices in NRC administrative proceedings; prepares or concurs in contractual documents, interagency agreements, delegations of authority, regulations, orders, licenses, and other legal documents; and prepares legal interpretations thereof; reviews and directs patent law activities; and, except for those matters delegated to the General Counsel, represents the NRC in legal matters with other government agencies, foreign governments, or the public, and in proceedings before administrative bodies outside of NRC.

(a) The Regulations Division prepares, reviews, and advises on NRC regulations and amendments thereto for NRC staff, personnel of other Federal and State agencies, licensees, and others; initiates and drafts administrative procedures for licensing and regulation of the uses of nuclear energy; and provides legal advice on NRC nuclear materials licensing, safeguards, and export licensing matters.

(b) The Operations and Administration Division provides legal advice and assistance in areas of interagency and international agreements, research and technical assistance contracts, patents, proprietary information and other intellectual property, financial and budget matters, security, personnel, and equal employment opportunity, and the administration of the Freedom of Information Act and the Privacy Act.

(c) The Hearing Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, and administrative law judges, in matters relating to licensing of nuclear facilities and materials; and provides legal advice to NRC staff concerning licensing and regulation of nuclear facilities.

(d) The Rulemaking and Enforcement Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, special boards appointed by the Commission, and administrative law judges, in matters involving proposed NRC regulations and the enforcement of NRC license conditions and regulations; and advises the NRC staff regarding enforcement matters involving the amendment, suspension, or termination of licenses, and the imposition of civil penalties.

(e) The Antitrust Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, and administrative law judges, in matters relating to antitrust aspects of applications for nuclear facility licenses; and provides legal advice regarding NRC antitrust responsibilities.

#### § 1.43 Office of the Controller.

The Office of the Controller develops and maintains NRC's financial management program. Responsibilities include: Policies, procedures, and standards of accounting, budgeting, pricing, contract finance, automatic data processing equipment acquisition, accounting for capitalized property, and related reporting necessary for NRC direct and contract operations; administration of financial functions for NRC long-range fiscal planning; and liaison on fiscal matters with the General Accounting Office and the Office of Management and Budget and other government agencies, congressional committees (in coordination with the Office of Congressional Affairs), and industry.

(a) The Resources Planning and Evaluation Staff designs systems and develops criteria for NRC program planning and evaluation; evaluates relationships between resource allocation and program performance; and develops overall plans and procedures for measuring and enhancing productivity.

(b) The Division of Accounting develops, maintains, and applies overall policies, principles, standards, and procedures for financial and cost accounting and reporting, automatic data processing equipment acquisition, pricing, and financial arrangements under NRC contracts; is responsible for payroll and travel accounting and other fiscal services; and provides advice and assistance to the Commission, the Executive Director for Operations, and NRC offices on these matters.

(c) The Division of Budget coordinates the preparation of the NRC budget, directs funds controls, issues allotments and financial plans; monitors performance under approved budgets and administers NRC authorization and appropriation funding legislation; and maintains liaison with the Office of Management and Budget and (in coordination with the Office of Congressional Affairs) with congressional committees.

#### § 1.44 Office of Equal Employment Opportunity.

The Office of Equal Employment Opportunity: (a) develops and recommends for approval by the Executive Director for Operations overall NRC policy providing for equal employment opportunity, without discrimination on the basis of race, color, creed, sex, national origin, age, physical handicap, political affiliation, or marital status; (b) monitors and evaluates NRC's affirmative action program, and recommends improvements or corrections needed to achieve its goals; (c) serves as the NRC contact with local and national public and private organizations on matters relating to equal employment opportunity; and (d) serves as the compliance office for matters relating to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974, and 10 CFR Part 4, "Nondiscrimination in Federally Assisted Programs."

#### § 1.45 Office of Planning and Analysis.

The Office of Planning and Analysis assesses agency programs; conducts



studies and evaluations of management effectiveness; analyzes and develops NRC policies; reviews the activities of offices reporting to and through the Executive Director for Operations; identifies strategies for accomplishing the agency's goals and objectives; and assures consistent implementation of agency policies on cost-benefit analyses.

#### § 1.46 Office of International Programs.

The Office of International Programs is responsible for planning, developing, and coordinating staff implementation of NRC's international activities, and for coordinating these activities with those of other agencies. Responsibilities include: (a) Negotiating and implementing regulatory and safety information exchange agreements with other countries and international organizations; (b) coordinating NRC export-import policies and issuing licenses for import and export of nuclear materials and facilities as directed by the Commission; and (c) policy planning related to international safeguards and nonproliferation matters.

#### § 1.47 Office of State Programs.

The Office of State Programs is responsible for developing and implementing plans, policies, and programs for the coordination and integration of Federal and State responsibilities in the regulation of nuclear materials and facilities; carrying out NRC's federally assigned "lead-agency" role in providing training and technical assistance to State and local governments to enhance their radiological emergency response planning and operations capabilities; developing NRC's national-level emergency preparedness program; administering the State Agreements program whereby qualified States assume certain NRC regulatory functions; and providing direct program support to NRC in all aspects of State-related activities, including the monitoring of all State legislation and activities affecting the agency.

#### § 1.48 Office of Management Information and Program Control.

The Office of Management Information and Program Control provides integrated management information and control systems for program planning, and for reporting and analyzing schedules, manpower, budget, and performance of NRC programs; develops and maintains automatic data processing methods for management information systems; administers systems for nuclear plant reliability data collection, compilation, and dissemination of engineering, operational, and failure data; administers agency-wide manpower report system and performance appraisal reports; analyzes and reports on the operating experience of facilities licensed by NRC; and, in coordination with other NRC offices, develops and implements procedures and analyses for research utilization in regulatory judgments.

(a) The Operations Evaluation Division reviews and analyzes operating ex-

perience at licensed facilities; prepares computer summaries of events reported by licensees; prepares a quarterly report to Congress on abnormal occurrences; maintains the central repository on radiation exposures; and evaluates operating experience.

(b) The Division of Licensing Information Systems collects, processes, analyzes, and reports information used to appraise licensing program performance.

(c) The Division of Regulatory Information Systems collects, processes, analyzes, and reports information for program performance appraisal of regulatory research programs, operating reactors, nuclear construction and regulatory standards.

### PROGRAM OFFICES

#### § 1.60 Office of Nuclear Material Safety and Safeguards.

The Office of Nuclear Material Safety and Safeguards was established by the Energy Reorganization Act of 1974, as amended. Its functions are: To license and regulate facilities and materials associated with the processing, transport, and handling of nuclear materials; to license operators of production facilities; to review and assess provisions for safety and safeguards against threats, thefts, and sabotage; and to recommend research on safety and safeguards matters.

(a) The Division of Fuel Cycle and Material Safety performs those licensing and regulatory activities specified by the Atomic Energy Act of 1954, as amended, which pertain to the processing, transport, and handling of nuclear materials off the reactor site. These include: Performing safety and environmental reviews for production facilities other than those defined in 10 CFR 50.2(a)(1), licensing radioisotopes, certifying container designs for transportation of radioactive materials, developing and implementing a waste management program, assessing and improving the fuel cycle regulatory base, conducting generic studies on the nuclear fuel cycle, evaluating new technologies for improving safety and environmental protection, and identifying and coordinating related standards and research requirements.

(b) The Division of Safeguards develops, implements, and evaluates the overall nuclear safeguards program. This includes initiating NRC safeguards policies and developing, in coordination with the Office of Nuclear Reactor Regulation and other NRC offices, an agency-wide safeguards plan, reviewing the physical security and material control and accounting measures proposed by applicants for nuclear materials licenses; improving the effectiveness of existing domestic and international safeguards systems; planning long-range approaches and identifying associated research requirements; developing and implementing contingency plans to deal with threats, thefts, and sabotage of nuclear material and facilities; evaluating safeguards systems capabilities; and monitoring safeguards operations through information analysis.

#### § 1.61 Office of Nuclear Reactor Regulation.

The Office of Nuclear Reactor Regulation, established by the Energy Reorganization Act of 1974, as amended, performs licensing functions associated with the construction and operation of nuclear reactors and with the receipt, possession, ownership, and use of special nuclear and byproduct material used at reactor facilities. It reviews applications and issues licenses for reactor facilities required to be licensed under the Atomic Energy Act of 1954, as amended, and evaluates the health, safety, and environmental aspects of facilities and sites; develops and administers regulations; licenses reactor operators; provides assistance in matters involving reactors or critical facilities exempt from licensing; analyzes reactor design concepts; evaluates methods of transporting nuclear materials and radioactive wastes on reactor sites; and monitors and tests operating reactors, recommending upgrading of facilities and modification of regulations as appropriate.

(a) The Division of Project Management carries out the reactor licensing process for utilization and production facilities other than fuel reprocessing and isotopic enrichment plants; is responsible for managing safety reviews of applications for construction permits and operating licenses for reactors and evaluations of standard plant designs; evaluates technical specifications, compliance with quality assurance criteria, financial qualifications, and plans for dealing with radiological emergencies and potential sabotage; examines and licenses candidates for reactor operator licenses; evaluates operational safety and design modifications of Government-owned nuclear systems and facilities that are exempt from licensing, and evaluates advanced reactor types; and issues, denies, and amends licenses and limited work authorizations.

(b) The Division of Site Safety and Environmental Analysis evaluates the safety and environmental aspects of proposed and existing sites for nuclear facilities. It assesses the environmental impact of construction and operation of proposed facilities, performs cost benefit analyses, evaluates consequences of postulated accidents, assesses radiological impacts, and evaluates site adequacy from the standpoints of geology, seismology, demography, meteorology, waste treatment, and other factors. It issues, denies, and amends limited work authorizations.

(c) The Division of Systems Safety carries out detailed safety reviews of reactor applications through the operating license stage; and develops and administers related safety programs and policies governing licensing and authorization of nuclear reactors other than for export. It performs technical reviews and analyses of mechanical, structural, and materials engineering aspects of reactor systems, core performance, auxiliary systems, control systems, me-



chanical components, reactor structures, and power systems.

(d) The Division of Operating Reactors administers the regulatory program, including safety and environmental reviews, for all reactor facilities licensed for operation; evaluates applications and issues construction permits and operating licenses for nonpower reactors, and, as requested, evaluates operational and design modifications of operating facilities exempt from licensing, owned by the Energy Research and Development Administration and the Department of Defense; directs and supervises the processing of applications for license amendments for all licensed reactor facilities; issues, denies, and amends all permits and licenses for non-power reactors, and amends operating power reactor licenses.

(e) The Antitrust and Indemnity Group conducts preclearing reviews of applications for nuclear facilities to assure that issuance of a license will not create or maintain a situation inconsistent with the antitrust laws; and is responsible for ascertaining compliance with license conditions pertaining to antitrust matters. It administers the Commission's program for indemnification of licensees against public liability claims arising out of nuclear incidents; and executes indemnification agreements with licensees pursuant to sections 170c., 170k., and 170.1. of the Atomic Energy Act of 1954, as amended.

#### § 1.62 Office of Nuclear Regulatory Research.

The Office of Nuclear Regulatory Research was established by the Energy Reorganization Act of 1974, as amended. It develops, for the Commission, policy options relative to nuclear regulatory research, and implements programs of confirmatory research which the Commission deems necessary for the performance of its licensing and related regulatory functions. Specifically, it sponsors research to establish methodologies, systems, and information to provide a systematic and comprehensive basis for NRC policies and programs; to improve methods and procedures for licensing review, inspection, and enforcement, and other regulatory actions; and to improve regulations and guides. The Office is responsible for implementing and managing research contracts, coordinating research and analytical needs with other Government agencies and private organizations, and coordinating with the Office of International Programs the policy aspects of any joint efforts with other countries or international organizations. It advises NRC staff of pertinent research findings.

(a) The Division of Reactor Safety Research plans, develops, coordinates, and supervises experimental and analytical programs to enable NRC to assess the safety of nuclear power reactors. It sponsors research programs dealing with light water reactors, liquid metal fast breeder reactors, high temperature gas reactors, and with related site safety issues.

(b) The Division of Safeguards, Fuel Cycle and Environmental Research plans, develops, coordinates, and supervises experimental and analytical programs of research on subjects including safeguards, threat analysis, accident prevention in fuel cycle facilities, and health and environmental research.

(c) The Probabilistic Analysis Branch assists the Office Director in planning, developing, coordinating, and supervising programs for the development and application of methods to quantify risk assessment of nuclear power reactors and fuel cycle facilities.

#### § 1.63 Office of Standards Development.

The Office of Standards Development develops and recommends standards (e.g., technical regulations and regulatory guides) that NRC needs to regulate nuclear facilities and commercial uses of nuclear materials. These standards deal with radiological health and safety and environmental protection, materials and plant protection (safeguards), and antitrust review in accordance with the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. The Office also coordinates NRC participation in national and international standards activities.

(a) The Division of Engineering Standards develops standards for nuclear safety in the design, construction, and operation of nuclear reactors and nuclear power plants, other production and utilization facilities, and facilities for the storage, processing, and use of nuclear materials; and for materials safety activities, including the production, use, and transportation of radioactive products; provides technical assistance to NRC staff regarding research, resolution of generic issues, and the development, evaluation, and application of standards to specific safety problems associated with nuclear reactors, nuclear power plants and fuel cycle facilities, transportation of nuclear materials, and the production and use of radioactive products; and, in its assigned areas of responsibility, maintains liaison with and provides technical input to other Federal agencies, the American National Standards Institute (ANSI), professional societies, international agencies (in coordination with the Office of International Programs), and other organizations.

(b) The Division of Siting, Health and Safeguards Standards develops standards for protection of licensees' employees, the public, and the environment from the effects of NRC-licensed activities in matters involving radiological protection, environmental effects, and safeguarding of nuclear materials and facilities; provides advice and technical assistance to NRC staff regarding research, resolution of generic issues, and the development, evaluation, and application of standards to specific licensing or other regulatory problems associated with nuclear materials or facilities; and on matters pertaining to its areas of responsibility, maintains liaison with and

provides technical input to other Federal agencies, State agencies, ANSI, professional societies, international agencies (in coordination with the Office of International Programs), public interest groups, and other organizations.

#### § 1.64 Office of Inspection and Enforcement.

The Office of Inspection and Enforcement develops policies and administers programs for: inspecting licensees to ascertain whether they are complying with NRC regulations, rules, orders, and license provisions, and to determine whether these licensees are taking appropriate actions to protect nuclear materials and facilities, the environment, and the health and safety of the public; inspecting applicants for licenses, as a basis for recommending issuance or denial of a limited work authorization, construction permit, or an operating license; inspecting suppliers of safety-related services, components, and equipment to determine whether they have established quality assurance programs that meet NRC criteria; investigating incidents, accidents, allegations, and unusual circumstances including those involving loss, theft, or diversion of special nuclear material; enforcing Commission orders, regulations, rules, and license provisions; recommending changes in licenses and standards, based on the results of inspections, investigations, and enforcement actions; and notifying licensees regarding generic problems so as to achieve appropriate precautionary or corrective action. Headquarters Divisions are responsible for developing the inspection program, assuring the technical adequacy of enforcement cases and investigations, preparing notifications to appropriate parties, providing technical management and support for NRC response to incidents, and monitoring and appraising performance of Regional Offices. NRC's five Regional Offices are responsible for carrying out inspections and investigations.

(a) The Division of Fuel Facilities and Materials Safety is responsible for those inspection and enforcement functions that pertain to radiological and environmental protection at reactors and fuel facilities and handling of licensed materials, and for criticality control at fuel facilities.

(b) The Division of Safeguards Inspection is responsible for those inspection and enforcement functions that pertain to protection of nuclear materials and reactors.

(c) The Division of Reactor Construction Inspection is responsible for those inspection and enforcement functions that pertain to reactor construction.

(d) The Division of Reactor Operations Inspection is responsible for those inspection and enforcement functions that pertain to reactor operations.

<sup>1</sup> Special nuclear material is defined in 10 CFR Part 70 as "plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission . . . determines . . . but does not include source material . . ."



(e) The Executive Officer for Operations Support is responsible for developing requirements for enforcement and investigations; managing assigned investigations; assuring consistency of the enforcement program among the various offices; developing the program for response to incidents; and providing centralized administrative support.

(f) The Executive Officer for Management and Analysis is responsible for budgets, financial control, computer services, management information systems, planning, personnel management, contract administration, technology and inspection training, and management studies and analyses.

(g) Each Regional Office reports to the Director, Office of Inspection and Enforcement, and performs the following functions within its assigned geographical area: inspects applicants, licenses, and others subject to NRC jurisdiction; investigates incidents, accidents, allegations, and other unusual circumstances involving matters subject to NRC jurisdiction; evaluates licensee event reports, and provides response, as appropriate; recommends changes in NRC programs, based on the results of inspections and investigations; and takes enforcement action, to the extent delegated; or recommends enforcement actions to appropriate Headquarters Division of the Office.

#### Subpart C—NRC Seal and Flag

##### § 1.80 Description and custody of NRC seal.

(a) Pursuant to section 201(a) of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has adopted an official seal. Its description is as follows: An American bald eagle (similar to that on the Great Seal of the United States of America) of brown and tan with claws and beak of yellow, behind a shield of red, white, and blue, clutching a cluster of thirteen arrows in its left claw and a green olive branch in its right claw, positioned on a field of white, with the words "United States Nuclear Regulatory Commission" in dark blue and five gold stars outlined in dark blue encircling the eagle. The eagle represents the United States of America and its interests.

(b) The Official Seal of the Nuclear Regulatory Commission is illustrated as follows:



(c) The Secretary of the Commission is responsible for custody of the impression seals and of replica (plaque) seals.

##### § 1.81 Use of NRC seal or replicas.

(a) The use of the seal or replicas is restricted to the following:

- (1) NRC letterhead stationery.

(2) NRC award certificates and medals.

(3) Security credentials and employee identification cards.

(4) NRC documents, including agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress, and, at the discretion of the Secretary of the Commission, such other documents as he finds appropriate.

(5) Plaques. The design of the seal may be incorporated in plaques for display at NRC facilities in locations such as auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings, and others designated by the Secretary.

(6) The NRC flag (which incorporates the design of the seal).

(7) Official films prepared by or for the NRC, if deemed appropriate by the Director of the Office of Public Affairs or his designee.

(8) Official NRC publications which represent an achievement or mission of NRC as a whole, or which are cosponsored by NRC and other Government departments or agencies.

(9) Such other uses as the Secretary of the Commission or his designee finds appropriate.

(c) Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the fraudulent or wrongful use of an official seal, and to other provisions of law as applicable.

##### § 1.82 Establishment of official NRC flag.

The official flag is based on the design of the NRC seal. It is 50 inches by 66 inches in size with a 38-inch diameter seal incorporated in the center of a dark blue field with a gold fringe.

##### § 1.83 Use of NRC flag.

(a) The use of the flag is restricted to the following:

- (1) On or in front of NRC installations.
- (2) At NRC ceremonies.
- (3) At conferences involving official NRC participation (including permanent display in NRC conference rooms).
- (4) At governmental or public appearances of NRC executives.
- (5) In private offices of senior officials.
- (6) As otherwise authorized by the Secretary of the Commission.

(b) The NRC flag must only be displayed together with the U.S. flag. When they are both displayed on a speaker's platform, the U.S. flag must occupy the position of honor and be placed at the speaker's right as he faces the audience, and the NRC flag must be placed at the speaker's left.

##### § 1.84 Report of violations.

In order to ensure adherence to the authorized uses of the NRC seal and flag as provided herein, a report of each suspected violation of this part, or any ques-

tionable use of the NRC seal or flag, should be submitted to the Secretary of the Commission.

Effective date: This part becomes effective on July 18, 1977.

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

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-20326 Filed 7-15-77; 8:45 am]

#### REPORTS TO THE COMMISSION CONCERNING DEFECTS AND NONCOMPLIANCE

##### Correction

In FR Doc. 77-15987 appearing on page 28891 in the issue for Monday, June 6, 1977, on page 28894, § 21.3 (a) (3) should read as follows:

(3) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to those referred to in § 100.11 of this chapter.

Section 21.3(d) (1) should read as follows:

##### § 21.3 Definitions.

(d) "Defect" means:

(1) A deviation (see § 21.3 (e)) in a basic component delivered to a purchaser for use in a facility or an activity subject to the regulations in this part if, on the basis of an evaluation (see § 21.3(g)), the deviation could create a substantial safety hazard; or

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

##### Codes and Standards for Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation, "Codes and Standards," to incorporate by reference new addenda to specified published national codes and standards for the design, fabrication, construction, testing, and inspection of reactor components and systems. This would provide for improved methods of construction of nuclear reactor coolant systems.

EFFECTIVE DATE: August 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. A. Taboada, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6929.

SUPPLEMENTARY INFORMATION: On March 31, 1977 the Nuclear Regulatory Commission published in the Federal Register (42 FR 17134) proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and



Utilization Facilities," which would incorporate by reference new addenda to specified published national codes and would clarify provisions in § 50.55a and Appendix G to Part 50.

The proposed amendments would have incorporated by reference the Addenda through the Winter 1976 Addenda to Section III, Division 1, "Rules for the Construction of Nuclear Power Plant Components," of the ASME Boiler and Pressure Vessel Code. The Winter 1975, Summer 1976, and Winter 1976 Addenda to Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME Code were not referenced in the proposed amendments but are expected to be referenced with modifications in a subsequent amendment to the regulations.

Interested persons were invited to submit written comments for consideration in connections with the proposed amendment by May 2, 1977. A number of adverse comments and significant questions were received in response to the notice of proposed rule making relating to the proposed changes to footnote 4 in § 50.55a and to Appendix G to Part 50. One comment suggested that, in order not to delay the entire amendment while the adverse comments are being evaluated, § 50.55a be amended in part to incorporate the Addenda through the Winter 1976 Addenda to Section III of the ASME Code as was proposed. After consideration of the comments the Commission has adopted the amendment to § 50.55a set forth below which incorporates by reference the Addenda through the Winter 1976 Addenda to Section III of the ASME Code. The comments and questions on the proposed clarifying amendments will be evaluated separately and appropriate action taken accordingly.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50 are published as a document subject to codification.

In § 50.55a of 10 CFR Part 50, paragraph (b) is revised to read as follows:

**§ 50.55a Codes and standards.**

Each operating license for a boiling or pressurized water-cooled nuclear power facility shall be subject to the conditions in paragraph (g) and each construction permit for a utilization facility shall be subject to the following conditions in addition to those specified in § 50.55:

(b) As used in this section, references to editions of Criteria, Codes and Standards include only those editions through 1974; references to Addenda include only those Addenda through the Summer 1975 Addenda, except references to Addenda of Section III, Division 1, of the ASME Boiler and Pressure Vessel Code

include those Addenda through the Winter 1976 Addenda.

Effective date: These amendments become effective on August 17, 1977.

(Secs. 103, 104, 1611, Pub. L. 83-703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(1)).)

Dated at Bethesda, Md., this 30th day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

[FR Doc. 77-20538 Filed 7-15-77; 8:45 am]

**Title 7—Agriculture**

**CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER F—SUPPORT ACTIVITIES**

**PART 656—PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS**

AGENCY: U.S. Department of Agriculture, Soil Conservation Service.

ACTION: Final rule.

SUMMARY: This rule prescribes general guidelines for Soil Conservation Service implementation of the several historic preservation acts and executive orders in programs administered by this agency.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

R. M. Davis, Administrator, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: On June 9, 1976, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (41 FR 23181) its interim final guidelines entitled Support Activities Part 656, Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-assisted Programs.

Written comments were received from three (3) federal agencies, eleven (11) state agencies, and nine (9) societies and/or individuals on the interim final SCS guidelines. The comments were given full consideration in developing the final guidelines. The full text of all comments received is on file and available for public inspection in Room 6105 South Building, U.S. Department of Agriculture, Washington, D.C.

Most suggestions made for clarification and improved editing were accepted. The more substantive comments received and their consideration are as follows:

1. Several commentators questioned why SCS considers compliance with the several historical laws differently in its Conservation Operations and Great Plains Conservation Programs from its Watersheds and Resource Conservation and Development Programs.

Response. The Watersheds and Resource Conservation and Development

Programs (7 CFR Parts 622 and 623 and U.S.C. 1010-1011 and U.S.C. 590 a-f, q) are federally-assisted project undertakings where SCS provides direct financial assistance to a local sponsor. The Conservation Operations and Great Plains Conservation Programs (7 CFR Part 610 and 631) are federally-assisted nonproject actions where SCS provides consultation and recommendations to individual land users on nonfederal lands. Therefore, for the nonproject actions SCS will advise land users of legislation which calls for protection and preservation of archeological, historical, and other cultural resources. SCS further advises landowners to contact their state historic preservation officers when properties listed on the National Register of Historic Places (NRHP) or may be eligible for listing on the NRHP may be affected by the landowners installation of soil conservation measures on his land. SCS will further notify the National Park Service when it believes such cultural properties may be affected by a landowners activities. (§ 656.4(b)(1)(2).) SCS does not believe it would be physically possible or fiscally responsible to fund an archeological/historical survey of every farm in the U.S. prior to providing consultative technical assistance to an individual landowner. For example, during FY-1976 SCS provided approximately one million farmers with consultations and technical assistance. Since the nationwide average size farm is about 340 acres, and archeologists have informed SCS that such cultural resource surveys would cost approximately \$5 per acre, it would have cost the Federal government more than \$1.5 billion just to fund archeological/historical surveys of farmland. SCS does not believe this was the intent of Congress when the National Historic Preservation Act of 1966 was enacted. The magnitude of such funding would place historic preservation far above stream pollution, water quality, soil conservation, and all other environmental amenities in order of significance to the national interest.

2. Many commentators suggested that the National Environmental Policy Act of 1969 (NEPA) should be listed in § 656.2, and that NEPA require SCS to determine impacts of its project-assisted undertakings on cultural resources.

Response. We do not agree that NEPA should be referenced in § 656.2 since NEPA is not an archeological or historical law. We reference NEPA in § 656.4(c)(2) and further state in § 656.5(d) that archeological and historical resources are considered as a part of the environmental assessment which is accomplished early in the planning stage in SCS-assisted projects. We reference 7 CFR 650.5 since this is the part which describes environmental assessments made by SCS. It is not our purpose to duplicate that description in these guidelines. The two levels of archeological and historical investigations described in § 656.5(d)(1) and (2) are an integral part of the environmental assessment.

3. Many commentators stated that the SCS procedures were in conflict with the Advisory Council on Historic Preservation

<sup>1</sup> These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972 and May 4, 1973.



tion procedures, 36 CFR Part 800 or they stated that SCS should follow the 36 CFR Part 800 procedures.

*Response.* SCS has developed these final guidelines (7 CFR Part 656) in accordance with Section 1(3) of Executive Order 11593, using the 36 CFR 800 procedures as a guide.

4. Another area of concern noted by several commentators is that SCS expects the Secretary of the Interior (NPS) to undertake all detailed survey, recovery, protection, and preservation of cultural properties encountered in SCS-assisted project undertakings. They further stated that SCS is required to transfer one (1) percent of project construction funds to the Secretary of the Interior (NPS) for detailed survey, recovery, protection, and/or preservation.

*Response.* The Archeological and Historical Preservation Act of 1974 (16 U.S.C. 469 et seq.) authorizes a Federal agency responsible for a Federal construction project, or federally-licensed project, activity, or program to undertake, with funds appropriated to that agency, detailed survey, recovery, protection, and preservation of significant cultural properties which may be irrevocably lost or destroyed by actions undertaken or assisted by that agency. An agency may elect to transfer up to one percent of the construction cost appropriated for a construction project to the Secretary of the Interior (NPS) to assist in the detailed survey, recovery, protection, or preservation of significant cultural properties. SCS may transfer to the Secretary of the Interior (NPS) on a case-by-case basis, up to one percent of the Federal share of the construction cost of each measure(s) which would cause the irrevocable loss or destruction of a significant cultural property. This transfer of funds will assist the Secretary of the Interior (NPS) in carrying out the intent of Section 7(a) of the Archeological and Historical Preservation Act of 1974, (16 U.S.C. 496 c(a)). (See § 656.9.) However, on a case-by-case basis, SCS may choose to carry out detailed survey, recovery, protection, or preservation of cultural properties by contract or cooperative agreement. In either case, detailed survey, recovery, protection, and/or preservation will be accomplished prior to construction.

5. Another commentator suggested that SCS clarify the relationships among the Archeological and Historical Preservation Act of 1974 (AHPA), the National Historic Preservation Act of 1966 (NHPA), Executive Order 11593, and the National Environmental Policy Act of 1969 (NEPA). They contend that the AHPA of 1974 is only applicable after the NHPA of 1966, EO 11593, and NEPA have been complied with.

*Response.* SCS believes there is overlap among all of these laws and EO 11593. We believe that our investigations relative to NEPA are the starting point. However, the requirements of Section 106 of NHPA overlap with the requirements of NEPA. The notifications and surveys

called for in the AHPA of 1974 also overlap with NEPA. EO 11593 is not a law, it simply directs Federal agencies regarding historic preservation on lands owned by them or otherwise under their control and jurisdiction. SCS's final rules (7 CFR Part 656) attempt to describe its responsibilities under all of these laws and Sections 1(3) and 2(c) of the Executive Order. We believe the National Park Service, the Advisory Council on Historic Preservation, the state historic preservation officers, and others interested in cultural resources should work together in a team effort to preserve those cultural properties that are truly in the national interest. We do not believe, for example, that the NPS should wait until planning is completed before they provide expertise in the preservation of cultural properties. We also believe the NPS should actively participate early in the field determinations of eligibility for cultural resources to be included in the National Register of Historic Places. We also believe state historic preservation officers could use a portion of the grants they receive from NPS for implementing the state historic preservation plan to assist SCS in the initial planning stages of a project in deciding where we need to fund archeological and historical investigations.

6. Several commentators suggested that the two types of investigations carried out by SCS described in § 656.5(d) are not consistent with the "use of archeological terms of art." It is suggested that SCS be responsible for a third level of survey which is detailed and quite comprehensive.

*Response.* SCS believes its responsibility is to determine the location and relative importance of cultural properties that may be affected by SCS-assisted undertakings. When SCS is presented with evidence that cultural properties are likely to be affected by proposed project construction, a more detailed reconnaissance investigation will be made by a qualified archeologist or historian. The two levels of investigation which are described in § 656.5(d)(1), (2) are made during the environmental assessment stage of planning. Alternatives to avoid affecting cultural properties by SCS-assisted actions are developed. In those cases where it is not possible to avoid a cultural property, then and only then is a "mitigation" plan developed. This is where the third-level of survey is applicable. SCS considers this third-level of intensive survey a part of the implementation of the mitigation plan. (See § 656.9.) The results of the reconnaissance investigation will provide a valid basis for decisionmaking and the need for the detailed survey, recovery, protection, and/or preservation prior to construction. SCS, in consultation with the SHPO, will apply the Criteria for Evaluation (36 CFR 60.6) during the development of a mitigation plan. If there is disagreement on the significance of the cultural property, SCS will request the Secretary of the Interior (NPS) to make an official determination of eligi-

bility for inclusion in the National Register. We believe that detailed and comprehensive survey is a part of recovery, protection, and/or preservation, and should be accomplished by either SCS or the Secretary of the Interior (NPS) under authority of the AHPA of 1974. (See response to Comment No. 4.)

7. Several commentators disagreed with the procedures for determining whether an SCS undertaking will have an adverse effect on identified cultural properties that may be eligible for inclusion in the National Register. (§ 656.6(g)(2) and (3).)

*Response.* This section has been reworded in accordance with suggestions from the Advisory Council on Historic Preservation staff. The no adverse effect procedure was developed in consultation with the ACHP, NPS, and SCS.

8. Several commentators suggested that SCS include requirements for cultural data recovery, and qualifications for archeologists, historians, and other disciplines who might be involved in data recovery, survey, etc.

*Response.* SCS has limited expertise in archeology, history, historical architecture, etc., and looks to the National Park Service for detailed survey, data recovery, etc. When SCS contracts for archeological, historical, or other cultural surveys, NPS standards, qualifications, treatment of recovered materials, etc., to the extent possible, are used.

9. Several commentators suggested that peripheral or secondary impacts of SCS undertakings on cultural properties are required by NEPA.

*Response.* SCS agrees. As has been mentioned in an earlier response to a comment concerning NEPA responsibilities, SCS considers secondary effects, alternative locations, and many other planning elements as well as viable trade-offs, during environmental assessments in project undertakings. However, SCS authority for survey, recovery, protection, and/or preservation is limited to areas of land disturbance and inundation.

SCS herewith publishes its final procedures which are to be effective on July 18, 1977.

(Catalog of Federal Domestic Assistance Programs numbered 10.900 (Great Plains), 10.901 (Resource Conservation and Development), 10.902 (Soil and Water Conservation), 10.904 (Watershed Protection and Flood Prevention), and 10.905 (Plant Materials))

NORMAN A. BERG,  
Associate Administrator,  
Soil Conservation Service.

Sec.	Purpose.
656.1	Archeological and historical laws and executive orders applicable to SCS-assisted programs.
656.2	Policy.
656.3	Applicability.
656.4	SCS responsibilities for compliance with Section 106, Pub. L. 89-665, (16 U.S.C. 470f), Pub. L. 93-291 (16 U.S.C. 469 et seq.), and Section 1(3) of Executive Order 11593 in project-type actions.
656.5	



## Sec.

- 656.6 Steps necessary to determine the effects of proposed SCS-assisted projects undertaking on archeological and historical properties occurring on nonfederal land during the environmental assessment. (§ 650.4 of this chapter.)
- 656.7 Determination of the course of action when cultural resources are discovered during construction.
- 656.8 Determination of the effects of proposed or planned actions on archeological and historical properties occurring on Federal land.
- 656.9 Detailed survey, recovery, protection, and/or preservation of significantly important archeological or historical properties which may be irrevocably lost or destroyed by construction in SCS-assisted undertakings.

**AUTHORITY:** 7 CFR 2.62; Sec. 1(3), Executive Order 11593, 36 FR 8921, 3 CFR 1971 Comp. p. 154.

## § 656.1 Purpose.

This part prescribes Soil Conservation Service (SCS) policy, procedures, and guidelines for the implementation of archeological and historical laws and appropriate executive orders for administering SCS programs.

## § 656.2 Archeological and historical laws and executive orders applicable to SCS-assisted programs.

(a) *The Act of June 27, 1960*, relating to the preservation of historical and archeological data, Pub. L. 86-523, 74 Stat. 220, as amended May 24, 1974; Pub. L. 93-291, 88 Stat. 174 (16 U.S.C. 469 et seq.), provides for the preservation of historical and archeological materials or data, including relics and specimens, that might otherwise be lost or destroyed as a result of any Federal or federally-assisted or licensed project, activity, or program.

(b) *The National Historic Preservation Act*, Pub. L. 89-665, 80 Stat. 915, as amended, (16 U.S.C. 470 et seq.) authorizes the Secretary of the Interior to maintain and expand a National Register of Historic Places (NRHP), including historic districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, and culture. This law also establishes the Advisory Council on Historic Preservation (ACHP), to be appointed by the President. Section 106 of this Act (16 U.S.C. 470f), requires that prior to the approval of any Federal or federally-assisted or licensed undertaking, the Federal agency shall afford the ACHP a reasonable opportunity to comment, if properties listed in or eligible for listing in the NRHP, are affected.

(c) *Executive Order 11593 (36 FR 8921, 3 CFR 1971 Comp. p. 154), Protection and Enhancement of the Cultural Environment*, provides that the federal government shall furnish leadership in preserving, restoring, and maintaining the historical and cultural environment of the nation, and that Federal agencies shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; initiate measures necessary to direct their policies, plans, and programs

in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance are preserved, restored, and maintained. Section 1(3) directs that agencies institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archeological significance in consultation with the ACHP.

## § 656.3 Policy.

(a) SCS recognizes that significant historical, archeological, and architectural resources are an important part of our national heritage, the protection of which requires careful consideration in this agency's project planning and implementation process.

(b) SCS will take reasonable precautions to avoid damaging any significant historic, cultural, or natural aspects of our national heritage and will work with the National Park Service (NPS) and the Advisory Council on Historic Preservation (ACHP) in identifying and seeking to avoid or mitigate adverse effects of SCS-assisted projects on the nation's significant cultural resources. The procedures contained in this part have been developed to comply with sections 1(3) and 2(c) of Executive Order 11593.

## § 656.4 Applicability.

(a) *Definitions.*—(1) *Significant cultural (historical, archeological, and architectural) resources.*—Mean districts, sites, buildings, structures, and objects which are of local, state, and national significance which are listed in or meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP) (16 U.S.C. 470a).

(2) *Undertaking.* As used in section 106 of the National Historic Preservation Act (16 U.S.C. 470f), for the purposes of these procedures means federally-assisted installation of structural measures in watershed and flood prevention projects (7 CFR Parts 622 and 623) and resource conservation and development projects (7 U.S.C. 1010-1011 and 16 U.S.C. 590 a-f, q), which are funded by direct SCS financial assistance to a sponsoring local organization. SCS actions to be taken in these programs are described in §§ 656.5 and 656.6. SCS technical and financial assistance to individual land users on nonfederal land under the Conservation Operations and Great Plains Conservation Programs (7 CFR Parts 610 and 631) is considered to be nonproject undertakings for the purposes of these procedures. SCS actions to be taken in these programs are described in § 656.4(b).

(b) *Nonproject technical and financial assistance programs administered by SCS.* (1) This section applies to SCS technical and financial assistance to land users on nonfederal lands under the Conservation Operations and Great Plains Conservation Programs.

(2) Each field office of SCS is to maintain a current listing of cultural properties on the NRHP. Prior to providing

technical or financial assistance to a land user on nonfederal land, the SCS technician will determine if there is a National Register Property that may be affected by the land user as a result of SCS technical assistance. If it is determined that such action may affect a National Register Property, SCS will advise the National Park Service and recommend that the land user contact the state historic preservation officer (SHPO) before installing the conservation measure. SCS does not have authority to make a decision on the disposition of a cultural property on nonfederal land. This decision is the responsibility of the landowner.

(3) In addition to historical and archeological sites, structures, or objects listed in the NRHP, other significant cultural resources may be encountered. Such resources occurring on nonfederal land may be brought to the attention of SCS during the course of SCS technical assistance activities. If it develops that these sites may be affected by the installation of a conservation measure, and are not listed in the NRHP, the SCS will advise the NPS and recommend that the land user notify the SHPO. SCS does not have authority to make a decision on the disposition of the cultural resource. This decision is the responsibility of the landowner.

(c) *Project-type financial assistance programs administered by SCS.* (1) This section applies to SCS financial assistance to sponsoring local organizations in watershed and flood prevention projects (7 CFR Parts 622 and 623), resource conservation and development projects (RC&D), 7 U.S.C. 1010-1011, 16 U.S.C. 590a-f, q, and emergency watershed protection (7 CFR Part 624).

(2) In its implementation of the National Environmental Policy Act of 1969 (7 CFR Part 650), SCS determines environmental effects including archeological and historical impacts as an integral part of the environmental assessment process for proposed SCS-assisted project actions. The procedures for compliance with existing historic preservation laws and executive orders are contained in § 656.5.

§ 656.5 SCS responsibilities for compliance with Section 106, Pub. L. 89-665 (16 U.S.C. 470f), Pub. L. 93-291 (16 U.S.C. 469 et seq.), and Section 1(3) of Executive Order 11593 in project-type actions.

(a) *SCS national office.* The Administrator is responsible for establishing and maintaining necessary contacts with other agencies and councils at the national level, and for the preparation, and distribution of pertinent material and guidelines to state conservationists.

(b) *SCS state office.* The state conservationist is the responsible Federal official (RFO) for implementing the provisions of this section in his state. He is responsible for establishing and maintaining contacts with state agencies, preparing and distributing pertinent information to personnel under his jurisdiction.



tion, appraising situations and determining the course of action, and distributing current data from the NRHP to field offices with instructions on use.

(c) *Federal property under SCS control.* The SCS has inventoried all properties owned by or otherwise under SCS control or jurisdiction. None of the properties is listed on the NRHP. An inventory of SCS owned properties made in the fall of 1976, indicates that none of the properties contains cultural resources that are eligible for inclusion in the NRHP, with the possible exception of one Plant Materials Center. This property is undergoing extensive survey and if cultural properties eligible for inclusion in the NRHP are identified, SCS will undertake the nomination process. However, none of SCS's undertakings described in § 656.4 (b), (c) will involve property owned by or otherwise under the control or jurisdiction of SCS.

(d) *Types of archeological and historical investigations in SCS-assisted undertakings.* The SCS will identify cultural properties which may be affected by SCS-assisted undertakings by initiating investigations during, and as a part of the environmental assessment (§ 650.4 of this chapter). These investigations will be as follows:

(1) *Archeological and historical review.* This review will be made by SCS technicians as part of the field examination stage of environmental assessment and plan formulation in consultation with the SHPO, state and university archeologists, archeological and historical societies, nearby libraries, museums, and other professionals with expertise. It is primarily a literature search and summation of data currently known concerning the area being studied. It will include a brief field review of site(s) that appear to have archeological or historical value. This review is designed to provide the SCS with data concerning the need for additional, and more detailed investigations. Close coordination and consultation with agencies and professional organizations with expertise in cultural resources are essential. Results of the "Archeological and Historical Review" should be recorded in sufficient detail to document findings and conclusions. The presentation of evidence that significant cultural resources are likely to be irrevocably lost or destroyed by planned project construction activities by the SHPO, state archeologist, and/or historian, or others with expertise will provide a valid basis for decisionmaking by the RFO. He will determine the need for further, more intensive investigations.

(2) *Archeological and historical reconnaissance.* This investigation will be made by a professional archeologist/historian during the later stages of environmental assessment when it is determined that more detailed investigations are needed. This investigation will be accomplished by SCS archeologists/historians or by contract or cooperative agreement as required. This involves on-the-

ground examination of selected portions of the area to be affected (specific sites and/or treatment areas) to assess the general nature and probable impact of the proposed measures on the archeological and historical resources. The "Reconnaissance" should include limited testing and an appraisal of identified archeological and historical properties. The reconnaissance is designed to provide a level of knowledge to permit predictions to be made about the location and probable significance of the resource. If it is determined that a more detailed survey is needed, a proposed plan for, and the estimated cost of such detailed survey and possible recovery, protection, and/or preservation of significant resources is prepared. The results of this investigation will include the opinion of the professional conducting the investigation as to whether the resource in question is of significant value to warrant inclusion in the NRHP. Detailed survey, recovery, protection, and/or preservation is described in § 656.9.

§ 656.6 Steps necessary to determine the effects of proposed SCS-assisted project undertakings on archeological and historical properties occurring on nonfederal land during the environmental assessment (§ 650.4 of this chapter).

(a) The RFO will conduct, in consultation with the SHPO, an "Archeological and Historical Review" early in the environmental assessment. Findings will be documented and a determination made as to the need for further, more detailed investigation.

(b) (1) If the SHPO, state archeologist, or appropriate historical or archeologist authority presents evidence in paragraph (a) of this section, that significant cultural properties are likely to be irrevocably lost or destroyed by proposed construction activities, and that further investigation is necessary; the RFO will decide whether to cause an "Archeological and Historical Reconnaissance" to be made. If it is determined that a reconnaissance investigation is necessary, it will be accomplished by SCS archeologists/historians or by contract or cooperative agreement during the late stages of environmental assessment.

(2) If the RFO enters into a contract or cooperative agreement for this investigation he will require the professional conducting the investigation to provide his written opinion on the eligibility of any identified cultural properties for inclusion in the NRHP. If the professional conducting the investigation recommends detailed survey, recovery, protection, and/or preservation of identified cultural properties, the contract or cooperative agreement should be broad enough to allow adequate testing of the sites to develop a proposed plan for such survey, recovery, protection, and/or preservation which will not adversely affect the cultural property.

(c) If no cultural properties are identified in paragraph (b) of this section as either listed in, or eligible for inclusion in the NRHP, SCS will inform the

SHPO, document the reviewable record, and proceed with the action.

(d) If the results of the investigation made in paragraph (b) of this section include an opinion by the professional archeologist and/or historian that identified cultural properties are of significant value, or may be eligible for inclusion in the NRHP, and may be irrevocably lost or destroyed by construction activities, the RFO will request the SHPO to render an opinion on eligibility for inclusion in the NRHP. The SHPO will be requested to respond within 45 days after receipt of the SCS request.

(e) If the SHPO does not concur in the findings described in the reconnaissance report, or fails to respond within 45 days that identified cultural properties are significant and may be eligible for inclusion in the NRHP, the RFO, after applying the Criteria for Evaluation, 36 CFR 60.6, may request an official determination of eligibility from the Secretary of the Interior (NPS). Address all requests for determination of eligibility to Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. However, if the SHPO concurs in the findings described in the reconnaissance report, the RFO may forward the proposed plan (paragraph (b) of this section) directly to the ACHP requesting a "no adverse effect" reply within 45 days. (See paragraph (g) of this section.)

(f) If the RFO requests the Secretary of the Interior to determine if identified cultural properties are eligible for inclusion in the NRHP and the Secretary of the Interior (NPS) determines that the identified sites are not of significant value to be eligible for inclusion in the NRHP, the RFO will inform the SHPO document the reviewable record, and proceed with the action. In this case, consultation with the ACHP is not required.

(g) (1) If the Secretary of the Interior, after having been requested by the RFO to make an official determination of eligibility determines that the identified cultural property(ies) is eligible for inclusion in the NRHP, the SCS will attach the proposed plan (see paragraph (b) of this section) for detailed survey, recovery, protection, and/or preservation, developed by the professional making the investigation, to the reconnaissance report and forward to the ACHP. A letter of concurrence from the SHPO and the determination by NPS should be included. The letter should afford the ACHP a reasonable opportunity to comment on the undertaking, in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. The letter should call attention to the fact that the cultural property(ies) is located on nonfederal land, and there will be no change in existing responsibilities of any Federal agency under Executive Order 11593 with respect to control or ownership of land. The letter should indicate that the Secretary of the Interior (NPS) or SCS (decision to be made on a case-by-case basis) will implement the plan for de-



tailed survey, recovery, protection, and/or preservation prior to construction.

(2) Adverse effects may occur when cultural properties are located within the proposed land disturbance area, including access roads, borrow pits, and other support areas likely to be disrupted during or after construction. For above ground cultural properties, usually those of historical or architectural significance, adverse effects may occur when the project includes demolition or introduces visual, audible, or atmospheric elements that are out of character with the property or alter its setting and occur in near proximity to the cultural property.

(3) For archeological sites, a determination of no adverse effect may be made when:

(i) The property is not a National Historic Landmark, a National Historic Site in nonfederal ownership, or a property of national historical significance so designated with the NPS.

(ii) The SHPO has indicated that in-place preservation of the property is not necessary to fulfill purposes set forth in the State Historic Preservation Plan.

(iii) The SHPO and the SCS-RFO agree that:

(A) The property has minimal value as an exhibit in place for public understanding and enjoyment;

(B) Above and beyond its scientific value, the property is not known to have historic or cultural significance to a community, or to an ethnic, or social group that would be impaired by the retrieval of data;

(C) Currently available technology is such that the data retrieved from the property will make a significant contribution to the history or prehistory of the area;

(iv) Funds and time have been committed to adequately retrieve the data.

(4) The RFO's letter to the ACHP should request a response within 45 days and state that SCS considers implementation of the plan for recovery, constitutes no adverse effect on the cultural property.

(5) When the ACHP considers implementation of the plan for recovery constitutes an adverse effect, the RFO will cooperate with the ACHP in the conduct of necessary additional consultations, inspections, and meetings to further develop recovery plans to avoid or minimize adverse effects of proposed project construction activities.

(h) After the SCS has afforded the ACHP a reasonable opportunity to comment on the undertaking, the RFO will either request the Secretary of the Interior (NPS) to implement the proposed plan for a timely detailed survey, recovery, protection, and/or preservation of cultural values, or SCS will implement the plan by contract or cooperative agreement. If the NPS is requested to implement the plan, the RFO will forward the proposed plan for recovery, and necessary construction schedules to NPS in order to avoid any delays in construction

#### **§ 656.7 Determination of the course of action when cultural properties are discovered during construction.**

If cultural properties are discovered during construction, the RFO will immediately consult with the SHPO, and NPS (Atlanta, Denver, or San Francisco, Office of Archeology and Historic Preservation) to determine whether there is evidence to warrant a decision to undertake detailed survey and recovery. If the evidence is substantive, and at the request of NPS, construction should be delayed or modified to undertake immediate detailed survey, recovery, and/or preservation. (See NPS responsibilities, Section 4(C) Pub. L. 93-291, 16 U.S.C. 469a-2(c).) If the evidence is negative, construction should continue with caution. In the event that recovery, protection, and/or preservation is decided upon, the RFO and the sponsors should determine if the landrights covering project construction, are adequate to cover archeological surveys and recovery, and then proceed with the action.

#### **§ 656.8 Determination of the effects of proposed SCS-assisted project undertakings on archeological and historical properties occurring on Federal land.**

The steps outlined in § 656.6 are equally applicable for investigations on Federal land. However, when significant cultural properties are discovered on Federal land, the land managing agency having ownership or control of the land is responsible for the plan for detailed recovery, protection, and/or preservation.

#### **§ 656.9 Detailed survey, recovery, protection, and/or preservation of significantly important archeological or historical properties which may be irrevocably lost or destroyed by construction in SCS-assisted project undertakings.**

(a) *Nonfederal land.* If it is determined that properties included in or eligible for inclusion in the NRHP are likely to be irrevocably lost or destroyed by construction in a watershed project or RC&D measure, and occur on nonfederal land, the RFO will decide whether to request NPS to implement the recovery plan. If the RFO decides to request NPS to implement the plan, he will forward the plan (see § 656.6 (b) (2) and (g)) to the Atlanta, Denver, or San Francisco (as appropriate) Office of Archeology and Historic Preservation of NPS, and request in writing that detailed survey, recovery, protection, and/or preservation of the significant values be undertaken by the Department of the Interior (NPS), as specified in 16 U.S.C. 469a-1. When the RFO requests NPS to implement the recovery plan he may transfer up to one percent of the Federal share of the construction cost of each measure which would cause the irrevocable loss or destruction of a significant cultural property, to the NPS (Atlanta, Denver, or San Francisco) to assist NPS in the necessary detailed survey, recovery, pro-

tection, and/or preservation. The decision on the amount of fund transfer will be made by the RFO in consultation with NPS. Alternatively, the RFO may choose to implement the recovery plan by contract or cooperative agreement and may obligate up to a maximum of one percent of the Federal share of the construction cost for that measure. In either case, SCS will cause the recovery plan to be implemented prior to construction completion.

(b) *Federal land.* If properties included in or eligible for inclusion in the NRHP are likely to be irrevocably lost or destroyed by construction in a watershed project, or RC&D measure, and such cultural property occurs on federally owned or controlled land, the RFO, in consultation with the Federal agency managing the property will decide which Federal agency will implement the recovery plan. If it is decided to request NPS to implement the recovery plan (see § 656.6 (b) (2) and (g)) the RFO will notify the Atlanta, Denver, or San Francisco (as appropriate) Office of Archeology and Historic Preservation of NPS. The RFO will request in writing that detailed survey, recovery, protection, and/or preservation of the significant values be undertaken by the Secretary of the Interior (NPS), as specified in the 16 U.S.C. 469a-1(a). When the RFO and the Federal land managing agency decide to request the NPS to implement the recovery plan, SCS may transfer up to one percent of the Federal share of the construction cost of that measure which would cause the irrevocable loss or destruction of a significant cultural property, to the NPS (Atlanta, Denver, or San Francisco) to assist NPS in the necessary detailed survey, recovery, protection, and/or preservation. Alternatively, the RFO and the Federal land managing agency may choose to implement the recovery plan by contract or cooperative agreement and may obligate up to a maximum of one percent of the Federal share of the construction cost of that measure which would cause the irrevocable loss or destruction of a significant cultural property. In either case, SCS will cause the recovery plan to be implemented prior to construction.

(c) *Notification of NPS in accordance with Section 1, Pub. L. 93-291 (16 U.S.C. 469a).* The RFO will notify the NPS (Atlanta, Denver, or San Francisco) as early as possible after project authorization, that he intends to assist with the construction of any dam that creates a reservoir of 40 surface-acres or any flood-water-retarding structure providing 5,000 acre-feet or more of detention capacity. Notification will not be made for smaller dams and reservoirs except as required in 16 U.S.C. 469a.

(d) *Information to be forwarded to NPS when detailed survey, recovery, protection, and/or preservation is called for.* Where it is determined that cultural properties are to be recovered, protected, and/or preserved, the RFO will notify the NPS as early as possible before construction starts. The notice will include site location, approximate area to be flooded, approximate area to be disturbed, arche-



ologist's report, and such additional data as may be useful. When SCS requests the Secretary of the Interior (NPS), to undertake the recovery, protection, and preservation of data (see § 656.9(a)(b)) the Secretary of the Interior will be expected to initiate the detailed survey, recovery, protection, and/or preservation effort within 60 days after notification or within such other time as agreed upon (16 U.S.C. 469a-2(c)). The RFO will request the NPS to keep SCS informed at all times of the survey or recovery effort so there will be as little disruption or delay as possible. The detailed survey and recovery programs will terminate at a time established by the RFO in consultation with NPS.

(e) *Granting permission to survey and recover on nonfederal lands.* Prior to undertaking surveys and recovery operations on nonfederal lands, the SCS will assist the local sponsors in obtaining the consent of persons, associations, or public entities having a legal interest in the property involved. When the Secretary of the Interior (NPS) is to implement the recovery plan, he, in accordance with 16 U.S.C. 469a-2(d), is to compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned lands. Survey or recovery work, will not be required which in the determination of the RFO will impede SCS's activities in connection with any emergency (16 U.S.C. 469a-2(b)).

(f) *Ownership and curation of artifacts.* The SCS does not own or otherwise control land on which financial assistance is provided. The SCS does not have authority to determine ownership of artifacts or other cultural resources discovered during SCS-assisted cultural resource investigations or surveys. Therefore, the ownership and curation of cultural resources discovered during SCS-assisted investigations is the responsibility of the landowner or land managing agency. The NPS and the SHPO will consult with the landowner or land managing agency to ascertain ownership of cultural artifacts.

[FR Doc. 77-20450 Filed 7-15-77; 8:45 am]

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

[Valencia Orange Regulation 563, Amendment 1]

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

**Limitation of Handling**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona Va-

lencia oranges that may be shipped to fresh market during the weekly regulation period July 8-14, 1977. The amendment recognizes that demand for Valencia oranges has improved, since the regulation was issued. This action will increase the supply of oranges available to consumers.

DATES: Weekly regulation period July 8-14, 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of Valencia oranges as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the Valencia orange markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit orange handlers to ship a larger quantity of Valencia oranges to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 100,000 cartons, in the interest of producers and consumers.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.863, Valencia Orange Regulation 563 (42 FR 34855) are hereby amended to read as follows:

**§ 908.863 Valencia Orange Regulation 563.**

(b) \* \* \*

(1) \* \* \*

- (i) District 1: 260,000 cartons;
  - (ii) District 2: 390,000 cartons.
- (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: July 13, 1977.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc. 77-20553 Filed 7-15-77; 8:45 am]

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

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

**PART 1464—TOBACCO**

**Subpart A—Tobacco Loan Program—  
Fluecured Tobacco**

**Correction**

In FR Doc. 77-18209 appearing at page 32513 in the issue for Monday, June 27, 1977, the middle column, the first line of the table on page 32514 should read as follows:

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
H5F....	134	X2L...	128	P2F....	108
*	*	*	*	*	*

**Title 8—Aliens and Nationality**

**CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

**PART 282—FORMS FOR SALE TO PUBLIC**

**PART 299—IMMIGRATION FORMS**

**Forms for Sale to Public**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the regulations of the Immigration and Naturalization Service to include reference to additional Service application forms which have recently become available for purchase from the Superintendent of Documents, U.S. Government Printing Office. These amendments are being made as the result of continuing Service efforts to expand the number of forms available for purchase from the Superintendent of Documents and the intent of this order is to inform the interested public of the availability of these additional forms.

EFFECTIVE DATE: July 18, 1977.

**FOR FURTHER INFORMATION CONTACT:**

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



**SUPPLEMENTARY INFORMATION:** This order amends 8 CFR 282.1 and 8 CFR 299.2 to add Form G-325A, "Biographic Information", and Form I-485, "Application for Status as Permanent Resident" to the lists of forms available for purchase from the Superintendent of Documents, U.S. Government Printing Office set forth in the above sections. The Service has been advised that the price for each form will be \$7.25 per 100 sets.

These amendments are being published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments are editorial in nature in that they add additional forms to the listing.

In the light of the foregoing, Title 8 of Chapter I of the Code of Federal Regulations is hereby amended as set forth below.

In Part 282, § 282.1 is revised to read as follows:

**§ 282.1 Forms printed by the Public Printer.**

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G-28, G-325A, I-20, I-92, I-94, I-95, I-129B, I-130, I-131, I-140, I-408, I-418 and I-485.

In Part 299, § 299.2 is revised by adding Forms G-325A and I-485 to the listing of forms available from the Superintendent of Documents, U.S. Government Printing Office, and as revised § 299.2 reads as follows:

**§ 299.2 Forms available from the Superintendent of Documents.**

The following forms required for compliance with the provisions of subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: G-28, G-325A, I-20, I-92, I-94, I-95, I-129B, I-130, I-131, I-140, I-408, I-418 and I-485. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

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

Effective date: The amendments contained in this order become effective on July 18, 1977.

Dated: July 13, 1977.

LEONEL J. CASTILLO,  
Commissioner of  
Immigration and Naturalization.

[FR Doc.77-20530 Filed 7-15-77;8:45 am]

**Title 12—Banks and Banking**

**CHAPTER II—FEDERAL RESERVE SYSTEM**

**SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

[Reg. B; Docket No. R-0107]

**PART 202—EQUAL CREDIT OPPORTUNITY**

**Interpretation**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Interpretation.

**SUMMARY:** In response to a request to determine whether an Alabama and a Nevada law are inconsistent with the Equal Credit Opportunity Act and Regulation B, and therefore preempted, the Board has issued an interpretation of its Regulation B, Equal Credit Opportunity. The Board has determined that laws that set a different age of majority for married and unmarried persons are not inconsistent with the Act and regulation.

**EFFECTIVE DATE:** July 8, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Anne Geary, Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (202-452-3946.)

**SUPPLEMENTARY INFORMATION:** Pursuant to its authority under section 705(f) of the Equal Credit Opportunity Act to determine whether State laws are inconsistent with the Act and Regulation B, the Board has issued the following interpretation of Regulation B, which implements the Act.

**§ 202.1103—State laws setting different age of majority for married and unmarried persons not inconsistent with Equal Credit Opportunity Act**

(a) The Board has been asked whether State laws that set a different age of majority for married and unmarried persons are inconsistent with the Equal Credit Opportunity Act and are therefore preempted. These laws, combined with other State laws making contracts unenforceable against persons who have not reached the age of majority, result in different treatment of persons who are the same age, depending upon their marital status. Specifically, the Board has been asked to determine whether Nevada Rev. Stat. 38 section 101 and Alabama Code 34 sections 76 and 76(1), which establish a younger age of majority for married persons than for unmarried persons, are inconsistent with the Equal Credit Opportunity Act. For the reasons set forth below, the Board has determined that these statutes are not inconsistent with the ECOA.

(b) The Equal Credit Opportunity Act prohibits discrimination in the granting of credit on several bases, including age and marital status, and authorizes the Board to determine whether any State laws are inconsistent with this mandate. The Board believes that the ECOA was not intended to preempt laws that provide rights and remedies in the event of default. Section 701(a) (1) of the Act prohibits discrimination on

the basis of age, but specifically allows creditors to consider whether an applicant is old enough to execute an enforceable contract. In other words, a creditor may decline a credit application from a minor because, in the event of default, State contract law does not provide a means to enforce the contract. In addition, section 701(b)(1) allows creditors to ask marital status in order to ascertain " \* \* \* the creditor's rights and remedies applicable to the particular extension of credit \* \* \*."

(c) Accordingly, Regulation B, which in general prohibits the consideration of age or marital status, permits creditors to determine whether the applicant's age<sup>1</sup> or marital status<sup>2</sup> will affect the enforceability of the contract. Credit, therefore, may be denied if the creditor reasonably believes that, because of the age or marital status of the applicant, the credit contract would be unenforceable.

(d) Based upon this analysis, the Board has determined that Nevada Rev. Stat. 38 section 101 and Alabama Code 34 sections 76 and 76(1) are not inconsistent with the Equal Credit Opportunity Act and Regulation B. Creditors may, therefore, consider the effect of these laws without violating the Equal Credit Opportunity Act of Regulation B.

By order of the Board of Governors, effective July 8, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.77-20481 Filed 7-15-77;8:45 am]

**Title 14—Aeronautics and Space**

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

[Docket No. 77-NW-13-AD; Amdt. 39-2969]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Boeing Model 707-300/400/300B/300C Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** On May 19, 1977, and May 27, 1977, telegraphic Airworthiness Directives (AD's) were issued and made effective immediately to all known U.S. operators of Boeing 707-300/400/300B/300C series airplanes. The AD's required inspections of the exposed portion of the rear spar upper chord of the right and left hand horizontal stabilizer for cracks. Such cracks could have caused the recent inflight separation of the rear horizontal stabilizer from a Boeing 707-321C which subsequently crashed. These conditions still exist and the Airworthiness Directive is hereby published

<sup>1</sup> Section 202.6(b)(2)(i): " \* \* \* a creditor shall not take into account an applicant's age (Provided, The applicant has the capacity to enter into a binding contract) \* \* \*."

<sup>2</sup> Section 202.6(b)(1), footnote 8: This provision does not prevent a creditor from considering the marital status of an applicant " \* \* \* for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit \* \* \*."



in the **FEDERAL REGISTER** to make it effective as to all persons.

**DATES:** The Airworthiness Directive was effective upon receipt of the telegram dated May 27, 1977, which contained this amendment. Initial compliance required inspections within the next 75 hours time-in-service or one week, whichever is sooner.

**ADDRESSES:** Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:**

Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone 206-767-2516.

**SUPPLEMENTARY INFORMATION:** Preliminary information from the accident investigation of a Boeing 707-321C which crashed in Zambia, Africa, revealed that the right hand stabilizer separated from the empennage during final approach. Analysis of the fracture surfaces indicates that the upper rear spar chord of the rear horizontal stabilizer experienced a fatigue failure sometime prior to the fatal flight. On May 19, 1977, an AD was issued which required visual inspections of the stabilizer rear spar upper chord. This action was later found to be insufficient, since further investigations indicated that small cracks may exist in the stabilizer rear spar upper chord which are not detectable by visual means but are detectable by nondestructive testing methods (NDT). A superseding AD was issued on May 27, 1977, requiring NDT inspections of the chord. This amendment contains the inspection requirements contained in the superseding AD. The first AD will not be published in the **FEDERAL REGISTER**.

Approximately 427 Boeing 707-300/400/300B/300C airplanes are to be inspected and reported on as necessary. Since at the time the condition became known it was found that immediate corrective 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 by individual telegrams dated May 27, 1977. Since this condition is likely to exist in other 707-300/400/300B/300C airplanes, an Airworthiness Directive was issued requiring dye penetrant or high frequency eddy current or low frequency eddy current inspections of the horizontal stabilizer rear spar upper chord from the side of the body outboard to station 92.55, in accordance with Boeing Alert Service Bulletin No. 3313.

This rule was coordinated with the Boeing Company and the operators

through the Air Transport Association (ATA) prior to issuance.

**DRAFTING INFORMATION**

The principal authors of this document are Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

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

**ADOPTION OF THE AMENDMENT**

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

**BOEING:** Applies to all Boeing 707-300/400/300B/300C series airplanes with more than 30,000 hours time-in-service certificated in all categories. Compliance required as indicated unless already accomplished.

Within the next 75 hours time-in-service or one week after the effective date of this AD, whichever occurs sooner, unless accomplished after May 14, 1977, inspect the exposed portion of the horizontal stabilizer rear spar upper chord, right and left hand, from the side of the body to horizontal stabilizer station 92.55. Inspect in accordance with (1) The low frequency eddy current inspection as described in Boeing Alert Service Bulletin No. 3313, Revision 1 or; (2) The high frequency eddy current inspection as described in Boeing Alert Service Bulletin No. 3313 Revision 1 or; (3) Dye penetrant inspection after stripping paint from the upper rear spar chord. Airplanes found cracked are to be repaired prior to further flight, using an FAA approved repair provided by the Boeing Company. Cracks are to be reported to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, noting airplane identification, hours time-in-service, crack location and magnitude. If inspections cannot be accomplished within one week, permission to ferry their airplane to a place where the inspection can be accomplished may be obtained from the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 27, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(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 Seattle, Washington, on July 7, 1977.

J. H. TANNER,  
Acting Director,  
Northwest Region.

**NOTE:**—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1977.

[FR Doc. 77-20459 Filed 7-15-77; 8:45 am]

[Docket No. 77-WE-8-AD; Amdt. 39-2971]

**PART 39—AIRWORTHINESS DIRECTIVES**

**McDonnell Douglas Model DC-9, -10, -20, -30, -40, -50 Series and VC-9C(DC-9-32) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires specified inspections and rework of the engine pylon front spar structure and fasteners on certain McDonnell Douglas DC-9 airplanes. These inspections and rework are necessary to prevent reduction of spar strength below safe limits.

**EFFECTIVE DATE:** August 23, 1977. Initial compliance—Within the next 1,800 flight hours after the effective date of this AD, or before accumulating 9,800 total flight hours, whichever occurs later.

**ADDRESS:** Copies of Douglas DC-9 Service Bulletin 54-30 and All Operators Letter (A.O.L.) 9-835, may be obtained by writing to: McDonnell Douglas Aircraft Company, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: L. A. Eisenberg, CI-750, 54-60.

A copy of the service bulletin and A.O.L. for this amendment is contained in the Rules Docket in Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** On April 18, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain McDonnell Douglas Model DC-9 airplanes (42 FR 20145). The AD requires inspection of the engine pylon front spar and fasteners and rework or replacement if necessary. Douglas Service Bulletin 54-30 and AOL 9-835 pertain to this AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice. Except for editorial changes, and except as specifically discussed hereinafter, this amendment and the reasons therefore



are the same as those contained in the notice.

Several commenters questioned the suitability of ultrasonic inspection, and further, whether the need for any type of inspection of the spar cap horizontal flange, inboard of the fuselage skin line was necessary. They stated that the ultrasonic inspection was not adequate since it did not provide positive or conclusive results; eddy current was utilized in a number of instances to verify or detect cracks or other damage. It was also stated that, in some cases, the location of the inspection area precluded the use of ultrasonic methods, since on certain airplane interior configurations, this area is sandwiched between either a galley or a lavatory or a combination and therefore is inaccessible.

Several commenters also questioned the need for inspection of the inboard section of the horizontal leg. They stated that, in none of the known spar cap failures to date, have there been any reports of detectable damage or failures of the inboard horizontal leg. Further, all of the failures have occurred or originated in, and have been confined to, the inner angle vertical leg, and in no case, has the outer, fall safe, angle incurred any detectable damage. They also commented that all failures, both inboard and outboard of the fuselage, including the outboard horizontal leg, have been detected by radiographic inspection.

The FAA agrees in part with these comments. Although the cracks and/or failures have occurred in only the vertical leg of the inboard section of the spar cap inner angle, there is sufficient supportive data to establish that it is possible for cracks to occur in the horizontal leg, similar to the type of cracks found in the horizontal leg outboard of the fuselage. Also in this regard, we have concluded that, provided proper access, the ultrasonic inspection method, together with the backup or alternate eddy current inspection method, as specified in Service Bulletin 54-30, should provide satisfactory results. The FAA recognizes that the inboard inspection area, particularly on certain interior configurations, is not readily accessible and that additional man-hours will be incurred as the result of removing the galley and lavatory units. The AD as adopted, requires inspection of the horizontal leg of the spar cap, inboard of the fuselage skin line. Equivalent inspection methods and modifications may be approved upon submission of adequate data.

Based upon information furnished in the comments by interested parties, the FAA has determined that the initial and repetitive inspection compliance time(s) of 1600 and 3200 flight hours, as proposed in the notice, may be extended while insuring a level of airworthiness commensurate with the intent of the Federal Aviation Regulations. The rule as adopted provides for initial and repetitive inspections at intervals not to exceed 1800 and 3600 flight hours, respectively.

#### DRAFTING INFORMATION

The principal authors of this document are Harry J. Irwin, Aircraft Engineering

Division, and Richard G. Wittry, Office of the Regional Counsel.

#### ADOPTION OF THE AMENDMENT

In consideration of the comments received 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 by adding the following new Airworthiness Directive (AD):

**McDONNELL DOUGLAS.** Applies to Model DC-9-10, -20, -30, -40, -50 series and VC-9C (DC-9-32) airplanes certificated in all categories, fuselage numbers, P/N-1 through P/N-837, which correspond to the factory serial numbers listed in Douglas DC-9 Service Bulletin 54-30 dated January 19, 1977, or later FAA approved revisions.

Compliance required as indicated.

To detect fatigue cracks and/or failure of the engine pylon front spar attachments and upper cap, accomplish the following:

(a) Within the next 1,800 flight hours after the effective date of this AD, or before accumulating 9,800 total flight hours, whichever occurs later, unless already accomplished within the last 1,800 flight hours, and thereafter at intervals not to exceed 3,600 flight hours from the last inspection, accomplish radiographic and ultrasonic or eddy current inspections in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

For those operators who have conducted only the radiographic inspections per Douglas All Operators Letter, AOL 9-835, dated October 30, 1974, perform the ultrasonic or eddy current inspection, and thereafter, the radiographic and ultrasonic or eddy current inspection per the requirements of this AD, as applicable.

(b) If cracks or failures are found, before further flight, accomplish the modification described in Condition II in Douglas Service Bulletin 54-30 in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

(c) The inspections required by paragraph (a) may be discontinued for that pylon(s) upon accomplishment of either or both modifications (Condition I; Condition II) specified in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

(d) Equivalent inspection procedures and modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

This amendment becomes effective August 23, 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 Los Angeles, California, on July 7, 1977.

JAY R. ADSEN,  
Acting Director,  
FAA Western Region.

[FR Doc. 77-20458 Filed 7-15-77; 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—Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

**SUMMARY:** In a rule published in the FEDERAL REGISTER of June 16, 1977, Volume 42, page 30606, the LaBelle VOR 120° radial was incorrectly stated. This correction reflects the correct radial of LaBelle as 121°.

**EFFECTIVE DATE:** July 15, 1977.

##### 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:** FR Doc. 77-16826 was published on June 16, 1977 (42 FR 30606), with an effective date of August 11, 1977, and designates an east alternate to Victor Airway 97 between Miami, Fla., and LaBelle, Fla. An incorrect radial from the LaBelle VOR of 120° was inadvertently published. The correct radial should have been 121°. Action is taken herein to correct this error.

#### ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 77-16826, as published on June 16, 1977, page 30606, is amended by deleting "LaBelle 120°" and substituting "LaBelle 121°" 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 11.89.)

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

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

[FR Doc. 77-20302 Filed 7-15-77; 8:45 am]

[Airspace Docket No. 77-SW-18]

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

Alteration of Transition Area: Pleasanton, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.



**ACTION: Final rule.**

**SUMMARY:** This amendment alters the Pleasanton, Tex., transition area to provide controlled airspace for the change in the NDB approach course to the Pleasanton Municipal Airport from the 166° magnetic bearing to the 160° magnetic bearing. The change will improve the instrument approach to the airport.

**EFFECTIVE DATE:** October 6, 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 Pleasanton, Tex., transition area.

On May 16, 1977, a notice of proposed rule making was published in the *FEDERAL REGISTER* (42 FR 24752) stating that the Federal Aviation Administration proposed to alter the Pleasanton, Tex., transition area to provide controlled airspace for the change in the NDB approach course to the Pleasanton Municipal Airport from the 166° magnetic bearing to the 160° magnetic bearing to improve the instrument approach to the airport.

Interested persons were afforded an opportunity to participate in the rule making 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 GMT, October 6, 1977, as hereinafter set forth.

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

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (Latitude 38°57'00" N., Longitude 98°31'20" W.) and within 3 miles each side of the 160° magnetic bearing from the Pleasanton NDB 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. 1555(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 July 8, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.77-20460 Filed 7-15-77;8:45 am]

**CHAPTER II—CIVIL AERONAUTICS BOARD**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Regulation ER-1008, Amdt. 10]

**PART 207—CHARTER TRIPS AND SPECIAL SERVICES**

**Charters by Air Freight Forwarders**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Board's regulations governing charters by certificated route air carriers by eliminating the requirement for prior consent, for inbound-U.S. charters to foreign air freight forwarders, which U.S.-flag air carriers operating scheduled service over the route of the charter now have. The rule implements a part of the Board's decision in the *Air Freight Forwarders' Charters Investigation*, Docket 23287, contained in Opinion and Order 77-7-25, adopted July 8, 1977.

**DATES:** Effective: September 11, 1977. Adopted: July 8, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Babcock, Rules Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

Accordingly, the Board hereby revises paragraph (b) (3) of § 207.11 of its Economic Regulations (14 CFR 207.11(b) (3)) to read as follows:

**§ 207.11 Charter flight limitations.**

(b) . . . . .

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, 401, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754 (as amended), and 771; 49 U.S.C. 1301(3), 1324, 1371 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.77-20438 Filed 7-15-77;8:45 am]

[Regulation ER-1009, Amdt. 10]

**PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION**

**Charters by Air Freight Forwarders**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Board's regulations governing charters by certificated supplemental air carriers by eliminating the requirement of prior consent, for inbound-U.S. charters to foreign air freight forwarders, which U.S. flag air carriers operating scheduled service over the route of the charter now have. The rule implements a part of the Board's decision in the *Air Freight Forwarders' Charters Investigation*, Docket 23287, contained in Opinion and Order 77-7-25, adopted July 8, 1977.

**DATES:** Effective: September 11, 1977. Adopted: July 8, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Babcock, Rules Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

Accordingly, the Board hereby revises paragraph (b) (3) of § 208.6 of its Economic Regulations (14 CFR 208.6(b) (3)) to read as follows:

**§ 208.6 Charter flight limitations.**

(b) . . . . .

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, 401, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754 (as amended), and 771; 49 U.S.C. 1301(3), 1324, 1371 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.77-20437 Filed 7-15-77;8:45 am]



[Regulation ER-1010, Amdt. 20]

**PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS****Charters by Air Freight Forwarders**

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** This final rule amends the Board's regulations governing charters by foreign route air carriers by eliminating the requirement of prior consent, for inbound-U.S. charters to foreign air freight forwarders, which U.S.-flag air carriers operating scheduled service over the route of the charter now have. The rule implements a part of the Board's decision in the Air Freight Forwarders' Charters Investigation, Docket 23287, contained in Opinion and Order 77-7-25, adopted July 8, 1977.

**DATES:** Effective: September 11, 1977. Adopted: July 8, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Babcock, Rules Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. 202-673-5442.

Accordingly, the Board hereby revised paragraph (a)(3) of § 212.8 of the Board's Economic Regulations (14 CFR 212.8(a)(3)) to read as follows:

**§ 212.8 Charter flight limitations.**

(a) \* \* \*

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective permit issued by the Board under section 402 of the Act; and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(Secs. 101(3), 204, 402 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 757 and 771; 49 U.S.C. 1301(3), 1324, 1372 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-20436 Filed 7-15-77; 8:45 am]

[Reg. ER-1012, Amdt. 59; Docket 29387]

**PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION****Fuel Surcharge Rates**

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** This final rule amends the fuel surcharge rates (ER-989, March 7,

1977) applicable to the interim final minimum military charter rates (ER-962, July 27, 1976) for foreign and overseas air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). The basis for issuing this surcharge amendment is the increase in average fuel price for the participating MAC carriers by 1.12 cents per gallon—from 40.58 cents per gallon reflected in the currently effective fuel surcharge rate to the currently reported average price of 41.70 cents per gallon.

**DATES:** Adopted: July 12, 1977. Effective: July 12, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Leonard S. Friedman, Postal and Military Rates Section, Bureau of Economics, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. 202-673-5368.

**SUPPLEMENTARY INFORMATION:**

In accordance with established procedure and methodology, the Board has completed its monthly review of fuel prices reported on C.A.B. Form 41, Schedule P-12(a) for foreign and overseas MAC air transportation services for the month of May 1977, and is amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.<sup>1</sup> The basis for issuing this surcharge amendment is the increase in average fuel price for the participating MAC carriers by 1.12 cents per gallon—from 40.58 cents per gallon reflected in the currently effective fuel surcharge rate<sup>2</sup> to the currently reported average price of 41.70 cents per gallon.

The Appendix<sup>3</sup> sets forth the results of the surcharge rate computation for the reported fuel price changes for commercial and military fuels consumed in military charter service for the month of May 1977, as reported on Schedule P-12(a), and the rate impact for the changes in current average fuel prices from those reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective July 12, 1977, to increase the long-range Category B and Category A rate from 2.72 to 3.96 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make these amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board amends Part 288 of its Economic Regulations (14 CFR Part 288) effective July 12, 1977, as follows:

1. Amend § 288.7 in paragraph (a) by amending the third proviso following the table and in paragraph (d) by amending the proviso to subparagraph (1) and (2) to read:

<sup>1</sup> ER-962, effective July 27, 1976.<sup>2</sup> ER-989, effective March 7, 1977.<sup>3</sup> Appendix filed as part of the original document.**§ 288.7 Reasonable level of compensation.**

(a) \* \* \* : *Provided, however,* That effective July 12, 1977, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 3.96 percent, 3.57 percent, and 3.57 percent, respectively.<sup>4</sup>

(d) For Category A transportation \* \* \*

(1) \* \* \*

(2) \* \* \*

*Provided,* That effective July 12, 1977, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 3.96 percent.

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-20535 Filed 7-15-77; 8:45 am]

[Regulation ER-1011, Amdt. 3]

**PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS****Charters by Air Freight Forwarders**

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** This rule amends the Board's regulations governing air freight forwarders by eliminating the requirement that international air freight forwarders must obtain the prior consent of all U.S.-flag air carriers operating scheduled service on a particular route before chartering an aircraft for a flight over the same route. The rule being amended applied to all charters by international air freight forwarders in foreign air transportation. This amendment implements a part of the Board's decision in the Air Freight Forwarders' Charters Investigation, Docket 23287, contained in Opinion and Order 77-7-25, adopted July 8, 1977.

**DATES:** Effective: September 11, 1977. Adopted: July 8, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Babcock, Rules Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. 202-673-5442.

<sup>4</sup> The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types



Accordingly, the Board hereby amends Part 296 of its Economic Regulations (14 CFR Part 296) as follows:

1. Amend the Table of Contents to Part 296 by revoking and reserving the listing for § 296.41, Charter trips in overseas and foreign air transportation over routes of a certificated carrier.

2. Revoke and reserve § 296.41.

(Secs. 101(3), 204 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743 and 771; 49 U.S.C. 1301(3), 1324, and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-20439 Filed 7-15-77; 8:45 am]

#### SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-128, Amdt. 5; Docket No. 29940]

### PART 371—ADVANCE BOOKING CHARTERS

#### Amendment To Allow Fee for Substitutions

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** This rule amends the Advance Booking Charter rule to allow charter operators to charge a fee of up to 25 dollars for making substitutions for withdrawing participants, except in the case of charters to certain European countries. The action was initiated by a petition from the Charter Travel Corporation.

**DATES:** Effective: August 14, 1977.  
Adopted: July 11, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Richard B. Dyson, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

#### SUPPLEMENTARY INFORMATION:

By SPDR-54, 42 FR 5367, January 28, 1977, the Board proposed to amend Part 371, Advance Booking Charters (ABC), to allow charter operators, when a substitute is found for a canceling participant, to charge the participant a fee to cover administrative expenses. The proposed amendment to § 371.14(a), in response to a petition by Charter Travel Corporation, would add an exception to the rule that all money must be refunded to a canceling participant if a substitute is found, to allow a fee of up to 25 dollars to cover the expenses involved in the substitution.

The reason for the proposal is that the present rule, by requiring charter operators to refund the entire charter price to a withdrawing participant, amounts to a disincentive for the operator to find substitutes and to some extent counteracts the intent of the substitution provision. The proposed amendment would exclude charters to countries of the Eu-

ropean group for which the ABC rule has a longer booking period (Belgium, the Federal Republic of Germany, Finland, France, Ireland, Italy, the Netherlands, Switzerland, and the United Kingdom).

Comments were received from the Board's Office of the Consumer Advocate (OCA), Charter Travel/Brendan Tours, Gogo International, American Travel Abroad, California Holidays, Hawaiian Holidays, Unitours, and Duncan Travel Service. All of the comments generally supported the proposal to allow a substitution fee. While some agreed that the 25-dollar limit was reasonable, others argued that the rule should set no maximum on the fee, and that the amount should be a business decision of the charter operators. The Board does not agree with this position. Although the fees charged will be set forth in the operator-participant contracts, it seems likely that a substantial percentage of participants do not read the provisions carefully, do not fully understand them, do not adequately evaluate the possibility and the consequences of having to withdraw from the charter, or assume that charters are identical in this respect and are unwilling or unable to shop for the best terms. In these circumstances, a measure of consumer protection, limiting the fees to an amount that would cover reasonable costs, is found desirable.

OCA suggested that the allowed fee for ABC substitutions should, to avoid consumer confusion, be consistent with that for Travel Group Charters (14 CFR Part 372a), which is 5 percent of the charter price. As suggested in the proposal, the Board finds a flat maximum preferable to a percentage, since it is not clear that the expenses incurred in arranging substitutions vary according to the price of the charter. As for changing the TGC rule to conform to this ABC amendment, it does not appear justified at this time. The TGC rule differs from the ABC rule in various respects, including the obligation of participants to share the total cost of the charter price. Consequently, it is by no means clear that the TGC substitution charge should also be changed without instituting a separate rulemaking. Whether such a new proceeding is warranted appears doubtful, since in terms of volume, the TGC rule has largely been supplanted by the ABC rule.

Several commenters objected to the exclusion of "European" charters from the substitution fee allowance. The reasons for differing rules for charters to that group of countries were discussed in some detail in the preamble to the issuance of the ABC rule, SPR-110, 41 FR 37763, September 8, 1976. As stated in that issuance, "the Board believes that, in the interest of promoting travel and harmony in aviation relations with our principal European partners, the ABC rule should strive for international acceptability and commonality of charter rules with the European countries comprising the major charter destinations of United

States travelers." 41 FR 37764-5. The proposed exclusion of European charters from the amendment to make substitution easier was based on a judgment by the Board that it would further these interests. The Board adheres to that position in this issuance.

#### ISSUANCE OF AMENDMENT

Accordingly, in 14 CFR Part 371, Advance Booking Charters, the Civil Aeronautics Board amends § 371.14(a) to read as follows:

§ 371.14 Substitution for charter participants named on filed list.

Substitutes may be arranged for charter participants at any time preceding departure, only in accordance with the following:

(a) The charter participant for whom a new participant is substituted shall receive a full refund of all monies paid to the charter operator with respect to the charter, except that, with respect to non-European charters, the charter operator may reserve the right to retain an administrative fee of not more than 25 dollars for effecting the substitution.

(Secs. 101, 204, 401, 402, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 737, 743, 754, 757, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-20549 Filed 7-15-77; 8:45 am]

#### SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-129, Amdt. 9; Docket No. 27145]

### PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

#### Transit Flights; Scheduled International Air Service Operations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** This amendment will require that foreign carriers by air desiring to operate transit flights pursuant to the terms of the International Air Services Transit Agreement (59 Stat. 1693) file a Notice of such proposed transit flights fifteen days prior to the commencement of such flights, and provides that the Board by Order of Notification may prevent inauguration or continuation of any such flights pending further procedures for consideration of any question which may exist as to the operation of those flights under the Agreement.

**DATES:** Effective: September 10, 1977.  
Adopted: July 12, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Peter B. Schwarzkopf, Assistant to the General Counsel, International Affairs, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5436.



**SUPPLEMENTARY INFORMATION:** In notice of proposed rulemaking SPDR-39,<sup>1</sup> the Board proposed amendment of Part 375 of its Special Regulations (14 CFR Part 375) so as to revise the provisions of section 375.45 thereof which relate to authority for the navigation of foreign civil aircraft in scheduled international air services in transit over the United States. Section 375.45 presently grants a blanket authorization to foreign carriers, pursuant to the regulations, to perform transit flights in U.S. air space pursuant to the provisions of the International Air Services Transit Agreement (59 Stat. 1693), subject to the advance approval of the Administrator of the Federal Aviation Administration for the route proposed to be followed. Transit flights to be performed other than pursuant to the provisions of the International Air Services Transit Agreement require a special application and issuance of a Foreign Aircraft Permit pursuant to the provisions of section 375.70. The proposed amendment to section 375.45 would have required a specific application and issuance of a Foreign Aircraft Permit, pursuant to section 1108(b) of the Act, prior to commencement of any transit flights in U.S. air space, whether or not performed pursuant to the International Air Services Transit Agreement.

The Board pointed out in its rulemaking notice that under the existing section 375.45 provisions, it was contemplated that the Administrator of the Federal Aviation Administration would exercise the function of determining whether a particular operation did, in fact, fall within the scope of rights granted pursuant to the International Air Services Transit Agreement. However, it had recently come to the Board's attention that the Administrator construed his function under this regulation as strictly one of issuing safety or traffic control approval, and that an alternative administrative avenue was required in order to provide an orderly means for resolution of issues as to whether particular transit flights fall within the scope of the International Air Services Transit Agreement, or should otherwise be authorized.<sup>2</sup>

Comments in support of the proposed rule have been filed by the Air Transport Association on behalf of ten U.S. domestic carriers, Pan American World Airways, Inc., and the American Society of Travel Agents. Comments opposing the proposed rule have been filed by the Swiss Air Transport Company, Ltd. (Swissair), and Air Europe International, S.A. ("Air Europe"), a Luxembourg carrier by air which had previously proposed certain operations between Tijuana, Mexico and Luxembourg, in transit across United States air space.

The Department of State filed a comment which basically agrees that the United States Government should have a means to deal with the problem of transit flights unauthorized by the International Air Services Transit Agreement, but suggesting that alternative procedures be considered which would be less burdensome on foreign carriers legitimately exercising rights granted pursuant to that Agreement. A comment of the Department of Transportation similarly supports any appropriate effort by the Board to utilize procedures to prevent abuse of the International Air Services Transit Agreement, but also expresses concern with the Board's imposition of an unnecessary burden upon legitimate air transit operations.

Reply comments have been filed by the Air Transport Association and Pan American, emphasizing the need for control over foreign carrier transit operations, and urging the immediate adoption of the proposed rule.

Upon consideration of the comments, the Board finds merit in the concern expressed by the Department of State, the Department of Transportation, and Swissair, to the effect that the proposed rule may constitute an unnecessary burden upon legitimate transit services operated in full conformity with the International Air Services Transit Agreement and that other alternatives may provide an equally effective solution to the problem of questionable operations, while minimizing the burdens imposed. The Board retains its view, nevertheless, that appropriate procedures should be adopted pursuant to which the Board will have an opportunity to examine, and, to the extent necessary, to withhold authority for transit operations which appear to raise questions of legitimacy under the Transit Agreement, pending appropriate resolution of such questions. In this connection the Board notes that a proposed operation, allegedly under authority of the Transit Agreement, might raise questions whether such operations, even if between two foreign points, may be in air transportation, and hence not authorized pursuant to the Transit Agreement (at least in the absence of issuance of a section 402 permit authorizing such operations in accordance with the requirements of the Federal Aviation Act). It may also raise questions whether such authority should be withheld, pursuant to Section 5 of Article I of the Transit Agreement, "in any case where it (the Board) is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State (United States) over which it operates, or to perform its obligations under this Agreement."

The Board has concluded, on the other hand, that the objective of the proposed regulations can be achieved by requiring a Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement to be filed with the Board (Director, Bureau of Operating Rights) not less than 15 days in advance

of the proposed commencement of the transit flights, accompanied by certain minimal data which will permit the Board to make a preliminary determination as to whether any questions exist as to the legitimacy of the proposed operation. The Board will, therefore, revise the proposed rule to provide for the filing of such a Notice, and following such a timely filing, if no questions appear to exist, to permit the proposed operations to be conducted without further authorization from the Board. However, if on the basis of the Notice filing the Board concludes that a question exists as to whether (1) the proposed services are authorized pursuant to the terms of the International Air Services Transit Agreement; (2) substantial ownership and effective control are vested in nationals of a State party to the International Air Services Transit Agreement; (3) the proposed operations will be in compliance with the laws of the United States, the Board's regulations, or the provisions of this section; or (4) the operator or its government have performed their obligations under the International Air Services Transit Agreement, the Board would issue an order notifying the carrier of the existence of such questions. Upon issuance of such order of notification, the carrier would be precluded from performing such operations unless or until the questions were resolved by further proceedings, the nature of which would be determined by the Board. The notification would, except as otherwise specified by the Board, preclude operation of any flights which had been proposed to be operated subsequent to the issuance of such order of notification pending the completion of such proceedings. The carrier would be authorized to commence or recommence such transit operations only upon issuance of a Foreign Aircraft Permit pursuant to the provisions of section 1108(b) of the Act, specifically authorizing the operations.<sup>3</sup>

The Board wishes to make it clear that the intent of the revised regulation is only to minimize the burden upon transit operators where it appears from the face of their Notice filing that there is no question as to the right of such carrier to perform the proposed transit operations pursuant to the provisions of the International Air Services Transit Agreement. The issuance of an order notifying the carrier that a question exists as to the legitimacy of the proposed operations should in no sense be considered a determination of such questions. Such an order would be a determination only that further inquiry is required to resolve the questions which had arisen. In this connection, carriers should be advised that the burden to establish clearly the existence of rights under the International Air Services Transit Agreement, and the absence of any circumstances pursuant to which such rights might appropriately

<sup>3</sup> In the event of issuance of such an order of notification, the carrier's Notice of Proposed Transit Flights would be treated as an application for a Foreign Aircraft Permit authorizing such transit operations.

<sup>1</sup> November 1, 1974, 39 FR 39293, November 6, 1974.

<sup>2</sup> The Board noted that in the usual case, where the applicant's home government was a signatory of the International Air Services Transit Agreement, it was anticipated that appropriate approval would be routinely granted.



be withheld or revoked pursuant to Section 5 of Article I of the International Air Services Transit Agreement, rests with such carriers. Therefore, it will be essential for a carrier to include in the advance Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement, all data that is necessary to remove any question as to the legitimacy or appropriateness of the proposed operations. The failure to include sufficient data in this respect could be expected to lead to issuance of an order notifying that a question exists, and would invite further procedures for resolution of such questions before such operations would be authorized.

The material to be included in the Notice of Proposed Transit Flights constitutes the minimum which the Board considers necessary to make the preliminary determination as to the legitimacy or appropriateness of the proposed operation. Thus, the notice will require a statement of nationality of any direct or indirect interest or stock ownership of the operator or carrier providing the services, but details need be provided only to the extent there exists nationality interests other than that of the State of incorporation or citizenship. Similarly, only such nonnational citizenship of corporate officers or directors need be disclosed. However, if any such nonnational citizenship does exist, with respect to any stock or other direct or indirect interest in the operator or carrier performing the service, or of a corporate officer or director, the nationality and full extent of such interest or corporate influence must be disclosed. Failure to make such full disclosure will inevitably require the issuance of a notice of the existence of a question, and further procedures for resolution of the question before operations can be commenced or continued. There will also be required to be included in the advance Notice filing copies of any advertisements or publications of the proposed service in the United States, since, obviously, such advertisements may constitute the basis of a holding out pursuant to which an air operation performed between two points wholly outside the United States might constitute "air transportation" to or from the United States. Changes in information required to be included in the Notice, with the exception of minor changes in schedules or routing, would also be filed.

The transit carrier may incorporate in a single Notice its proposals for scheduled service for a limited period or for indefinite duration. However, the failure of the Board to issue an order notifying the carrier that a question exists prior to the initial flight shall not be construed as an approval or condoning of any subsequent flight which, as noted, would require the prior specific issuance of a Foreign Aircraft Permit if operated at any time subsequent to issuance of an order notifying the carrier that a question exists. Operators of aircraft registered in countries not parties to the International Air Services Transit Agree-

ment will be required to make special application to the Board under section 375.70, and to obtain a Foreign Aircraft Permit in advance of commencement of the proposed flights, in accordance with existing procedures.

We have considered the arguments of Air Europe and Swissair that the proposed regulation is inconsistent with the provisions of the International Air Services Transit Agreement, and respective bilateral in effect between the United States and other countries. We find such arguments to have no merit. Apart from numerous other considerations, it is sufficient to point out that the specific right granted pursuant to Section 5 of Article I to withhold or revoke the transit authority on the basis of lack of satisfaction as to ownership or control, or compliance with United States laws (including the obtaining of any authorization required pursuant to the Federal Aviation Act, a provision specifically set forth in the standard bilateral agreement) necessarily contemplates that governments may require carriers to submit sufficient data to enable them to determine whether the provisions of the International Air Services Transit Agreement, or Section 5 of Article I thereof, are applicable. And we reiterate, in contrast to the position of Swissair, that we consider that the burden rests upon the carrier to establish that he is entitled to any rights which may be afforded by any applicable international agreements.

The Department of Transportation requests that the reference to approval by the Administrator be deleted from the regulation in order to avoid any implication that the Administrator would exercise a function other than safety air traffic control. We have deleted the reference as requested. However, carriers should be aware that the deletion does not in any way relieve them of the responsibility for full compliance with the Federal Air Regulations in conducting transit, or any other operations, as specifically set forth in section 375.22 of the regulations. The rule provides that a copy of the Notice of Proposed Transit Flights be served upon the Department of State and the Administrator of the Federal Aviation Administration. This will afford an opportunity for these Executive Departments to transmit to the Board any relevant matters pertaining to the proposed operation.

The rule will be made effective 60 days after the date of its adoption. This will provide ample opportunity for foreign carriers conducting existing transit operations to timely file the required Notice of Proposed Transit Flights 15 days prior to the effective date of the Rule.

We have considered all other contentions and have concluded that section 375.45 should be amended in the manner set forth below.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 375 of the Board's Special Regulations (14 CFR 375), effective September 10, 1977, as follows:

1. Amend the Table of Contents and the title to Subpart E by revising the title to Subpart E to read as follows:

**Subpart E—Operations Requiring Specific Preflight Authorization or Filing**

2. Amend § 375.45 to read as follows:

**§ 375.45 Transit flights; scheduled international air service operations.**

(a) *Requirement of notice.* Scheduled international air services proposed to be operated pursuant to the International Air Services Transit Agreement in transit across the United States may not be undertaken by foreign civil aircraft unless the operator<sup>1</sup> of such aircraft, and (if other than the operator) the carrier offering such service to the public, has, not less than 15 days prior to the date of commencement of such service, filed a Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement in accordance with the provisions of paragraphs (b) and (c) below.

(b) *Filing of the notice.* An original and two copies of the Notice shall be filed with the Director, Bureau of Operating Rights, Civil Aeronautics Board. Copies of the Notice shall be served upon the Department of State and the Administrator, Federal Aviation Administration. The filing date shall be the date of actual receipt by the Board.

(c) *Content of notice.* A "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement" shall be clearly labeled as such, and as a minimum shall set forth, with whatever detail may be necessary, the following information:

(1) The name, country of organization, and nationality of all ownership and control interests, of the operator; and, if other than the operator, of the carrier offering the services to the public. If any interest (direct or indirect) in the operator or offeror of services is held by nationals of a country other than the country of organization or citizenship, the nature and extent of such interest must be fully disclosed. If any officer or director of the operator or carrier offering the services is a national of a country other than the country of organization or citizenship, the position and duties of such officer or director, and his relevant position in relation to other officers and directors must similarly be fully disclosed.

(2) The State of Registration of the aircraft proposed to be operated.

(3) A full description of the proposed operations including the type of operations (passenger, property, mail, or combination), date of commencement, duration and frequency of flights, and routing (including each terminal and intermediate point to be served).

(4) A statement as to whether or not any advertisement or publication of the proposed operations has been made in the

<sup>1</sup> Any person leasing an aircraft with crew is considered to be an operator of such aircraft. See 14 CFR 218.



United States. If there has been any advertisement or publication of the operations in the United States, copies of all such advertisements or publications should be included.

Any change with respect to these matters (minor changes in schedules or routing excepted), shall also be filed with the Board's Bureau of Operating Rights.

(d) *Authorized operations.* If the operator and the carrier offering services to the public (if different from the operator) have filed a "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement," at least 15 days before the date of commencement of the proposed operations in accordance with paragraphs (a), (b) and (c) above, the described operations may be commenced and performed without further authorization from the Board, unless or until the Board issues an order notifying the operator and/or the carrier offering the services to the public that, considering the matters submitted in the Notice, the Board is of the view that a question may exist as to whether (1) the proposed services are authorized pursuant to the terms of the International Air Services Transit Agreement; (2) substantial ownership and effective control are vested in nationals of a State party to the International Air Services Transit Agreement; (3) the proposed operations will be in compliance with the laws of the United States, the Board's Regulations, or the provisions of this section; or (4) the operator or its government have performed their obligations under the International Air Services Transit Agreement.

(e) *Prohibited operations.* If the Board issues an order of notification as described in paragraph (d) above, neither the operator, nor the carrier offering the services to the public, shall commence the proposed operations, or, except as may be otherwise specified in the order, operate any flights subsequent to receipt of the order, unless or until the Board issues a Foreign Aircraft Permit pursuant to the provisions of section 1108(b) of the Act specifically authorizing such operations.

(f) *Foreign Aircraft Permit—Application and Procedures.* If the Board issues an Order of Notification as described in paragraph (d) above, the carriers' Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement shall be treated as an application for the required Foreign Aircraft Permit, and further procedures on such application shall be as directed by the Board.

(g) *Short notice filing.* Nothing in this section shall be construed as precluding the filing of an application for a Foreign Aircraft Permit to perform transit operations pursuant to the International Air Services Transit Agreement less than 15 days in advance of the proposed operation; *Provided:* That, no such flights shall be operated unless or until a specific Foreign Aircraft Permit authorization has been issued by the Board.

(h) *Nature of privilege conferred.* Air transportation is not authorized under this section, and the burden rests upon each operator and carrier to show that the contemplated operations will not constitute air transportation within the meaning of the Federal Aviation Act. In addition, each operator and carrier has the burden of demonstrating that the proposed operations are authorized pursuant to the International Air Services Transit Agreement, and that the appropriate authorization should not be withheld pursuant to Section 5 of Article I thereof. Stopovers for the convenience or pleasure of the passengers are not authorized under this section and stops other than for strictly operational reasons shall not be made. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 of the Act is not authorized by this section. Any authorization or permit granted by this section is nontransferable, and may be withheld, revoked, suspended, withdrawn, or cancelled by the Board, without notice or hearing, if required by the public interest. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Board under § 375.70.

(Sections 204(a) and 1108(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 798, 49 U.S.C. 1324, 1508.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 77-20550 Filed 7-15-77; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

#### PART 1025—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

##### Interim Rules of Practice for Adjudicative Proceedings Under Consumer Product Safety Act and Flammable Fabrics Act

###### Correction

In FR Doc. 77-17690 appearing on page 31431, in the issue for Tuesday, June 21, 1977, on page 31437, the 3rd column, paragraph (e) should be corrected to read as follows:

##### § 1025.31 General provisions governing discovery.

(e) *Sequence and timing of discovery.* Discovery may commence at any time after filing of the answer. Unless otherwise provided in these Rules or by order of the Presiding Officer, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

On page 31442, § 1025.48(a) should read as follows:

##### § 1025.48 Official docket.

(a) The official docket in adjudicatory proceedings will be maintained in the Office of the Secretary and will be available for public inspection during normal working hours (8:30 a.m. to 5 p.m.) Monday through Friday.

## PART 1028—PROTECTION OF HUMAN SUBJECTS

### Issuance of Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures and requirements for the protection of human subjects applicable to all Commission contracts, grants, or other agreements supporting research or related activities in which human subjects are involved.

The rule is intended to assure that before work is performed under such an agreement, any risk to human subjects has been fully evaluated and demonstrated to be justified by the value of the information to be gained. Also the rule requires that the individual subjects or their legal representatives give consent to incurring the risk only after being fully apprised of all the circumstances and of all the risks.

EFFECTIVE DATE: August 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Albert F. Esch, M.D., Medical Director, Consumer Product Safety Commission, Washington, D.C. 20207. (301-492-6641.)

SUPPLEMENTARY INFORMATION: On September 2, 1976, the Consumer Product Safety Commission published for comment a proposed rule (41 FR 37120) to provide procedures and requirements for the protection of human subjects in research or related activities carried out under Commission grants, contracts, or similar agreements. Comments received are addressed below.

### DISCUSSION OF COMMENTS

1. A few comments pointed out that §§ 1028.10(b) (1) and (2) of the proposed rule could be read to require that sample copies of consent forms, to be retained by organizational committees, must be copies of the executed consent form. The subsections have been changed. Only unsigned, but otherwise complete, samples are required to be retained in the committee's records. The executed consent form may be retained by an organization officer responsible for administering performance of the agreement.

2. One comment questioned whether § 1028.1(c), in stating that Part 1028 does not apply to opinion surveys, questionnaires, or to solicitation of information about past events, might disregard risks to the privacy of individuals and the



confidentiality of information collected. The Commission believes that privacy and confidentiality for information collected as described in § 1028.1(c) are adequately protected by the terms of the Privacy Act and the Freedom of Information Act and the Commission rules thereunder (16 CFR Part 1015 and 16 CFR Part 1014 (42 FR 10491, February 22, 1977) respectively). Therefore, no change has been made in § 1028.1(c).

3. A few comments pointed out confusing language in §§ 1028.13 and 1028.14. This language has been eliminated as unnecessary. Other minor corrections of errors and language clarifications have been made throughout the rules in response to the comments.

4. Almost all of the comments received requested that the Commission accept institutional general assurances approved by the Department of Health, Education, and Welfare under its Protection of Human Subjects Rules (45 CFR Part 46). The comments also requested that no special assurance be required of an institution which has had its general assurance approved. The basis of these requests was the avoidance of unnecessary duplication of paperwork. The Commission agrees with the comments, and changes have been made accordingly to §§ 1028.2(f), 1028.2(g), 1028.4, 1028.5, 1028.12, and 1028.16(b) (2).

5. One comment emphasized the burden of keeping general assurances continuously updated and on file with several government agencies and requested that organizations not be required to file a copy of a Department of Health, Education, and Welfare (DHEW)-approved general assurance with the Commission. The commenter apparently assumed that the Commission intends to maintain a duplicate of the entire DHEW file of assurances; this is not the case. The Commission believes that its activities which involve subjects at risk will be relatively infrequent and will never approach the number of comparable activities sponsored by the DHEW. Therefore, organizations should not submit copies and updates of DHEW-approved general assurances to the Commission as a matter of course. Copies of current DHEW-approved assurances should only be submitted in connection with a grant or contract proposal. Grantees or contractors will be expected to notify the Commission of changes in DHEW-approved general assurances only during the period of performance of the Commission grant or contract. Section 1028.4 has been changed to clarify this procedure.

6. One comment expressed the belief that no third person ought to be allowed to consent to exposure of another to non-therapeutic risks. This comment was directed at §§ 1028.3(b) (1) and 1028.10(b) (1) which would permit informed consent, by a legally authorized representative of the subject, to the undertaking of non-therapeutic risks when the risks are so outweighed by the importance of the information to be gained as to warrant a decision to allow the subjects to accept

the risks. The comment also asserted that this procedure would violate the Constitution. The Commission has no doubt that the procedure is constitutionally valid and well established in the law. Persons who undertake some risks to themselves or to those for whom they are responsible, in order to improve the safety of the rest of the community, perform an irreplaceable service. The objective of the regulation is to make certain that the risks are well defined, are clearly justified in the circumstances, and are considered fully by the subjects or their legally authorized representatives. No changes have been made in response to the comment.

7. One comment suggested that submission of certifications, in connection with proposals by organizations which have general assurances, not be required at the time the proposal is submitted as normally required by § 1028.11. The comment pointed out that working constraints often make this deadline a difficult one to meet. The Commission believes that section 1028.11 presently contains sufficient discretion for its officers, in any particular case, to defer the due date for submission of certifications to any convenient date prior to award. The Commission expects that this discretion will be exercised to avoid undue burdens on those submitting proposals. No changes have been made to section 1028.11.

#### COMMENT BEYOND SCOPE

A comment was received from the Department of Health, Education, and Welfare. This comment suggested that the Commission procedures under the Poison Prevention Packaging Act of 1970 (PPPA), 16 CFR Part 1700, be amended to require informed consent and institutional review committee requirements for any testing data acquired by use of human subjects which is submitted to the Commission with a request for an exemption under the PPPA. The Commission will consider such an amendment. Since such an amendment would be beyond the scope of the proposed rule presently under consideration, no changes have been made in response to this comment.

Accordingly, 16 CFR Part 1028 is established as set forth below.

Effective date: This regulation shall become effective August 17, 1977.

Signed at Washington, D.C., on July 19, 1977.

RICHARD E. RAPPS,  
Secretary, Consumer Product  
Safety Commission.

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AUTHORITY: Consumer Product Safety Act (15 U.S.C. 2051-81), the Federal Hazardous Substances Act (15 U.S.C. 1261-74), the Flammable Fabrics Act (15 U.S.C. 1191-1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471-76), and the Refrigerator Safety Act (15 U.S.C. 1211-14).

#### § 1028.1 Applicability.

(a) The requirements of this Part 1028 are applicable to all Consumer Product Safety Commission contracts or grants or other agreements supporting research or standards or regulations or related activities in which human subjects are involved.

(b) The Commission may on occasion by publication in the FEDERAL REGISTER, or by other appropriate means, designate activities, including specific programs, methods, or procedures, that necessarily fall within the scope of this Part 1028 or to which this Part 1028 is inapplicable.

(c) The requirements of this Part 1028 do not apply to opinion surveys, questionnaires, or to solicitation of information about past events.

#### § 1028.2 Definitions.

(a) "Organization" means any public or private institution or agency, including Federal, State, and local government agencies.

(b) "Cooperative activity" means any activity which involves organizations in addition to the grantee, prime contractor under the Consumer Product Safety Act.

(c) "Subject at risk" means any individual who may be exposed to the possibility of injury, including physical or psychological injury, as a consequence of participation as a subject in any research, development or related activity.

(d) "Informed consent" means the knowing consent of an individual, or a legally authorized representative, able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary for such consent include:

(1) A fair explanation (including the purpose) of the procedures to be followed, with identification of any experimental procedures.

(2) A description of any attendant discomforts and risks reasonably to be expected.



(3) A description of any benefits reasonably to be expected.

(4) Disclosure of any appropriate alternative procedures that might be advantageous for the subject.

(5) An offer to answer any inquiries concerning the procedures.

(6) Instruction that the person is free at any time to withdraw his or her consent and discontinue participation in the project or actively without prejudice to the subject at risk.

(e) "Commission" means the Consumer Product Safety Commission and any officer or employee of the Consumer Product Safety Commission to whom authority has been delegated.

(f) "Approved assurance" means a document that fulfills the requirements of this Part 1028 and is approved by the Commission or a document that fulfills the requirements of 45 CFR Part 46 and is approved by the Department of Health, Education, and Welfare.

(g) "Certification" means the official organizational notification to the Commission in accordance with the requirements of this Part 1028 that a project or activity involving human subjects at risk has been reviewed and approved by the organization in accordance with the "approved assurance" on file at the Commission or at the Department of Health, Education, and Welfare.

(h) "Legally authorized representative" means an individual authorized under applicable law to give consent on behalf of a prospective subject's participation in the particular activity or procedure.

(i) "Committee" means the committee of the organization established in compliance with § 1028.6(b)(2) of this Part 1028.

### § 1028.3 Policy.

(a) Safeguarding the rights and welfare of subjects at risk in activities supported by the Commission is primarily the responsibility of the organization that has received funds from or that is accountable to the Commission for the support of its activity. To provide for the adequate discharge of such responsibility by the organization, the Commission's policy is that no activity involving human subjects to be supported by the Commission shall be undertaken unless a committee of the organization has reviewed and approved such activity and the organization has submitted to the Commission a certification of such review and approval in accordance with the requirements of this Part 1028.

(b) The committee's review shall determine whether the human subjects will be placed at risk and, if risk is involved, whether:

(1) The risks to the subjects are so outweighed by the sum of the benefit to the subjects and the importance of the knowledge to be gained as to warrant a decision to allow the subjects to accept these risks.

(2) The rights and welfare of the subjects will be adequately protected.

(3) Legally effective informed consent will be obtained by adequate and appro-

prate methods in accordance with the provisions of this Part 1028.

(4) The conduct of the activity will be reviewed at timely intervals.

(5) A qualified psychologist, doctor of medicine, or other appropriate professional, having established emergency medical procedures, will oversee each test.

(c) No grant or contract or other agreement involving human subjects at risk shall be made to an individual unless he or she is affiliated with or sponsored by an organization that can and does assume responsibility for the subjects at risk involved.

### § 1028.4 Submission of assurances.

(a) Recipients or prospective recipients of Commission support under a grant or contract or other agreement involving subjects at risk shall provide written assurance complying with the requirements of this Part 1028. Each assurance shall embody:

(1) A statement of compliance with Commission requirements for initial and continuing guidelines, including identification of the committee and a description of its review procedures; or

(2) In the case of special assurances concerned with single activities or projects, a report of initial findings of the committee and of its proposed continuing procedures.

(b) Such assurance shall be executed by an individual authorized to act for the organization and to assume on behalf of the organization the obligations imposed by this Part 1028.

(c) If an organization has a general assurance on file with the Department of Health, Education, and Welfare, it need only notify the Commission of this fact and submit a copy of the approved general assurance to the Commission at the time it submits a proposal for a grant, contract, or other agreement. Recipients of such support must notify the Commission of any changes made to the DHEW-approved assurance during the period of performance of the agreement.

### § 1028.5 Types of assurances.

(a) *General assurances.* A general assurance describes the review and implementation procedures applicable to all Commission-supported activities conducted by an organization, regardless of the number, location, or types of its components or field activities. General assurances will be required from organizations having two or more concurrent Commission-supported projects or activities involving human subjects. Section 1028.6 prescribes the minimum requirements for general assurances.

(b) *Special assurances.* A special assurance describes the review and implementation procedures applicable to a single activity or project. A special assurance will not be solicited or accepted from an organization which has an approved general assurance on file at the Commission or at the Department of Health, Education, and Welfare. Section 1028.7 prescribes the minimum requirements for special assurances.

### § 1028.6 Minimum requirements for general assurances.

(a) General assurances shall be submitted in the form and manner as the Commission may require in "The Institutional Guide to CPSC's Policy on Protection of Human Subjects," which can be obtained, upon request, from the Commission.

(b) As part of its general assurance, the organization must include implementing guidelines that specifically provide for:

(1) A statement of principles that will govern the organization in the discharge of its responsibilities for protecting the rights and welfare of subjects. This may include appropriate existing codes or declarations, or statements formulated by the organization itself. It is to be understood that no such principles supersede Commission policy or applicable law.

(2) A committee that will conduct initial and continuing reviews in accordance with the policy outlined in § 1028.3. Such committee or committee structure shall meet the following requirements:

(i) The committee must be composed of not less than five persons with varying backgrounds to assure complete and adequate review of activities commonly conducted by the organization. The committee must be sufficiently qualified through the maturity, experience, and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific activities, the committee must be able to ascertain the acceptability of proposals in terms of organizational commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. The committee must therefore include persons whose concerns are in these areas.

(ii) The committee members shall be identified to the Commission, by name, earned degree (if any), position or occupation and representative capacity, and by other pertinent indications of experience such as board certification, licenses, etc., sufficient to describe each member's chief anticipated contributions to committee deliberations. Any employment or other relationship between each committee member and the organization shall be identified; for example, full-time employee, part-time employee, member of governing panel or board, paid consultant, or unpaid consultant. Changes in committee membership shall be reported to the Commission in such form and at such times as the Commission may require.

(iii) No committee member shall be involved in either the initial or continuing review of an activity in which he or she has a conflicting interest, except to provide information requested by the committee.

(iv) The committee shall not consist entirely of persons who are officers, em-



employees, or agents of, or who are otherwise associated with, the organization (apart from their membership on the committee).

(v) The committee shall not consist entirely of members of a single professional group.

(vi) The committee's quorum shall be defined and shall not be less than a majority of the members convened to carry out the committee's responsibilities under the terms of the assurance.

(3) The procedures the organization will follow in its initial and continuing review of proposals and activities.

(4) The procedures the committee will follow (i) to provide advice and counsel to activity directors and investigators with regard to the committee's actions and (ii) to insure prompt reporting to the committee of proposed changes in an activity and of unanticipated problems involving risk to subjects or others.

(5) The procedures the organization will follow to maintain an active and effective committee and to implement the committee's recommendations.

(6) A statement as to how often the committee will meet to provide for continuing review. Such review must occur at least annually.

#### § 1028.7 Minimum requirements for special assurances.

(a) Special assurances shall be submitted in the form and manner prescribed by paragraph (b) of this section.

(b) An acceptable special assurance shall: (1) Identify the specific grant, contract, or developmental standard or regulation involved by its number (if known), its full title, and the name of the activity or project director, principal investigator, fellow, or other person immediately responsible for the conduct of the activity. The assurance shall be signed by the individual members of a committee that complies with the requirements of § 1028.6(b)(2) and shall be endorsed by an appropriate organizational official.

(2) Describe the makeup of the committee and the training, experience, and background of its members in accordance with § 1028.6(b)(2)(ii).

(3) (i) Describe in general terms the risks to the subject that the committee recognizes as inherent in the activity and (ii) justify the committee's decision that these risks are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant the committee's decision to permit the subject to accept these risks.

(4) Describe the informed-consent procedures to be used and attached documentation required by § 1028.10.

(5) Describe the procedures the committee will follow (i) to insure prompt reporting to the committee of any proposed changes in the activity and of any unanticipated problems involving risks to subjects or others and (ii) to insure that any such problems are promptly reported to the Commission.

#### § 1028.8 Evaluation and disposition of assurances.

(a) All assurances submitted in accordance with §§ 1028.6 and 1028.7 shall be evaluated by the Commission through its officers and employees and such experts or consultants as it determines to be appropriate. The Commission's evaluation shall take into consideration, among other pertinent factors, the adequacy of the proposed committee in the light of the anticipated scope of the applicant organization's activities and of the types of subject populations likely to be involved, the appropriateness of the proposed initial and continuing review procedures in the light of the probable risks, and the size and complexity of the organization.

(b) On the basis of the evaluation of an assurance pursuant to paragraph (a) of this section, the Commission shall either approve the assurance, enter into negotiations to develop a more satisfactory assurance, or disapprove the assurance. The Commission may determine the period during which any particular approved assurance or class of assurances shall remain effective and/or may otherwise condition or restrict the approval. Pending completion of negotiations for a general assurance, the Commission may require an organization otherwise eligible for such an assurance to submit special assurances.

#### § 1028.9 Obligation to obtain informed consent; prohibition of exculpatory clauses.

Any organization proposing to place any subject at risk is obligated to obtain and document legally effective informed consent. No such informed consent, oral or written, obtained under an assurance provided pursuant to this Part 1028 shall include any exculpatory language through which the subject is made to waive, or to appear to waive, any legal rights, including any release of the organization or its agents from liability for negligence.

#### § 1028.10 Documentation of informed consent.

(a) The actual procedure utilized in obtaining legally effective informed consent and the basis for committee determinations that the procedures are adequate and appropriate shall be fully documented.

(b) The documentation of consent shall employ one of the following three forms:

(1) A written consent document embodying the basic elements of informed consent. This may be read to the subject or to a legally authorized representative, but in any event the subject or a legally authorized representative must be given adequate opportunity to read it. This document is to be signed by the subject or a legally authorized representative. Sample copies of the consent form as approved by the committee are to be retained in its records.

(2) A "short form" written consent document indicating that the basic ele-

ments of informed consent have been presented orally to the subject or a legally authorized representative. Written summaries of what is to be said to the participant shall be approved by the committee. The short form is to be signed by the subject or a legally authorized representative and by an auditor witness to the oral presentation and to the subject's or representative's signature. A copy of the approved summary, annotated to show any additions, is to be signed by the persons officially obtaining the consent and by the auditor witness. Sample copies of the consent form and of the summary as approved by the committee are to be retained in the committee's records.

(3) Modification of either of the primary procedures outlined in paragraph (b)(1) and (2) of this section. Granting permission to use modified procedures imposes additional responsibility upon the review committee and the organization to establish: (1) That the risk to any subject is minimal and (ii) that use of either of the primary procedures for obtaining informed consent would securely invalidate objectives of considerable immediate importance. The committee's reason for permitting the use of modified procedures must be individually and specifically documented in the committee's minutes and in reports of committee actions submitted to the files of the organization. All such modifications should be regularly reconsidered as a function of continuing review and as required for annual review, with documentation of reaffirmation, revision, or discontinuation, as appropriate.

#### § 1028.11 Certification; general assurances.

(a) *Timely review.* Any organization having an approved general assurance shall indicate in each application or proposal for support of activities covered by this part that it has such an assurance on file with the Commission, or with the Department of Health, Education, and Welfare. Unless the Commission provides otherwise, all proposals involving human subjects submitted by organizations having approved general assurances must be reviewed and, when found to involve subjects at risk, approved by the organizational committee prior to submission to the Commission. If the Commission provides for the performance or organizational review of a proposal after its submission to the Commission, processing of such proposal by the Commission shall under no circumstances be completed until such organizational review and approval has been certified. Unless the organization determines that human subjects are not involved, the proposal should be appropriately certified in the spaces provided on forms or one of the following certifications, as appropriate, should be typed on the lower right-hand margin of the page bearing the name of an official authorized to sign or execute applications or proposals for the organization:



Human Subjects: Reviewed, not at risk,

(Date)

Human Subjects: Reviewed, at risk, approved

(Date)

(Signature)

(b) *Proposals not certified.* Proposals not properly certified, or submitted as not involving human subjects and found by the operating agency to involve human subjects, will be returned to the organization concerned.

#### § 1028.12 Certification; special assurances.

(a) Organizations not having an approved general assurance must submit for each application or proposal involving human subjects a separate special assurance and certification of its review and approval.

(b) Such assurance and certification must be submitted within such time limit as the Commission may specify. An assurance and certification prepared in accordance with this Part 1028 and approved by the Commission shall be considered to have met the requirement for certification for the initial period concerned. If the terms of the grant, contract, or developmental standard or regulation recommend additional support periods, certification shall be provided by the organization with applications for continuation or renewal of support in the manner prescribed in § 1028.11(a).

#### § 1028.13 Proposals lacking definite plans for involvement of human subjects.

Certain types of proposals are submitted with the knowledge that subjects probably will be involved within the project period but without definite plans for this involvement being included in the proposal. These include such activities as research, pilot, or developmental activities in which involvement depends upon such things as the completion of prior studies. Such proposals shall be reviewed and certified in the same manner as more definitive proposals. The initial certification indicates organizational approval of the applications as submitted and commits the organization to later review of the plans when completed. Such later review and certification to the Commission should be completed prior to the beginning of the budget period during which actual involvement of human subjects is to begin. Review and certification to the Commission must in any event be completed prior to involvement of human subjects.

#### § 1028.14 Proposals submitted with the intent of not involving human subjects.

If a proposal's intent is not to involve human subjects, certification should not be included with the initial submission of the proposal. If in such a case, it later becomes appropriate to involve human subjects, the activity shall be reviewed and approved in accordance with the assurance of the organization prior to the involvement of subjects. In addition,

no such activity shall be undertaken until the organization has submitted to the Commission (a) a certification that the activity has been reviewed and approved in accordance with this Part 1028 and (b) a detailed description of the proposed activity (including any protocol or similar document). Also, where Commission support is provided to project grants, contracts, or developmental standards or regulations, subjects shall not be involved prior to certification and organizational receipt of the Commission's approval and, in the case of contracts, prior to negotiation and approval of an amended contract description of work.

#### § 1028.15 Evaluation and disposition of proposals.

(a) *Evaluation.* Notwithstanding any prior review, approval, and certification by the organization, all grants, contract proposals, and developmental standards or regulations involving human subjects at risk submitted to the Commission shall be evaluated by the Commission for compliance with this Part 1028 through its officers and employees and such experts or consultants as the Commission deems appropriate. This evaluation may take into account, among other pertinent factors, the apparent risks to the subjects, the adequacy of protection against the risks, the potential benefits of the activity to the subjects and others, and the importance of the knowledge to be gained.

(b) *Disposition.* On the basis of the evaluation of an application pursuant to paragraph (a) of this section and subject to such approval or recommendation by, or consultation with, appropriate councils, committees, or other bodies as may be required by law, the Commission shall either approve, defer for further evaluation, or disapprove support of the proposed activity in whole or in part. With respect to any approved grant, contract, or developmental standard or regulation, the Commission may impose conditions (such as restrictions on the use of certain procedures or subject groups, or requiring use of specified safeguards or informed consent procedures) when in its judgment such conditions are necessary for the protection of human subjects.

#### § 1028.16 Cooperative activities.

(a) *Responsibility.* If in cooperative activities the grantee, prime contractor, or offeror under the Consumer Product Safety Act obtains access to some or all of the subjects involved through one or more cooperating organizations, the basic Commission policy applies and the grantee, prime contractor, or offeror remains responsible for safeguarding the rights and welfare of the subjects.

(b) *Organization with approved general assurance.* Initial and continuing review by the organization with approved general assurance may be carried out by one or a combination of procedures:

(1) *Cooperating organization with approved general assurance.* If the cooperating organization has on file with the Commission or with the Department of

Health, Education, and Welfare an approved general assurance, the grantee, prime contractor, or offeror may carry out its own review or may request the cooperating organization to conduct its own review and report to the committee of the grantee, prime contractor, or offeror the cooperating organization's committee recommendations on those aspects of the activity that concern individuals for whom the cooperating organization has responsibility in accordance with its own assurance. At its discretion, the grantee, prime contractor, or offeror may concur with or further restrict the recommendations of the cooperating organization. It is the responsibility of the grantee, prime contractor, or offeror to maintain communication with the committees of the cooperating organization. The cooperating organization, however, shall promptly notify the grantee, prime contractor, or offeror whenever the cooperating organization finds the conduct of the project or activity within its purview to be unsatisfactory.

(2) *Cooperating organization with no approved general assurance.* If the cooperating organization does not have an approved general assurance, a general or special assurance to the Commission may be negotiated that, if approved, will permit the grantee, prime contractor, or offeror to follow the procedure outlined in paragraph (b) (1) of this section.

(3) *Interorganizational joint review.* The grantee, prime contractor, or offeror may wish to develop an agreement with cooperating organizations. Representatives of cooperating organizations may be appointed as ad hoc members of the existing review committee of the grantee, prime contractor, or offeror; appointments for extended periods may be made if cooperation is on a frequent or continuing basis, such as between a medical school and a group of affiliated hospitals. All such cooperative arrangements must be approved by the Commission as part of a general assurance or as an amendment to a general assurance.

(c) *Organization with approved special assurance—(1) Responsibility.* While responsibility for initial and continuing review necessarily lies with the grantee, prime contractor, or offeror with approved special assurance, the Commission will also require approved assurances from those cooperating organizations having immediate responsibility for subjects.

(2) *Cooperating organization with approved special assurance.* If the cooperating organization has on file with the Commission an approved special assurance, the grantee, prime contractor, or offeror shall request the cooperating organization to conduct its own review of those aspects of the project or activity that will involve human subjects for which it has responsibility. The request shall be in writing and should provide for direct notification of the committee of the grantee, prime contractor, or offeror in the event that the cooperating organization finds the conduct of the activity to be unsatisfactory.



(3) *Cooperating organization with no approved special assurance.* If the cooperating organization does not have an approved special assurance on file with the Commission, it must submit to the Commission a general or special assurance that will be determined by the Commission to comply with the provisions of this Part 1028.

**§ 1028.17 Organization's executive responsibility.**

Specific executive functions to be conducted by the organization include policy development, policy promulgation, and continuing indoctrination of personnel. Appropriate administrative assistance and support shall be provided for the committee's functions. Implementation of the committee's recommendations through appropriate administrative action and follow-up is a condition of Commission approval of an assurance. Committee approvals, favorable actions, and recommendations are subject to review and disapproval or further restriction by the organization. Committee disapprovals, restrictions, or conditions cannot be rescinded or removed except by action of a committee described in the assurance approved by the Commission.

**§ 1028.18 Organization's records.**

Copies of all documents presented or required for initial and continuing review by the organization's review committee (such as committee minutes, records of subjects' consent, transmittals on actions, instructions, and reports of conditions resulting from committee deliberations addressed to the activity director) are to be retained by the organization, subject to the terms and conditions of grant, contract, and development awards.

**§ 1028.19 Reports.**

Each organization with an approved assurance shall provide the Commission with such reports and other information as the Commission may require.

**§ 1028.20 Early termination of awards; sanctions for noncompliance.**

(a) If in the judgment of the Commission, an organization has failed to comply with the terms of this Part 1028 with respect to a particular Commission grant, contract, or developmental standard or regulation, the Commission may require that said grant, contract, or standard or regulation be terminated or suspended in the manner prescribed in applicable grant or procurement regulations.

(b) If in the judgment of the Commission, an organization has failed materially to discharge its responsibility for the protection of the rights and welfare of subjects in its care, the Commission may, upon reasonable notice to the organization of the basis for its judgment and

after providing the organization with an opportunity for an informal conference, terminate the organization's eligibility to receive further Commission support, subject to the provisions of this Part 1028. Such ineligibility shall continue until it is shown to the Commission's satisfaction that the reasons therefor no longer exist.

(c) If in the judgment of the Commission, an individual, who is serving in the capacity of principal investigator, program director, or other position having responsibility for the scientific and technical direction of an activity, has failed materially to discharge his or her responsibilities for the protection of the rights and welfare of human subjects in his or her care, the Commission may, upon reasonable notice to the individual and to any organization whose grant, contract, or developmental standard or regulation may be involved, and after providing the individual and the organization with an opportunity for an informal conference, terminate the individual's eligibility to serve in such capacity with respect to any activity subject to the provisions of this Part 1028. Such ineligibility shall continue until it is shown to the Commission's satisfaction that the reasons therefor no longer exist.

**§ 1028.21 Conditions.**

The Commission may with respect to any grant, contract, or developmental standard impose additional conditions prior to or at the time of any award when in its judgment such conditions are necessary for the protection of human subjects.

[FR Doc. 77-20480 Filed 7-15-77; 8:45 am]

**SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCE ACT REGULATIONS**

**PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATIVE AND ENFORCEMENT REGULATIONS**

**PART 1511—REQUIREMENTS FOR PACIFIERS**

**Banning of Hazardous Articles and Establishment of Safety Requirements**

**Correction**

In FR Doc. 18778 appearing on page 33276 in the issue of Thursday, June 30, 1977, the effective dates appearing on page 33279 should read, "February 26, 1978."

Section 1500.18(a) (8) should read as follows:

**§ 1500.18 Banned toys and other banned articles intended for use by children.**

(8) Any pacifier that does not meet the requirements of 16 CFR Part 1511 and that is introduced into interstate commerce after February 26, 1978.

**Title 29—Labor**

**CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS**

**SUBCHAPTER F—EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

**PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY**

**Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans**

**Correction**

In FR Doc. 77-17895, appearing at page 32389 in the issue of Friday, June 24, 1977, make the following changes:

1. On page 32392, first column, the 14th line of § 2550.408b-4(a) should read, "or § 2550.408b-4(b) (2) are met. Section" and the 11th from bottom line of § 2550.408b-4(a) should read, "tion 404, or other provisions of law which".

2. On page 32392, third column, the first word in the 22nd line, now reading "half", should read "behalf".

3. On page 32393, third column, the first line should read, "Act are met, a person serving as a fiduciary".

4. On page 32394, second column, the second line should read "of section 414 (c) (4) of the Act."

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[FCC 77-476]

**REREGULATION OF RADIO AND TELEVISION BROADCASTING**

**AGENCY:** Federal Communications Commission.

**ACTION:** Order.

**SUMMARY:** As a result of continuing study of reregulation of broadcasting, rules for broadcast stations are amended to update certain rules, delete parts of others that are no longer necessary, and make corrections and editorial revisions for clarity.

**DATES:** Effective July 18, 1977.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**

Philip S. Cross, Broadcast Bureau, (202) 632-9660.

**SUPPLEMENTARY INFORMATION:**

Adopted: July 1, 1977.

Released: July 15, 1977.

1. As a result of its continuing study concerning the reregulation of broadcasting, the Commission has under con-



sideration the matter of amending certain provisions in Parts 1, 73 and 74 of its Rules and Regulations. The amendments in this seventeenth reregulation Order will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

2. Section 1.531(a) of our Rules and Regulations provides in pertinent part that "Formal" application means any request for authorization where an FCC form for such request is prescribed. The prescription of an FCC form includes the implied requirement that the form used must be the proper one and not an obsolete one. Applications filed on obsolete FCC forms can be wasteful of time and work effort by both an applicant and the Commission. To stress the importance of avoiding obsolete forms, § 1.531 will be amended to add an express provision where it is now implied that the proper edition of the prescribed form must be used, and that formal applications on obsolete forms are subject to the provisions of § 1.565 concerning acceptance of applications and § 1.566 concerning defective applications.

3. Note 1 to § 1.573 (Part 1) concerning "Processing of FM and noncommercial educational FM broadcast applications" contains certain allocation standards, i.e., "Objectionable interference," "Directional antenna" and "Maximum and minimum facilities for stations on noncommercial educational FM channels," which, properly, should be included in Part 73, Subpart C, "Noncommercial educational FM broadcast stations." Also, the inclusion should reduce the number of inquiries to the Commission about where the allocation standards for noncommercial educational FM stations are located. The above-referenced allocation standards should be added to § 73.504 of Subpart C, Part 73. However, the headnote and the text of § 73.504 already contain a number of varied subjects which would be better organized in separate sections. Accordingly, § 73.504 will be amended into separate sections with the headnotes and series numbers conformed to those in Subpart B for commercial FM stations, and the above-referenced allocation standards will be added as §§ 73.509, 73.510 and 73.511. None of the substantive provisions is changed. Note 1 to § 1.573 contains certain restrictions pending further consideration of issues in Docket No. 14185 (now terminated, but which dealt with the general revision of FM Broadcast Rules and Regulations). Those issues are now under consideration in Docket No. 20735. Note 1 will be amended to include the reference to Docket No. 20735.

4. In § 73.187, subparagraph (a) (1) imposes certain signal radiation restrictions on Class II stations under some circumstances. The restrictions on radiation occur during the two hours after local sunrise and the two hours before local sunset. These periods of restricted operation are generally referred to in Commission documents and within the broadcast industry as "critical hours;"

however, this term is not defined or explained within the rules for AM broadcast stations. A new § 73.13 is being added to define "critical hours" as follows:

The term "critical hours" means the two hour period immediately following local sunrise and the two hour period immediately preceding local sunset.

The term "critical hours" is also being included in § 73.187(a) for clarification.

5. Existing § 73.40(b) (4) includes a reference to § 73.39; however, that section was deleted from the rules and replaced by § 73.1215 by the Order adopted August 24, 1976 (FCC 76-789). Editorial correction is being made in § 73.40(b) (4) to substitute the reference to § 73.1215.

6. The existing rules for AM stations have four sections covering procedures for modifications of existing transmitting equipment (§ 73.43: Changes in equipment; authority for, § 73.44: Other changes in equipment, § 73.61: New equipment; restrictions, § 73.62: Automatic frequency control equipment; authorization required). The FM and TV services each has single rule sections containing the procedural instructions for licenses to follow in obtaining authority, when necessary, to make certain modifications in the transmitting equipment. To conform the AM rules to the FM and TV rules, and to simplify and clarify the procedural requirements for making certain station changes, the existing §§ 73.43, 73.44, 73.61 and 73.62 are being deleted and replaced by a new § 73.43 titled "Changes in equipment and antenna system," similar to §§ 73.257 and 73.557 for FM stations and § 73.639 for TV stations. With this Order we are also simplifying authorization procedures which stations may use to install precision frequency control systems in existing transmitters. Precision frequency control systems to maintain the radiated carrier frequency to a high degree of accuracy and stability are becoming more frequently used within the broadcast industry. Under existing rules, a licensee must file a formal application for a construction permit to make any changes in the frequency control portions of the transmitter, and then subsequently file a notice of equipment tests and applications for program tests and a new station license. We believe that such a procedure now serves no useful purpose when a precision frequency control system is to be used, and therefore an informal application procedure is being provided both in the new § 73.43 being adopted for AM stations and also by amendments in §§ 73.257, 73.557 and 73.639 for FM, NCE-FM and TV stations.

7. In § 73.45 of the rules for AM stations, the headnote title "Radiating system" is being editorially changed to "Antenna system" to establish consistency of terminology with parallel rule sections for the FM and TV services, and with other sections of the AM station rules.

8. In an Order adopted May 25, 1976 (FCC 76-487) the Commission deleted the requirement in § 73.54 (AM) that devices used to dissipate radio frequency energy for restricting radiation be located at the same point in the circuit at

which the antenna input current is measured. Section 73.51(b) (3) concerning the procedures for determining antenna input power also specifies that the input power shall be determined at the input terminals of the dissipative network. Since § 73.51(b) (3) is no longer consistent with the rule § 73.54 as amended in May 1976, the editorial corrections required are being made in this Order by deleting the requirement that the antenna input power must be measured at the input terminals of the dissipative network.

9. Sections 73.56, 73.253, 73.553, and 73.691 contain the requirements that AM, FM, NCE-FM and TV stations have type approved (aural) modulation monitors installed and in operating condition. There is a note at the end of paragraph (a) in each of these sections stating that type approved modulation monitors are included in the Commission's "Radio Equipment List," a published list of equipment acceptable for licensing prepared by the Office of the Chief Engineer. Broadcast modulation monitors, antenna monitors, and certain other type approved equipment are no longer being included in the published list. Therefore, the note in the rule sections is now incorrect and is being deleted from the rules.

10. On April 5, 1972, the Commission adopted amendments to Section 73.55 of the rules for AM stations limiting the use of positive modulation to peaks not exceeding 125% (FCC 72-327, Docket No. 18857). In the Report and Order it was pointed out that not all existing station modulation monitors had a sufficient range to indicate positive peak modulation to or exceeding 125%, and that pending the availability of type approved monitors for observing positive modulation to 125%, licensees may use other means such as an oscilloscope or composite device to insure proper modulation levels when positive modulation exceeded the range of their monitors. Type approved modulation monitors capable of indicating positive modulation peak levels of 125% or greater are now readily available, and therefore the use of composite devices or equipment other than type approved modulation monitors is no longer necessary. AM stations that elect to use asymmetric modulation with positive peaks exceeding 100% should have type approved modulation monitors capable of indicating the peak positive modulation levels transmitted. In conformity with the Report and Order in Docket 18857, we are amending § 73.56 of the rules to include the provision that the modulation monitor in use be capable of insuring that positive peak modulation levels of 125% are not exceeded. This does not mean that stations are required to replace an existing modulation monitor if the positive peak modulation levels transmitted do not exceed the peak indication range of their existing monitors. However, under the provisions of the Report and Order in Docket 18857, stations electing to use modulation with positive peaks to 125% must have modu-



lation monitors capable of indicating peaks to that level in use by November 1, 1977.

11. Sections 73.98 (AM), 73.298(a) (FM), 73.597(a) (NCE-FM) and 73.675 (a) (TV) concerning "Operation during emergency" contain language which indicates incorrectly that emergency weather warnings and other emergency information may be transmitted only if necessary to safety of life and property in certain specified types of situations. The language indicating such a limitation on the broadcast of emergency information will be removed. Special provisions do apply with respect to point-to-point messages. Emergency Broadcast System operations and use by an AM station of its full daytime facilities during nighttime hours.

12. A number of stations holding Presunrise Service Authorizations are restricted to operation with antenna input powers substantially below the normal daytime power authorized. The rules for indicating instruments (see §§ 73.58 and 73.1215) require that the meters used in the transmission system will have normal indications falling within the upper 80 percent or 66.7 percent of the scale range, depending on the type of meter used. This requirement is included in the rules to assure that instruments will provide a certain standard of accuracy for determination of station operating power and antenna performance. For those stations operating under a Presunrise Service Authorization at low powers, the indications on the transmitter meters or other instruments may fall well below the normally acceptable scale ranges. We do not believe that it would either be desirable or practical to have a second set of meters for use only during presunrise operations when low power is used. However, we do require that stations have radio frequency antenna or common point ammeters for determining the operating power during operation under PSA's with the required scale ranges. We are therefore amending paragraph (h) of § 73.99 that contains certain exemptions for PSA operations to include an additional exemption of certain indicating instrument requirements. We have also been advised that in some cases it is impractical to obtain satisfactory operation of a directional antenna monitor when the PSA power is significantly lower than the nominal station operating power. In such cases we have advised licensees to obtain monitor readings by using an unmodulated carrier at the authorized daytime power immediately prior to reducing power to commence presunrise program operations. This procedure is also being incorporated into the amended paragraph (h) of § 73.99.

13. In the First Report and Order adopted on December 21, 1976 (FCC 76-1174, Docket 20403) establishing rules for the use of automatic transmission systems at certain AM and all FM stations, paragraph 26 contained a discussion of the use of the indirect method of power determination by FM stations and also by AM stations whenever the

direct method could not be used. The adopted rules included in the Appendix B of the First Report and Order established the indirect method of power determination for FM stations using ATS, but inadvertently omitted that method for AM stations. Since it was clearly intended that all AM stations, including those using ATS, could use the indirect method of power determination under the specific circumstances given in rule § 73.51(d), subparagraph (b)(1) of § 73.142 is being modified by this Order to specifically include the indirect method of power determination as part of the AM automatic transmission system operating procedures.

14. Section 73.151 of the rules for AM stations describes the procedures for making and analyzing field strength measurements to establish the performance of directional antenna systems. Portions of subparagraph (a)(2) of that section include references to the station's "phase monitor," and to readings from a "thermoammeter." Since January, 1973, with the adoption of the Report and Order terminating Docket 18471, the term "antenna monitor" is used throughout the technical standards rules in lieu of "phase monitor." Further, numerous amendments in the rules during the past several years have provided for the use of modern electronic devices other than thermoammeters for measuring radio frequency current in antenna circuits. It is therefore appropriate that editorial changes be made in § 73.151 to delete the terms "phase monitor" and "thermoammeter."

15. In an Order adopted August 24, 1976 (FCC 76-789), the various rules for AM, FM and TV station indicating instruments were rearranged and brought up to date with present day broadcast technology. Parallel changes in the rules for noncommercial educational FM broadcast stations were inadvertently omitted from that Order. We are, therefore, at this time, amending the NCE-FM rule Section 73.558 to conform to the provisions of the amended § 73.258 applicable to commercial FM stations, with appropriate exceptions for the educational FM stations licensed to operate with transmitter output power of 10 watts or less. This amendment makes no changes in the requirements or procedures for use of transmission system indicating instruments, but only establishes uniformity of rule format and text for all of the broadcast services. Indicating instrument specifications for all broadcast services are included in a single rule, § 73.1215.

16. Section 73.600 concerning "Retention of audio recordings" should be redesignated as § 73.591. The rule requires each licensee of a noncommercial educational FM broadcast station which receives assistance pursuant to Section IV of the Communications Act of 1934, as amended, to retain an audio recording of any public affairs program in which an issue of public importance is discussed. The section number assigned § 73.600, is in the television series (600)

and, accordingly, carried in the Table of Contents of Subpart E, "Television Broadcast Stations." The section number should be in the 500 series, Subpart C, "Noncommercial Educational FM Broadcast Stations." Section 73.600 will be redesignated as 73.591 (not now used).

17. In an Order adopted November 16, 1976 (FCC 76-1062), the Commission amended the rules for FM and NCE-FM stations regarding the establishment of the efficiency factor "F" of the transmitter in use for determining the station operating power by the indirect method. (Operating power is determined by the indirect method by calculating the product of the plate voltage and plate current of the transmitter final amplifier stage, and an efficiency factor, F.) Prior to the rule amendments, licensees were required to use an efficiency factor F, determined by the manufacturer at the time the transmitter was initially designed and tested for type acceptance, although for a number of reasons, the value of F thus established may be highly inaccurate. The FM and NCE-FM rule amendments of November 1976 permit licensees to use any more recent measurements for determining the efficiency factor F used to calculate and maintain the operating power of the station. In this Order we are amending the rules for TV stations so that their licensees may also have alternative means of determining the efficiency factor of the aural TV transmitter used for maintaining the operating power by the indirect method. The amendments of Section 73.689 as shown in the Appendix, are parallel to the previous amendments to Sections 73.267 and 73.567 for FM and NCE-FM stations.

18. Existing subparagraph (a)(9) of § 73.682 concerning the technical standards for television picture transmissions reads as follows:

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals. For monochrome transmission, the two signals comprise different modulation ranges in amplitude, in accordance with the charts designated as Figures 5 and 7 of § 73.699 for stations operating on Channel 2-14 or Figures 5a and 7 for stations operating on Channels 15-83 and employing a transmitter with maximum peak visual power output of 1 kilowatt or less. For color transmission, the two signals comprise different modulation ranges in amplitude except where the chrominance penetrates the synchronizing region and the burst penetrates the picture region, in accordance with the charts designated as Figures 5 and 6 of § 73.699 for stations operating on Channels 2-14 or Figures 5a and 6 for stations operating on Channels 15-83 and employing a transmitter with maximum peak visual power output of 1 kilowatt or less.

It has been pointed out to us that the rule, as worded, is seriously defective because it fails to prescribe the desired standards for either monochrome or color transmissions by stations operating on Channels 14 to 83 using transmitters with maximum peak visual power output over one kilowatt. It is intended that those stations are to meet the same



transmission standards specified in the paragraph for all stations operating on Channels 2 to 14. It is necessary for such stations to have greater attenuation of the lower sideband energy than UHF stations using peak power of 1 kilowatt or less. It is also noted that the rule does not appear to permit transmission suppression of the lower sideband of video transmissions by UHF stations operating transmitters with output powers of one kilowatt or less. With this *Order* we are editorially rearranging § 73.692(a) (9) to correct the omission of the present rule as discussed above, and to clearly list the applicable waveform and signal transmission characteristics applicable to particular TV stations.

19. The restructured and revised rules for Remote Pickup Broadcast Stations adopted on June 29, 1976, by *Report and Order* in Docket 20189, provided for the type acceptance of new station transmitting equipment licensed or installed after September 1, 1977. Since there is now available a large variety of transmitting equipment type accepted for use in the land mobile services that will meet or exceed the standards for remote pickup stations, Section 74.451 of the adopted rules permitted broadcasters to use transmitters that were type accepted for use in certain other services. It has been pointed out to us that § 74.452(d) of the rules covering equipment changes at existing stations does not provide a similar provision for the use of transmitters type accepted for use in other services, whereas there seems to be no valid reason for permitting such use at new stations, but not at previously licensed stations. In this *Order*, we are correcting this anomaly by amending Section 74.452(d) covering equipment changes to conform it to the provisions of Section 74.451(a). We are also making a similar editorial amendment in paragraph (d) of the same section with respect to the marketing of transmitters for use at Remote Pickup Stations.

20. An intercity relay station carrying TV programs is permitted to transmit station identification by use of its own call sign, the call sign of its associated station, the call sign of the station being relayed, or the network identification when used as a direct network relay. Such stations may also use automatic identification by International Morse Code. An intercity relay station used by a radio broadcast station is now required to identify at sign-on and sign-off by its own call sign and other times by either the associated station call sign or, under limited circumstances, by the call sign of the station being relayed. Use of a network identification or automatic transmission of International Morse Code is not permitted. It is difficult to arrange for voice call sign identification when relaying programs from another station or from a direct network connection. We see no practical reason why radio intercity relay and STL stations should have less flexibility in the procedures used for station identification than similar stations used for the TV broadcast services. We are therefore amending the

station identification requirement of Section 74.582 for the radio broadcast services to be parallel with the identification requirements of § 74.682 for TV services. At this same time we are conforming the intervals for station identification of these stations to the general identification requirements for broadcast stations. Under the present rule, the STL and intercity relay stations are required to observe a more rigid identification schedule than their associated broadcast stations, which is neither practical nor necessary. We are also, in this *Order*, deleting the requirements that TV auxiliary broadcast stations transmit station identification over transmitters operating with less than 1 watt power output. These small low powered TV auxiliary transmitters are usually of the portable type used for electronic news gathering or program pickup at the scene of a remote event. Operation of these transmitters is usually so intermittent or the transmissions are over such short distances that station identification is of no value for interference identification or for enforcement purposes.

21. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b) (3) (B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

22. Therefore, *It is ordered*, That pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 1, 73, and 74 of the Commission's Rules and Regulations are amended as set forth below, effective July 18, 1977.

(Secs. 4, 303, 48 Stat., as amended, 1086, 1088; 47 U.S.C. 184, 303.)

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

#### PART 1—PRACTICE AND PROCEDURE

1. Section 1.531 is amended to read as follows:

##### § 1.531 Formal and informal applications.

(a) "Formal application" means any request for authorization where an FCC form for such request is prescribed. The prescription of an FCC form includes the requirement that the proper edition of the form is used. Formal applications on obsolete forms are subject to the provisions of § 1.565 concerning acceptance of applications and § 1.566 concerning defective applications.

(b) "Informal application" means all other requests for authorization. Informal applications may be in letter form, but all such applications should contain a caption clearly indicating the nature of the request submitted herein.

(c) An informal application requesting modification of an outstanding authorization must comply with the requirements as to signing specified in §§ 1.511 and 1.513.

2. In § 1.573, the first paragraph of Note 1 is amended to read as follows:

##### § 1.573 Processing of FM and noncommercial educational FM broadcast applications.

NOTE 1.—Noncommercial educational stations. Except where § 73.504(c) of this chapter is applicable, and pending further consideration of issues formerly in Docket No. 14185 and now in Docket No. 20735 (41 FR 16973) (dealing with the revision of the FM Broadcast Rules and Regulations), an application for a noncommercial educational FM broadcast authorization will be subject to the following, notwithstanding any other provision of the FM Broadcast Rules of this section:

#### PART 73—RADIO BROADCAST SERVICES

3. New § 73.13 is added to read as follows:

##### § 73.13 Critical hours.

The term "critical hours" means the two hour period immediately following local sunrise and the two hour period immediately preceding local sunset.

4. In § 73.40, paragraph (b) (4) introduction is amended, with paragraphs (i), (ii), and (iii) retained unchanged as follows:

##### § 73.40 Transmitter; design, construction, and safety of life requirements.

(b) (4) Metering equipment shall meet the requirements of §§ 73.58, 73.1215 and the following:

5. Existing § 73.43 is deleted and the following new § 73.43 is added:

##### § 73.43 Changes in equipment and antenna system.

Licensees of AM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in § 73.40.

(b) Specific authority, upon filing formal application (FCC Form 301 or Form 340 for stations operating as non-commercial educational) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole, unless such transmitter is one which may be installed and utilized



in accordance with the provisions of § 73.48(a) (5).

(3) Change in the location of the transmitting antenna.

(4) Changes in the antenna system (see § 73.45).

(5) [Reserved].

(6) Change in the antenna input power.

(7) Modification of the frequency control or modulation circuits.

(c) Specific authority, upon filing an information application is required for any of the following changes:

(1) [Reserved].

(2) [Reserved].

(3) Replacement of existing carrier frequency generator.

(4) In the type, number, or power rating of the power amplifier devices used in the last radio stage of the transmitter.

(d) An application for authority by an existing station to resume determination of power by the direct method shall be filed on FCC Form 302 immediately following changes in the antenna system whenever the measured antenna or common point resistance differs from that shown on the station authorization. The application shall include the information and measurement data specified in paragraph (e) of § 73.54.

(e) An informal application for authority by an existing station to resume determination of power by the direct method shall be filed immediately following changes in the antenna system when measurements show there has been no change in the antenna or common point resistance from that shown on the station authorization. The informal application shall include the information specified in subparagraphs (3) through (6) of paragraph (3) of § 73.54.

#### § 73.44 [Deleted]

6. Section 73.44 is deleted and marked reserved.

7. In § 73.45, the headnote is amended to read as follows:

#### § 73.45 Antenna system.

8. In § 73.51, subparagraph (b) (3) is amended to read as follows:

#### § 73.51 Antenna input power; how determined.

(b) . . . . .

(3) In specific cases, it may be necessary to limit the radiated field to a level below that which would result if normal power were delivered to the antenna. In such cases, excess power may be dissipated in the antenna feed circuit, the transmitter may be operated with power output at a level which is less than the rated carrier power, or a combination of the two methods may be used, subject to the conditions given in paragraph (c) of this section.

9. In § 73.56, the note at the end of paragraph (a) is deleted, and a new

paragraph (d) is added to read as follows:

#### § 73.56 Modulation monitors.

. . . . .

(d) Positive modulation peaks to 125% is an absolute limit. Licensees using positive peaks exceeding 100% must have a type approved modulation monitor with an indicating range sufficient to indicate the peak modulation utilized to insure compliance at all times with the positive peak limitations of Section 73.55.

NOTE.—Provisions of paragraph (d) are effective November 1, 1977.

#### § 73.61 [Deleted]

10. Section 73.61 is deleted and reserved.

#### § 73.62 [Deleted]

11. Section 73.62 is deleted and reserved.

12. Section 73.98 is amended to read as follows:

#### § 73.98 Operation during emergency.

(a) AM broadcast stations may, without further Commission authority, employ their full daytime facilities during nighttime hours to carry emergency weather warnings and other types of emergency information connected with the examples listed in paragraph (b) of this section when necessary to the safety of life and property, in dangerous conditions of a general nature and when adequate advance warning cannot be given with the facilities authorized. Because of skywave interference impact on other stations assigned to the same channel, such operation may be undertaken only if regular, unlimited-time service is nonexistent, inadequate from the standpoint of coverage, or not serving the public need. All operation under this paragraph must be conducted on a noncommercial basis. Recorded music may be used to the extent necessary to provide program continuity.

(b) Examples of situations which may warrant emergency operation pursuant to paragraph (a) are: Tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, and civil disorders. Transmission of information concerning school closings and changes in schoolbus schedules resulting from any of these conditions, is appropriate.

(c) If requested by responsible public officials, an AM station may, at its discretion, and without further Commission authority, transmit emergency point-to-point messages for the purpose of requesting or dispatching aid and assisting in rescue operations.

(d) Except as otherwise provided in paragraph (a) of this section, emergency operation shall be confined to the hours, frequencies, powers, and modes of operation specified in the license documents of the stations concerned.

(e) Any emergency operation undertaken in accordance with this section

may be terminated by the Commission, if required in the public interest.

(f) Immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (e) of this section, or when daytime facilities were used during nighttime hours in accordance with paragraph (a) of this section, a report in letter form shall be forwarded to the Commission, in Washington, D.C., setting forth the nature of the emergency, the dates and hours of emergency operation, and a brief description of the material carried during the emergency period. A certification of compliance with the noncommercialization provision of paragraph (a) of this section must accompany the report where daytime facilities are used during nighttime hours, together with a detailed showing concerning the alternate service provisions of that paragraph.

(g) If the Emergency Broadcast System (EBS) is activated at the National Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence. When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

13. In § 73.99, paragraph (h) is amended to read as follows:

#### § 73.99 Presunrise service authority.

. . . . .

(h) The issuance of a PSA is intended to indicate the waiver of §§ 73.45, 73.182, and 73.188 where the operation might otherwise be considered as technically substandard. Further, the requirements of paragraphs (a) (5), (b) (2), (c) (2), and (d) (2) of § 73.1215 concerning the scale ranges of transmission system indicating instruments are waived for PSA operation except for the radio frequency ammeters used in determining antenna input power. A station having an antenna monitor incapable of functioning at the authorized PSA power when using a directional antenna shall take the monitor reading using unmodulated carrier at the authorized daytime power immediately prior to commencing PSA operations. Special conditions as the Commission may deem appropriate may be included in the PSA to insure operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

14. In § 73.142, subparagraph (b) (1) is amended to read as follows:

#### § 73.142 Automatic transmission system facilities.

. . . . .

(b) (1) The control system must have devices to monitor and control the antenna input power by sampling and evaluating the antenna current without the effects of modulation. Antenna current is to be sampled at the same point in the antenna circuit as the antenna ammeter but below (transmitter side)



the ammeter. The indirect method of power determination may also be used on a temporary basis under the provisions of Section 73.51(d) if the system has devices to monitor and control the antenna input power by that method.

15. In § 73.151, paragraphs (a) (2) (ii) and (iii) are amended to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

(a) \* \* \*

(2) \* \* \*

(ii) The ratio of the amplitude of the current in each other element to the current in the reference element, as indicated on the station's antenna monitor.

(iii) The value of the radio frequency current at the base of each element, and the ratio of the current in each other element to the base current in the reference element. If there are substantial differences between the ratios established in subdivision (ii) of this subparagraph and the ratios computed in this subdivision (iii) and/or if there are substantial differences between the parameters established in subdivisions (i) and (ii) of this subparagraph and this subdivision (iii), and those used in the design of the standard radiation pattern, a full explanation of the reasons for these differences shall be given.

16. In § 73.187, paragraph (a) (1) is amended to read as follows:

§ 73.187 Limitation on daytime radiation.

(a) (1) Except as otherwise provided in paragraphs (2) and (3) of this paragraph, no authorization will be granted for Class II facilities if the proposed facilities would radiate during the period of critical hours (the 2 hours after local sunrise and the 2 hours before local sunset) toward any point on the 0.1 mV/m contour of a co-channel U.S. Class I station, at or below the pertinent vertical angle determined from Curve 4 of Figure 6a of § 73.190, values in excess of those obtained as provided in paragraph (b) of this section.

§ 73.253 [Amended]

17. Section 73.253 is amended by deleting the note at the end of paragraph (a).

18. In § 73.257, new paragraphs (c) (3) and (4) are added and paragraph (d) is deleted, to read as follows:

§ 73.257 Changes in equipment and antenna system.

(c) \* \* \*

(3) Replacement of the carrier frequency generator with one of a different type.

(4) In the type, number, or power rating of the power amplifier devices used in the last radio stage of the transmitter.

19. Sections 73.298(a), 73.597(a) and 73.675(a) are amended to read identically as follows:

§ 73. Operation during emergency.

(a) Emergency situations with respect to which the broadcast of information is considered as furthering the safety of life and property include, but are not limited to, the following: tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, civil disorders and school closing and changes in schoolbus schedules resulting from any of these conditions. If requested by responsible public officials, emergency point-to-point messages may be transmitted for the purposes of requesting or dispatching aid and assisting in rescue operations.

20. Present § 73.504 is deleted, and present § 73.507 is redesignated as § 73.504. A new § 73.507 is added to read as follows:

§ 73.507 Minimum distance separations between co-channel and adjacent-channel stations.

(a) *Minimum distance separations.* No application for a new station, or change in channel or transmitter site or increase in facilities of an existing station, will be granted unless the proposed facilities will be located so as to meet the adjacent channel distance separations specified in § 73.207(a) for the class of station involved with respect to assignment on Channels 221, 222 and 223 listed in § 73.201 (except where in the case of an existing station the proposed facilities fall within the provisions of § 73.207(b)).

(b) Stations authorized as of September 10, 1962, which do not meet the requirements of paragraph (a) of this section and § 73.511, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section.

(c) Stations separated in frequency by 10.6 or 10.8 MHz (53 or 54 channels) from stations or assignments on commercial channels will not be authorized unless they conform to the following separation table:

Class of stations:	Required spacing	
	Kilometers	Miles
A to A.....	8.1	5
B to A.....	16.1	10
B to B.....	24.2	15
C to A.....	32.2	20
C to B.....	40.3	25
C to C.....	48.3	30

NOTE.—Under the United States-Mexican FM Broadcasting Agreement, for stations and assignments separated in frequency by 10.6 to 10.8 MHz (53 or 54 channels), the following mileage separations (see paragraph (c) of this section) to Mexican allocations or assignments must be adhered to:

Class of station:	Required spacing	
	Kilometers	Miles
C to D.....	24.2	15
B to D.....	16.1	10
A to D.....	8.1	5
D to D.....	3.2	2

This note applies to noncommercial educational assignments and authorizations in the border area and for stations in the United States adjacent to assignments and stations in the border area.

21. Section 73.505 is amended by renumbering it as § 73.508, and a new § 73.505 is added to read as follows:

§ 73.505 Zones.

For the purpose of assignment of non-commercial educational FM stations, the United States is divided into three zones, Zone I, Zone I-A, and Zone II, having the boundaries specified in § 73.205.

22. Section 73.506 is amended by renumbering it as Section 73.513, and a new Section 73.506 is added to read as follows:

§ 73.506 Classes of educational channels, and stations operating thereon.

(a) Noncommercial educational stations operating on the channels specified in § 73.501 are divided into four classes, as follows:

(1) A Class D educational station is one operating with no more than 10 watts transmitter power output. Class D stations may be assigned in all zones, on any of the channels specified in § 73.501.

(2) Noncommercial educational stations with more than 10 watts transmitter output are classified as Class A, Class B, or Class C, depending on the effective radiated power and antenna height above average terrain, and the zone in which the station's transmitter is located, on the same basis as provided in §§ 73.205, 73.206, and 73.211 for stations on the non-reserved FM channels. Where a station is authorized with more than 3 kilowatts (4.8 dBk) effective radiated power, or coverage greater than that obtained by the equivalent of 3 kilowatts effective radiated power and 91.5 meter (300 foot) antenna height above average terrain, it is classified as a Class B station if its transmitter is located in Zone I or Zone I-A, and as a Class C station if its transmitter is located in Zone II. Class A stations may be assigned in all zones.

(b) All classes of noncommercial educational stations may be assigned to any of the channels set forth in § 73.501.

23. A new § 73.509 is added to read as follows:

§ 73.509 Protection from interference.

No application for a facility on any channel specified in § 73.501 of this chapter will be accepted if the requested facility either would cause objectionable interference within the 1 mV/m contour of any co-channel or adjacent channel, or receive interference within the proposed 1 mV/m contour. The following



standards shall be used to determine the existence of objectionable interference:

(a) The distance to the 1 mV/m contour shall be determined by the use of Figure 1 of § 73.333 (F(50,50) curve) of this chapter (see § 73.313(c)(1)).

(b) The distance to the applicable interference contour shall be determined by the use of Figure 1a of § 73.333 (F(50,10) chart) of this chapter.

(c) Objectionable interference will be considered to exist if, on the basis of the curves referred to in this subparagraph, the ratio of undesired to desired signal exceeds: 1:10 for co-channel; 1:2 for first adjacent channel (200 kHz removed); 10:1 for second adjacent channel (400 kHz removed); and 100:1 for third adjacent channel (600 kHz removed).

24. A new § 73.510 is added to read as follows:

§ 73.510 Antenna systems.

(a) All noncommercial educational stations operating with more than 10 watts transmitter output power shall be subject to the provisions of § 73.316 concerning antenna systems contained in Subpart B of this part.

(b) *Directional antenna.* No application for a construction permit of a new station, or change in channel, or change in an existing facility on the same channel will be accepted for filing if a directional antenna with a maximum-to-minimum ratio of more than 15 dB is proposed.

25. A new § 73.511 is added to read as follows:

§ 73.511 Power and antenna height requirements.

(a) No provision as to a minimum facility for an FM broadcast station shall apply to a noncommercial educational station operating on a channel specified in § 73.501; and no provision as to a maximum facility shall apply to a noncommercial educational station on Channels 201 to 217, inclusive. However, any application specifying a facility either below the minimum or exceeding the maximum set forth in § 73.211 will not be necessarily granted; see Notice of Inquiry in Docket No. 14185 as concerns educational FM matters (5 F.C.C. 2d 587, 588, fn. 2 (1966); see also 13 F.C.C. 2d 751 (1968) and 17 F.C.C. 2d 496 (1969) and Docket 20735 (41 FR 16973)).

(b) On Channels 218, 219, and 220 specified in § 73.501, no Class B or Class C educational station will be authorized with effective radiated power greater than that specified in § 73.211(b)(1) for the respective class of station, and the maximum effective radiated power permissible shall also be subject to the provisions of § 73.211(b)(2).

26. In § 73.557, new paragraphs (c) (3) and (4) are added, and paragraph (d) is deleted, to read as follows:

§ 73.557 Changes in equipment and antenna system.

(c) \* \* \*

(3) Replacement of the carrier frequency generator with one of a different type.

(4) In the type, number of power rating of the power amplifier devices used in the last radio stage of the transmitter.

27. Section 73.558 is amended to read as follows:

§ 73.558 Indicating instruments.

(a) Each noncommercial educational FM broadcast station licensed for a transmitter power above 10 watts shall be equipped with indicating instruments which conform with the specifications described in § 73.1215 for determining the power by the indirect method; for indicating the relative amplitude of the transmission line radio frequency current, voltage, or power; and with such other instruments as are necessary for the proper adjustment, operation, and maintenance of the transmitting system.

(b) [Reserved]

(c) [Reserved]

(d) The function of each instrument shall be clearly and permanently shown in the instrument itself or on the panel immediately adjacent thereto.

(e) In the event that any of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission: *Provided, That:*

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

(2) [Reserved].

(3) If the defective instrument is the transmission line meter of a station which determines the output power by the direct method, the operating power shall be determined by the indirect method in accordance with § 73.567(a) (2) during the entire time the station is operated without the transmission line meter.

(f) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, informal request in accordance with § 1.549 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

§ 73.600 [Redesignated]

28. Section 73.600 is amended to be redesignated as § 73.591, with the headnote and text of its section to remain the same.

29. In § 73.639, paragraph (b) is amended, existing paragraph (c) is deleted and new paragraph (c) is added to read as follows:

§ 73.639 Changes in equipment and antenna system.

(b) Specific authority, upon filing formal application therefor (FCC Form 301, or FCC Form 340 for stations operating as noncommercial educational), is required for any of the following:

(5) [Reserved].

(6) Change in the power delivered to the antenna.

(7) Modification of the frequency control or modulation circuits.

(c) Specific authority, upon filing an informal application, is required for any of the following changes:

(1) [Reserved]

(2) [Reserved]

(3) Replacement of the carrier frequency generator with one of a different type.

(4) In the type, number, or power rating of the power amplifier devices used in the last radio stage of the transmitter.

30. In § 73.682, the headnote and paragraph (a)(9) are amended to read as follows:

§ 73.682 Transmission standards.

(a) \* \* \*

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals. The two signals comprise different modulation ranges in amplitude in accordance with the following:

(i) Monochrome transmissions shall comply with synchronizing waveform specifications in Figure 7 of § 73.699.

(ii) Color transmissions shall comply with the synchronizing waveform specifications in Figure 6 of § 73.699.

(iii) All stations operating on Channels 2 through 14 and those stations operating on Channels 15 through 83 licensed for a peak visual transmitter output power greater than one kilowatt shall comply with the picture transmission amplitude characteristics shown in Figure 5 of § 73.699.

(iv) Stations operating on Channels 15 through 83 licensed for a peak visual transmitter output power of one kilowatt or less shall comply with the picture transmission amplitude characteristic shown in Figure 5 or 5a of § 73.699.

31. In § 73.689, paragraph (a)(2)(iii) is amended and paragraph (a)(2)(iv) is added to read as follows:

§ 73.689 Operating power.

(a) \* \* \*

(2) \* \* \*



(iii) The value of the efficiency factor,  $F$ , shall be determined and a record kept thereof by one of the following methods listed in order of preference:

(A) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (a) (1) of this paragraph, or the most recent measurements made by the licensee to establish the value of  $F$ . In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to Commission approval, the licensee shall furnish the Commission and retain with the station records the measurement data used as a basis for determining the value  $F$ .

(B) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee, provided that the measurements were made at the authorized frequency and transmitter output power.

(C) Using the transmitter manufacturer's measurement data submitted to the Commission for type-approval and as shown in the instruction book supplied to the licensee.

(iv) The value of  $F$  established for the authorized transmitter output power is to be used for maintaining the operating power pursuant to paragraph (b) (2) of this section.

#### § 73.691 [Amended]

32. Section 73.691 is amended by deleting the note at the end of paragraph (a).

#### PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

33. In § 74.451, paragraph (d) is amended and a Note is added to read as follows:

##### § 74.451 Type acceptance of equipment.

(d) All transmitters marketed for use in the remote pickup broadcast service shall either be type accepted for use under this Subpart or under other Parts as specified in paragraph (a) of this section.

NOTE.—This paragraph becomes effective September 1, 1977.

34. In § 74.452, paragraph (d) is amended and a Note is added to read as follows:

##### § 74.452 Equipment changes.

(d) All transmitters installed after August 31, 1977, must be type accepted for use in this service or other services as specified in § 74.451(a).

NOTE.—Prior to September 1, 1977, Commission approval must be obtained before replacing an authorized transmitter with a transmitter which has not been type accepted for use in the remote pickup broadcast service or other services as specified in § 74.451(a).

35. In § 74.482, paragraph (a) is amended to read as follows:

##### § 74.482 Station identification.

(a) Each aural broadcast STL, or intercity relay station shall transmit station identification at the beginning and end of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings by one of the following means:

(1) Transmission of its own call sign by aural means or by automatic transmission of international Morse telegraphy.

(2) Aural transmission of the call sign of the radio broadcast station with which it is licensed as an STL or intercity relay station.

(3) Aural transmission of the call sign of the radio broadcast station whose signals are being relayed, or, when programs are obtained directly from network lines and relayed, the network identification.

36. In § 74.682, paragraph (a) is amended to read as follows:

##### § 74.682 Station identification.

(a) Each television broadcast auxiliary station operating with a transmitter output power of 1 watt or greater shall transmit station identification at the beginning and end of each period of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings by one of the following means:

[FR Doc. 77-20358 Filed 7-15-77; 8:45 am]

[Docket No. 21096; RM-2710]

#### PART 73—RADIO BROADCAST SERVICES

##### FM Broadcast Stations in Fargo and Mayville, North Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein substitutes Channel 288A for Channel 269A at Mayville, North Dakota, and assigns Class C FM Channel 270 to Fargo, North Dakota. Petitioner, Communications Properties, Inc., stated the Class C channel would provide a significant first and second FM service to a substantial area.

EFFECTIVE DATE: August 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

##### SUPPLEMENTARY INFORMATION:

REPORT AND ORDER PROCEEDING TERMINATED

Adopted: July 5, 1977.

Released: July 13, 1977.

In the matter of amendment of § 73.202(b), *Table of Assignment, FM Broadcast Stations*. (Fargo, Mayville, North Dakota), Docket No. 21096, RM-2710.

1. The Commission herein considers the *Notice of Proposed Rule Making*, adopted January 26, 1977, 42 FR 6854, in the above-captioned proceeding instituted in response to a petition filed by Communications Properties, Inc. ("CPI"), licensee of AM Station KFGO, Fargo, North Dakota. The petition proposed the assignment of Class C FM Channel 270 to Fargo, North Dakota, and the substitution of Channel 288A for Channel 269A at Mayville, North Dakota. CPI was the only commenting party.

2. Fargo (pop. 53,365)<sup>1</sup>, seat of Cass County (pop. 73,653) is described by petitioner as the largest city in the state of North Dakota. Fargo receives local service from four AM stations: two full-time facilities (KFGO, licensed to petitioner, and WDAY) and two daytime-only outlets (KQWB and KFNW); by two Class C FM stations (WDAY-FM, Channel 229, and KFNW-FM, Channel 250); and by noncommercial educational station KDSU-FM, Channel 220, licensed to North Dakota State University.<sup>2</sup>

3. The assignment of Channel 270 to Fargo and the substitution of Channel 288A for Channel 269A at Mayville could be accomplished in conformity with the minimum distance separation requirements providing the transmitter site is located at least 26 kilometers (16 miles) northwest or 35 kilometers (22 miles) west-southwest of the community. Channel 269A in Mayville is presently occupied by Station KMAV-FM, and licensed to KMAV, Inc. The construction permit for the station was issued conditioned on the acceptance of a change in its channel if required by the outcome of this proceeding. Since KMAV, Inc. accepted the permit with the condition attached, no Order to Show Cause was issued and no reimbursement for any changes affecting Station KMAV-FM would be necessary.

4. Assignment of Channel 270 to Fargo and Channel 288A to Mayville would create considerable areas of co-channel and adjacent channel preclusion. Four communities<sup>3</sup> which are located in the preclusion areas do not have any FM channel assignments. However, in its supporting comments, CPI advised that there are alternate channels available for assignment to those communities. Therefore, preclusion is not an impediment to making the proposed changes.

<sup>1</sup> Population figures are taken from the 1970 U.S. Census.

<sup>2</sup> Fargo also receives aural service from broadcast stations located in Moorhead, Minnesota, directly adjacent to and east of Fargo. That service consists of one AM station, two commercial FM outlets and one noncommercial educational FM facility.

<sup>3</sup> Minnesota: Warren, Red Lake, Bagley; North Dakota: New Rockford.



5. CPI states that from a site approximately 42 kilometers (26 miles) southwest of Fargo, an FM station operating with 100 kW power and approximately 183 meters (600 feet) HAAT would provide a first FM service for 3,081 persons in an area of approximately 790 square kilometers (305 square miles), and a second FM service to nearly 8,000 persons in an area of 1,868 square kilometers (720 square miles). It would also provide a first aural nighttime service to 42 persons in an area of approximately 67 square kilometers (26 square miles), and a second aural nighttime service to 4,354 persons in an area of approximately 378 square kilometers (146 square miles). In response to a question in the Notice as to whether the petitioner could be relied upon to utilize this site, CPI has affirmed its intention to seek such a site and to employ a facility that would be equivalent to that specified in its proposal.

6. Since Fargo is of sufficient size in terms of population to warrant an additional broadcast facility and since the proposed channel would increase the diversity of listening opportunities to the public by providing a third FM service to a community of over 50,000 people, the Commission believes it would be in the public interest to make this assignment.

7. Accordingly, it is ordered, That effective August 23, 1977, the FM Table of Assignments (§ 73.202(b)) of the Commission's rules is amended with respect to the cities listed below, as follows:

City:	Channel No.
Fargo, N. Dak.-----	229, 250, 270
Mayville, N. Dak.-----	288A

\*Any application for this channel must specify an effective radiated power of 100 kW and antenna height of 183 meters (600 feet) above average terrain or equivalent.

8. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

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

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

[FR Doc. 77-20529 Filed 7-15-77; 8:45 am]

[Docket No. 20496; FCC 77-480]

# PART 76—CABLE TELEVISION SERVICES

## Modifying or Eliminating Use of Signal Strength Contours for Purposes of Cable Television Systems Regulation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This decision has several effects. First, it makes a new more accurate method of predicting the service area of television stations applicable to

the cable television. Wherever those rules rely on a station's predicted service area, this method will now be used instead of the old one. Second, it amends the rules to assure that this action will not result in any signals now available on cable television being deleted. Third, it amends the rules to allow a cable system to carry any UHF television station if the cable system is located within its service area. These actions resulted from (a) a decision that the new prediction method was more accurate and should be used in broadcast regulations, (b) concern that this change in use of an administrative tool not alter substantive rights and obligations presently being exercised and (c) an announced Commission goal of encouraging the development of UHF television. The intended result is adoption of a more accurate criterion and an increase in the amount and quality of UHF television available to the public.

EFFECTIVE DATE: August 26, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Tom Hendrickson, Cable Television Bureau, 632-6468.

## SUPPLEMENTARY INFORMATION:

### REPORT AND ORDER (PROCEEDING TERMINATED)

Adopted: July 7, 1977.

Released: July 15, 1977.

In the matter of: amendment of Part 76 of the Commission's rules and regulations to modify or eliminate the use of signal strength contours for purposes of Cable Television Systems Regulation, Docket No. 20496.

1. On May 29, 1975 (40 FR 53407) the Commission amended its rules to incorporate new and more accurate propagation curves for the prediction of television field strength contours. See "Report and Order in Dockets 16004 and 18052," FCC 75-636, 53 FCC 2d 855 (1975).<sup>1</sup> Due to the procedures adopted at that time, the predicted locations of Grade A and Grade B contours have been changed. In most cases the new curves cause a constriction of contour radii. The reduction effect on VHF television stations will be relatively minimal, with the most significant reductions (estimated to be up to 7 percent) occurring to VHF television stations with antenna heights in excess of 1000 feet. VHF stations with lower antenna heights, especially those under 500 feet, may actually realize predicted contours which somewhat exceed their former ones. The effects on UHF television stations, however, are more consequential. Generally, the total area included within the predicted contours of

<sup>1</sup> Implementation of a portion of the new procedure (involving corrections based on the actual terrain roughness in a television station's service area) has been stayed. Order, FCC 75-1226, 56 FCC 2d 749 (1975); Order, FCC 77-304, FCC 2d (1977).

UHF stations will be substantially reduced. It is estimated that for these stations the distance to the predicted Grade B contour is 24-28 percent less using the new contours.

2. The Commission's Cable Television Rules presently put significant reliance on the use of contours and the changes adopted in predicting them have the potential to materially affect rights and obligations under the rules. Accordingly, on the same day the revised prediction procedures were adopted, the "Notice of Proposed Rule Making in Docket 20496," FCC 75-635, 53 FCC 2d 1009 (1975), was issued. The Notice stayed the applicability of the change in contour prediction for purposes of the cable television rules pending resolution of two issues:

(a) Should the Commission abandon or alter use of signal strength contours in our Cable Television Rules and rely instead on use of fixed mileage zones?

(b) Should the Commission take this opportunity to encourage expanded carriage of UHF stations on cable television systems?

We shall deal with the contour issue first.

3. Grade B contours have been used in cable regulation since the Commission first entered the field. These contours are designed to indicate the area within which a certain field intensity (the figure varies from 47 to 64 dbu depending on the channel assignment) is estimated to be found in 90 percent of the locations 50 percent of the time. However, their limitations have been recognized from the beginning. Predicted field intensity contours were developed as a statistical tool to indicate the approximate extent of coverage of a television station. The note following § 74.683 of the rules cautions that:

... the curves should be used with appreciation of their limitations in estimating levels of field intensity. Further, the actual extent of service will usually be less than indicated by these estimates due to interferences from other stations. Because of these factors, the predicted field intensity contours give no assurance of service to any specific percentage of receiver locations within the distances indicated.

4. Use of these contours has presented a number of problems in cable regulation. Where there are pockets of poor reception within a predicted Grade B contour or where the predictions appear to be inaccurate, parties are faced with expensive testing and much uncertainty in proving the actual signal strength. There have been administrative problems in that cable operators have had difficulties determining the exact extent of the predicted contours especially where the cable system is on the contour fringes. On the other hand, the practical service area of television stations is a key consideration in cable regulation. Signal strength contours, with all their limitations, are the best available indication of service areas.

5. In the Notice, *supra*, we offered for comment the use of fixed mileage zones in place of signal contours. Most commenting parties oppose this change. The



arguments advanced include: (a) A fixed mileage zone is too arbitrary in individual cases, (b) it does not help the VHF-UHF disparity, (c) it will necessarily restrict the carriage rights of many stations, including UHF stations, (d) it breaks up the true coverage area of a station, (e) it penalizes those stations which have invested in equipment and towers giving better coverage and rewards those stations which have not made these investments, (f) use of a reference point based on city of license ignores the actual service area whose center is the transmitter location. The Commission acknowledges the problems associated with use of fixed mileage zones and accordingly we decline to substitute them wholesale wherever our rules presently use contours. We are faced with a choice between two tools, both of which have definite limitations and disadvantages. Each of our rules has slightly different concerns underlying it. In some cases fixed zones are sufficient to meet those concerns. In other cases the more easily administered fixed zones nevertheless fail as satisfactory substitutes for predicted contours.

6. Contours are still used in our rules in seven situations:

- (i) Notice requirements (§ 76.13(a) (6), and (c) (4))
- (ii) Broadcast-cable cross ownership (§ 76.501(a) (2))
- (iii) Applicability of one technical standard (§ 76.605(a) (9))
- (iv) Nonduplication protection for translator stations (§ 76.92(d))
- (v) Carriage of duplicate signals where a translator or satellite station is involved (§ 76.55(c))
- (vi) Carriage of noncommercial television stations on all cable systems (§§ 76.57(a) (1), 76.59(a) (2), and 76.61(a) (2))
- (vii) Carriage of commercial stations on cable systems located in smaller television markets and outside of all markets. (§§ 76.57(a) (1) and 76.59(a) (3))

Each of these situations will be dealt with in turn but first we should address the proposal, urged by a number of commenting parties, that we continue use of the prior contour prediction method for cable television purposes, that is, make permanent the "interim" policy. On the surface this seems like a reasonable solution. However, it ignores two facts. First, to maintain a set of predicted contours just for cable purposes presents administrative problems. Television licensees would have to submit 2 sets of estimates. Confusion to cable operators and the public would certainly occur. The expenditure of Commission resources to administer this set of contours would be costly. And changes in broadcast facilities and the arrival of new television stations would further complicate the situation. The second consideration is even more important. The new contours were adopted because they are more accurate than the old ones. We do not believe it wise to continue use of an outdated method. Contours are used in the

cable rules as an estimate of the geographic area in which a television signal is available. We now have a more accurate way to make that estimate, and wherever the rules utilize signal contours, we believe it highly desirable to apply the most accurate procedure.<sup>2</sup>

7. *Notice requirements.* Sections 76.13(a) (6), (b) (6) and (c) (4) of the rules require that applications for certificates of compliance contain a statement that certain basic information has been served on, *inter alia*, "the licensee or permittee of any television broadcast station within whose predicted Grade B contour or specified zone the community of the system is located, in whole or in part \* \* \*". The purpose of these provisions is to assure that proper notice is given to television stations which may have rights under the rules or objections to the applications. Use of contours in this context has caused some administrative problems in the past. Failure to serve one or more stations is probably the most common application deficiency. However we do not feel that switching to a fixed mileage criteria is wise. The purpose of the notice requirement is to assure that parties with an interest in the application are aware of it in time to raise an objection. The Commission has used contours for this purpose on the assumption that television stations are keenly interested in cable activity within their service areas. Predicted contours are inherently more accurate in reflecting a station's service area than are fixed mileage zones. Furthermore it is not clear that use of mileage zones would significantly reduce the number of notice errors in applications. Perhaps most importantly, however, such a criterion may be making the rules more complex rather than simplifying them since this "Report and Order" concludes that use of predicted contours should be continued generally in the cable rules. It does not seem wise to introduce a new standard here when predicted contours will continue to be a familiar tool in cable regulation.

8. *Technical Standards.* Section 76.605 (9) of the rules requires that "The ratio of visual signal level to system noise, and of visual signal level of any undesired cochannel television signal operating on proper offset assignment, shall be not less than 36 decibels \* \* \*". Sections 76.605 (9) (i) and (ii) state that this requirement only applies when the cable system picks up the signal within its predicted Grade B contour or when the cable system delivers the signal to subscribers within that contour. The Commission decided when it adopted this section that it was not wise to impose the requirement when the picture quality was predicted to be inferior to that of a Grade B signal. Consistent with the intent of the rule we will use the new

prediction method in this context. It is important that we use the best presumption of actual signal quality available and not let administrative convenience concerns override that goal.

The likely result of course is that a few signals on some cable systems will no longer have to meet the standard. \* rare instances cable systems previously within one or more Grade B contours may now be outside of all such contours and the standard will not apply to those systems at all. However, the real impact of this change will be minimal and at any rate, consonant with the purpose of the rule.

9. *Broadcast-cable cross-ownership.* Section 76.501(a) (2) prohibits cross-ownership of a cable television system and a "Television broadcast station whose predicted Grade B contour, computed in accordance with § 73.684 of this chapter, overlaps in whole or in part the service area of \* \* \* the cable system. This rule was designed to encourage diversity of media voices within a service area. Since the service area is the key consideration here we believe continued use of signal contours is advisable. Accordingly, we are not amending the wording of § 76.501 although of course this change in contour calculation does alter the effects of the rule. This cuts into the cross-ownership ban somewhat, but since the change represents more accuracy in our delineation of a station's service area, it furthers the policies being pursued.

10. *Nonduplication protection for translator stations.* Section 76.92(d) of the rules provides that certain translator stations are entitled to network program exclusivity if they are located within the predicted Grade B contour of the television station being translated and are carried on the cable system involved. When the present network nonduplication rules were adopted it was decided that a distinction should be made between translators located within the parent station's local service area and those located outside it. We shall not revisit that determination in this proceeding. Our basic emphasis on local broadcasting is the basis of this distinction. Since the service area is key here and few administrative problems have surfaced, use of contours will be continued.

11. *Carriage of duplicating satellite or translator stations.* Section 76.55(c) of the rules provides that a cable system need not carry the signal of a translator if the system is located within the Grade B contour of the station being retransmitted and the system is carrying that station. Similarly, § 76.55(d) provides that if a cable system is located within the Grade B contour of both a satellite

<sup>2</sup> See Newport Cablevision Inc., (Newport, Vt.) FCC 76-1140, 62 FCC 2d 104 (1976) Reconsideration denied in FCC 77-179, and Order, FCC 77-178, — FCC 2d — (1977), reconsideration pending.

<sup>3</sup> See Paragraph 27, Report and Order Dockets 19995 & 18785, FCC 75-413, 52 FCC 2d 519, 542 (1975).



and its parent television station, the system need not carry both and may select between them. Neither of these rules has created administrative difficulties and we believe it appropriate to continue use of contours in these circumstances.

12. *Carriage of noncommercial educational stations.* Noncommercial educational television stations have "must carry" status on all cable television systems located within their Grade B contours. See §§ 76.57(a)(1), 76.59(a)(2), and 76.61(a)(2) of the rules. Comments were filed specifically addressing this issue by the Public Broadcasting System, the West Virginia Board of Regents, New York State Education Department and the Ohio Educational Network Television Commission. All of these parties urge a shift to mileage zones from contours, although with different variations. One difficulty affecting educational stations more than commercial ones concerns use of reference points instead of transmitter sites as the center of mileage zones. The Ohio Commission points out that educational stations are often less concerned with the financial and other support of a given community and more concerned with wide area coverage than are commercial stations. Thus their transmitters are more likely to be outside the city of license. PBS points out that 80 of the 250 public television stations (32 percent) have their transmitters 12 or more miles from their city of license, with 24 of these over 25 miles away. Thus use of the city of license reference point could create a zone which varied significantly from the station's actual coverage area.

13. The commenting parties are asking that mileage zones be used to expand carriage of educational stations. In effect, they are urging the Commission to benefit public broadcasting by mandating carriage on cable systems located outside a station's local service area. We remain sympathetic to the advancement of public broadcasting, but for administrative and philosophical reasons discussed further below we decline to adopt the use of fixed mileage zones for this purpose. Use of contours negates the problem of transmitter location, is more accurate than fixed zones and minimizes the very difficult problem of determining the actual availability of a signal for use on the cable system. We note that our rules will continue to encourage carriage of educational stations outside their Grade B contours, since these signals may always be imported absent a justified objection from a local educational station. We are merely declining to mandate carriage of stations which are not licensed to serve the population in question and whose signal availability is uncertain.

14. *Carriage of commercial stations.* In the top hundred markets, contours are not used for carriage purposes. They apply to smaller markets and to systems outside all markets as follows:

(a) Cable systems located outside of all markets must carry, on request, the signal of any television station whose

Grade B contour encompasses all or part of the cable community. See § 76.57(a)(1).

(b) Cable systems located in smaller television markets must carry, on request, the signal of any station whose Grade B contour encompasses all or part of the cable community, if the station is licensed to another smaller market. See § 76.59(a)(3).

Again, the concept underlying the rules is the television station's local service area. See paragraphs 81-83, "Cable Television Report and Order," FCC 72-108, 36 FCC 2d 143 (1972). In the case of cable systems located outside the specified zone of all television stations, the Commission has felt that a station whose Grade B contour reached the community was enough of a "local" station that its carriage should be ensured. We affirm that decision and will continue use of contours in this context. The same holds true in the case of cable systems located in smaller television markets. We found it wise in 1972 to ensure carriage of smaller market stations throughout their Grade B contours in most cases, even where the contours exceeded their 35-mile zones. We shall continue that concept, using the new prediction procedure.

15. *Grandfathering.* In its regulation of cable television the Commission has traditionally not required cable operators to delete signals already carried when regulatory policies have changed that would now preclude that carriage by new systems. The reason for this has been to avoid an undesired disruption of subscriber viewing habits. We see no reason to depart from that policy in this proceeding. This "grandfathering" from the cable operators point of view is not significant as to systems that are located outside of all television markets because the rules would in any case allow carriage of the signals in question even if their carriage is no longer mandatory. It would, however, allow cable systems in smaller television markets to continue carriage of signals from other smaller television markets even though these signals, as the result of contour shrinkage, were no longer subject to mandatory carriage.

16. Many broadcast parties to this proceeding have suggested that grandfathering should be a two-way street and that such grandfathering can be used as one means of assisting UHF stations. That is they would have us allow stations that had obtained cable carriage under these contours to continue to insist on their rights to carriage. Since this would assure that subscribers will not lose access to signals to which they have become accustomed, we are persuaded that the two-way grandfathering concept should be used. While grandfathering is traditionally a permissive concept which allows the status quo to remain rather than requiring it to, we feel it is in the public interest to mandate continued carriage in this context. Therefore the rules will be amended to provide that where a cable system is located in the area between a station's

prior predicted Grade B contour and its new one, and is presently required to carry that signal by virtue of that contour's location, the rights of the cable system to continue its carriage and the rights of the station to demand continued carriage shall remain in force. This result seems to us particularly appropriate with respect to those UHF stations that developed with reasonable expectations of continued cable carriage in areas where our revisions in the contour prediction system would now deprive them of carriage rights. It seems likely that situations will arise where, due to limited channel capacity or for other reasons, continued carriage of such signals may conflict with other proposed uses for the cable channel. We shall deal with these and any other situations through our waiver and special relief procedures.

17. *Aid to UHF.* A major issue raised in the "Notice" was whether the signal carriage rules should be amended to increase carriage of UHF television stations. Comments on this issue were mixed. Most UHF licensees felt that the Commission should use its cable television rules to promote UHF stations. The cable interests generally argued against saddling cable with hardships to help another industry. The National Association of Broadcasters and many broadcast interests flatly argue that expanded carriage of "distant" signals actually would harm broadcasting in the long run.

18. If we are to increase UHF availability it can be done through a mandatory approach or a permissive one. Questions have been raised as to the propriety of requiring additional carriage for this purpose.<sup>8</sup> In addition it would cause serious administrative problems. This is primarily due to the inevitable disputes over the quality of the signal, the ability of the cable operator to obtain it, the cost involved, etc. Another argument against the mandatory approach deals with copyright liability. The new Copyright Law imposes liability on cable systems for use of signals whose carriage is not mandatory as of March 1976. It would be inconsistent in these circumstances for the federal government to demand carriage of a signal and then exact a copyright fee for that carriage. After careful consideration, we have concluded that mandatory carriage should not be used as a tool to aid UHF, as such.<sup>9</sup>

19. This conclusion does not, however, preclude use of the cable rules to encourage increased carriage of UHF television. It only means that use of mandatory rules is not contemplated. Therefore the next step is to decide whether increased UHF carriage is in the public interest. This is not as easy a question as it might first appear. It seems safe to

<sup>8</sup> See, for example, the concurring statement issued by Commissioner Glen O. Robinson to the Notice of Proposed Rule Making in this proceeding.

<sup>9</sup> Of course, the form of grandfathering adopted here (Para. 15 and 16 *supra*) will mandate continued carriage of certain signals, whether VHF or UHF.



say that more cable carriage in a UHF station's "fringe" area can help it financially. What is less clear is (1) how harmful the increased competition would be to stations now carried on these cable systems and (2) how the local UHF station would be affected by carriage of additional "distant" UHF stations on the cable systems where it is already carried. Whether the end result is a plus or minus will vary depending on the station's location, but the viewing public will have gained in terms of diversity. We feel that on the whole UHF television and the public would benefit from increased carriage within a station's service area.

The present rules allow carriage throughout a commercial station's Grade B contour only where the cable system is located outside of all markets or where the cable system is in a smaller market and the station in question is licensed to another smaller market. We are amending the rules today to allow carriage of all commercial UHF stations throughout their Grade B contours. The changes resulting from this action are as follows:

(A) Major market UHF stations can now be carried within their service area. The present rules base local carriage on a station's 35 mile zone and its status as "significantly viewed" in the area. The change extends their carriage to communities outside their 35 mile zone but within their Grade B contour where the station is not considered significantly viewed.

(B) Until now carriage of smaller market stations based on Grade B contours has been allowed only when the cable system is located either outside of all markets or within another smaller market. Today we are extending carriage to situations where the cable system is located in a major market.

This proposal will increase the amount of UHF television available to the public and while it will cause audience loss to some individual stations it should help UHF as a whole by increasing each station's access to audience within its service area. It is, moreover, consistent with other recent efforts to aid UHF reception.

20. The obvious question is how does this move square with our distant signal limitations. When the "Cable Television Report and Order,"<sup>7</sup> was issued in 1972 the Commission set a limit on the number of distant signals that it felt could safely be imported into various size television markets without significant impact on the local signals. We believe that the amendment adopted today is distinguishable from that policy determination because the extra UHF carriage being encouraged herein involves stations more "local" in character than "distant." In the case of distant signals there is the danger of adverse impact without appreciable offsetting benefits to the broadcasting system. In the case of extending the permissible carriage area of UHF stations we still have the danger of adverse impact but the offsetting benefits are significant. Not only is the nearby (and

therefore locally oriented) station which can now be carried likely to increase its revenues but the larger goal of parity between UHF and VHF television is advanced.

21. We are, therefore, amending the cable television rules to allow carriage of any UHF station within its Grade B contour regardless of whether that station has mandatory carriage rights. We are aware that this amendment may change the permissible carriage on some cable systems and may even result in importation of an additional signal. This does not alarm us, however, since in those cases we are merely recognizing that the UHF station should have a more local status. In addition the harm is mitigated somewhat by our network nonduplication rules. Network affiliates will be able to claim protection against the majority of programming on a same-network UHF station being carried due to this amendment. We are amending the syndicated exclusivity rules, however, to recognize the local status of these stations. Thus they will not result in deletion of syndicated programming on any UHF station within its Grade B contour. This decision is consistent with our finding that these signals are available over-the-air to the majority of non-cable viewers who want to view them according to that system of prediction found most accurate after many years of study (Docket 16004) and thus cable carriage will reflect rather than distort off-the-air signal availability patterns.

22. *Effective date.* We have decided to continue use of predicted contours in some contexts but where we are switching to new contours there are administrative difficulties. The problem is one of timing. When the new prediction method was adopted it was decided that television stations should not be required to submit revised contour maps immediately. Instead they are being filed by each station at its first renewal of license subsequent to the rule change. As a result, Commission records will not contain revised contour maps for all television stations until June 1, 1978. We could simply delay the effective date of this document until then but it seems unwise to grant or deny waivers and authorizations based on a criteria we have decided to abandon, especially where the decision would go the other way if the new contours were applied. Accordingly we shall assume the validity of whatever contours are available but make clear that contours based on the new prediction method are determinative. If an objection is raised in individual proceedings to the use of an available contour whose prediction is based on the prior procedures, the burden will be on the party seeking to use the contour (cable operator seeking to prove a signal is local, or broadcaster requesting carriage) to submit a showing of the station's predicted contour under the new method. We realize that this may be a little awkward for the time remaining between now and June 1, 1978 but it is the most equitable solution. The difficulty is minimized somewhat since close to two thirds of the station licensees have already filed for renewal and submitted

revised maps with their applications. Obviously, this number will steadily increase as time passes. Thus, whatever degree of difficulty we face now will become even less of a problem as time passes.

23. *Summary.* We have determined that it is in the public interest to institute the following changes:

(a) The stay currently in effect on cable use of the revised predicted contours is rescinded. Where the cable television rules make use of signal contours, the revised prediction methods will be applied.

(b) In those areas which are encompassed by the old Grade B contour prediction but not the new one, if a signal is presently being carried, the rights of both cable systems and television stations to continued carriage are being grandfathered.

(c) Cable systems located within the Grade B contour of any UHF television station will be permitted to carry the signal of such station.

Authority for the rule amendments adopted herein is contained in section 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective August 26, 1977, Part 76 of the rules and regulations is amended as set forth below.

It is further ordered, That the revised contour predictions adopted in "Report and Order in Docket 16004 and 18052," are now in effect wherever the Cable Television rules make use of signal contours.

It is further ordered, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS  
COMMISSION,

VINCENT J. MULLINS,  
Secretary.

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

In Part 76—Cable Television Service:  
1. Section 76.59 is amended by the addition of paragraph (d) (5) which reads as follows:

§ 76.59 Provisions for smaller television markets.

(d) \* \* \*

(5) Any commercial UHF television station within whose Grade B contours the community of the system is located, in whole or in part.

2. Section 76.61 is amended by the addition of paragraph (e) (5) which reads as follows:

\* See attached joint statement of Commissioners Wiley, Chairman; Fogarty and White, Commissioner Quello concurring in the result.

<sup>7</sup> FCC 72-108, 36 FCC 2d 143 (1972).



**§ 76.61 Provisions for First 50 Major Television Markets.**

(e) \* \* \*

(5) Any commercial UHF television station within whose Grade B contours the community of the system is located, in whole or in part.

3. Section 76.65 is amended by the addition of paragraph (c) which reads as follows:

**§ 76.65 Grandfathering provisions.**

(c) When, for purposes of ascertaining cable signal carriage rights or broadcast station rights to cable system carriage, reference is made to Grade B contours in §§ 76.57, 76.59, 76.61, or 76.63, such contours shall be the field intensity contours defined in § 73.683(a) of this chapter: *Provided, however*, That such rights as to signals carried or authorized for carriage on or before August 26, 1977, shall be determined by reference to the contour prediction rules adopted in the Sixth Report and Order in Dockets 8736, 8975, 8976 and 9175, 41 FCC 148 (1952) as amended by Report and Order in Docket 17253 FCC 70-345, 22 FCC 2d 354 (1970).

4. In § 76.151, paragraphs (a) and (b) and the Note are amended to read as follows:

**§ 76.151 Syndicated program exclusivity; extent of protection.**

Upon receiving notification pursuant to § 76.155: (a) No cable television system, operating in a community in whole or in part within one of the first 50 major television markets, shall carry a syndicated program, pursuant to § 76.61 (b), (c), (d), or (e) (1)-(4), for a period of 1 year from the date that program is first licensed or sold as a syndicated program to a television station in the United States for television broadcast exhibition;

(b) No cable television system, operating in a community in whole or in part within a major television market, shall carry a syndicated program, pursuant to § 76.61 (b), (c), (d), or (e) (1)-(4), or § 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e) (1)-(4)), while a commercial \* \* \*

NOTE.—For purposes of § 76.151, a series will be treated as a unit, that is:

(1) No episode of a series (including an episode in a different package of programs in the same series) may be carried by a cable television system, pursuant to §§ 76.61 (b), (c), (d), or (e) (1)-(4) or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e) (1)-(4)) while any episodes of the series are subject to exclusivity protection.

JOINT STATEMENT OF CHAIRMAN RICHARD E. WILEY; COMMISSIONER JOSEPH R. FOGARTY, AND COMMISSIONER MARGITA E. WHITE, DISSENTING IN PART

RE: REPORT AND ORDER IN DOCKET 20496

We cannot agree with that portion of the majority opinion which grandfather, on a mandatory basis, existing UHF Grade B carriage rights. This deci-

sion, we believe, twists the Commission's longstanding concept of grandfathering as a permissive device to allow rather than to require the continuance of the status quo. Moreover, it appears to contradict the larger decision, with which we agree, that mandatory carriage of UHF television signals outside of the stations' service areas for the sole purpose of promoting UHF is not appropriate.

This statement is not to suggest, however, any disagreement on our part with the Commission's commitment to the development of UHF television. Indeed, we very strongly endorse this commitment. Moreover, we fully support the Commission's action in allowing carriage of all commercial UHF stations throughout their Grade B contours regardless of their market status under our cable rules. We believe that this right to permissive carriage may be a significant aid to UHF television's overall growth by increasing each station's access to the audience within its service area.

[FR Doc.77-20490 Filed 7-15-77; 8:45 am]

**Title 50—Wildlife and Fisheries**

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

**SUBCHAPTER C—MARINE MAMMALS**

**PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

**Reporting of Information on Porpoise Mortality Levels**

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: Regulations are being amended to assure timely and accurate reporting of information on porpoise mortality levels.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7461.

SUPPLEMENTARY INFORMATION: On June 6, 1977, the National Marine Fisheries Service published (42 FR 28904) proposed amendments to modify 50 CFR 216.24(d) (2) (i) to assure that accurate information on the numbers of purse seine vessels at sea and the mortality levels of the individual porpoise stocks is reported to the National Marine Fisheries Service on a timely basis.

The amendments to the regulations would require reports from operators of all U.S. tuna seiners having a certificate holder onboard of their actual departure or arrival date to the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California, Area Code 714-233-5511 within 48 hours prior to departure from port and within 48 hours after arrival in port. Vessels having observers onboard, or vessels departing for or returning from regulated trips outside the Inter-American Tropi-

cal Tuna Commission (IATTC) area, are excluded from this requirement.

In addition, because of the small quota sizes on some stocks, it would be required that the National Marine Fisheries Service observers be allowed to periodically report certain information in coded form by radio.

One comment was received on the proposal requesting assurance that vessels excluded from this proposal comply under regulations promulgated elsewhere. Since this is the case, the amendments are hereby adopted by the National Marine Fisheries Service as originally proposed.

Accordingly, 50 CFR 216.24(d) (2) (i) is amended by redesignating § 216.24(d) (2) (i) (B) as § 216.24(d) (2) (i) (C), and by adding a new § 216.24(d) (2) (i) (B) which reads as follows:

**§ 216.24 Taking and related acts incidental to commercial fishing operations.**

(d) \* \* \*

(2) \* \* \*

(i) \* \* \*

(B) Each vessel having a certificate holder but not an observer onboard and not fishing on a IATTC regulated outside trip is required to notify the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, Area Code 714-233-5511, within 48 hours prior to departure from port and within 48 hours after arrival in port, of their actual departure or arrival date, including any changes in schedules that may occur after the original notification. The notification shall include the name of the vessel and the location of the port of the scheduled departure or arrival. Reporting may be by either the certificate holder, owner, or managing owner of the vessel. Masters of all vessels carrying the National Marine Fisheries Service observers shall allow observers to periodically report the following information by radio in coded form:

1. Number of animals killed since the trip began;
2. Total tuna caught, all species, since the trip began;
3. Total yellowfin tuna caught on porpoise since the trip began; and
4. Total sets made, and total sets made on porpoise since the trip began.

Individual vessel names and their tuna catches associated with coded information reported by radio by the National Marine Fisheries Service observers shall remain confidential unless its release is authorized in writing by the master of the vessel, or his designated agent. The Regional Director, Southwest Region, will provide to the public a weekly quota status report summarizing the incidental porpoise mortality accumulated for all vessels by individual species and stocks.

Dated: June 29, 1977.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc.77-20488 Filed 7-15-77; 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.

## FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Part 211 ]

### MOTOR GASOLINE

#### Adjustments to Base Period Volumes; Withdrawal of Proposed Rules

AGENCY: Federal Energy Administration.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: After consideration of all the written and oral presentations received in connection with the proposal of the Federal Energy Administration (FEA) to amend the Mandatory Petroleum Allocation Regulations for motor gasoline to provide for adjustments to base period volumes and to modify the rules governing the distribution of surplus product, FEA has determined to withdraw the proposed rulemaking.

#### FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue, NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Mary B. Jones (Program Office), 2000 M Street, NW., Room 2314, Washington, D.C. 20461, 202-254-3234.

Kathleen C. Williams (Office of the General Counsel), 12th & Pennsylvania Avenue, NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION: On April 20, 1977, FEA gave notice (42 FR 20826, April 22, 1977) of a proposed rulemaking and public hearing to amend the Mandatory Petroleum Allocation Regulations to provide for adjustments to the base period volumes of motor gasoline. The proposed amendments provided for adjustments to the base period use of retail motor gasoline sales outlets, and bulk purchasers and wholesale purchaser-consumers which have allocation levels which are not one hundred percent of current requirements, to reflect actual purchases from base period suppliers in the corresponding month of the previous year. For wholesale purchaser-resellers other than retail sales outlets, the adjusted base period use was proposed as the sum of the adjusted base period uses of all their base period and assigned purchasers. In the proposed rulemaking, FEA also requested

comments on several alternatives to restricting the proposed adjustments to purchases from base period suppliers.

FEA issued an amendment to the notice of proposed rulemaking on May 6, 1977 (42 FR 23859, May 11, 1977) requesting additional comments on the distribution of surplus motor gasoline. Specifically, FEA requested comments on whether the current regulations governing the distribution of surplus product should be revised to require public notice of the availability of surplus product and to include an explicit requirement that each wholesale purchaser-reseller be offered a pro-rata share of surplus product based on the proportion of its adjusted base period volume to the total adjusted base period volumes of all purchasers entitled to receive an allocation from the supplier.

The rulemaking proceeding was initiated by FEA because significant changes in demand patterns have occurred in the retail gasoline market and average volumes per station have shifted from base period uses as established and adjusted during 1974. Because there are limited means available under the regulations to effect adjustments in base period uses and because any shortages in the supplies of motor gasoline might result in dislocations in the market due to FEA regulations, FEA concluded that some mechanism to adjust base period volumes to reflect more accurately current market conditions was necessary. The additional comments on surplus product were solicited because FEA had been advised that the procedures for the distribution of surplus product were not being adhered to and some marketers were experiencing difficulty in obtaining surplus product from their base period suppliers.

A total of 159 comments both oral and written were submitted in connection with this proceeding. A majority of the comments received by FEA indicated that the regulations should not be changed, as proposed, immediately before the peak driving season because such a change would require extensive modifications in the distribution system which would be difficult to effect during the period of high demand. A period of at least several months was projected to be required to implement the proposed amendments. In addition, although almost all respondents agreed with FEA as to the need for updating base period volumes, there was little consensus on the most appropriate method for accomplishing such adjustments, and a further rulemaking proceeding appears to be necessary prior to issuing a final rule on adjustments to base period volumes. Fi-

nally, there was no clear indication in the comments received that the rules governing the distribution of surplus product require modification.

In light of the difficulties for the industry if these adjustment procedures were adopted this summer, FEA has concluded that adoption of the proposed adjustment procedures is not justified at this time and is hereby withdrawing its April 20, 1977 notice of proposed rulemaking, as amended on May 6, 1977.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, and Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended Pub. L. 94-385; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (42 FR 20826, April 22, 1977) entitled "Adjustments to Base Period Volumes for Motor Gasoline", as amended by a notice issued May 6, 1977 (42 FR 23859, May 11, 1977), is hereby withdrawn.

Issued in Washington, D.C., July 12, 1977.

ERIC J. FYGI,  
Acting General Counsel.

[FR Doc. 77-20479 Filed 7-13-77; 1:02 pm]

[ 10 CFR Part 600 ]

## ENERGY POLICY AND CONSERVATION ACT

### Implementation of Coal Loan Guarantee Program

AGENCY: Federal Energy Administration.

ACTION: Notice of inquiry (advance notice of proposed rulemaking).

SUMMARY: The Federal Energy Administration ("FEA") hereby requests public comment on certain issues and suggested procedures concerning FEA's implementation of the Coal Loan Guarantee Program, as authorized by the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163) and the Energy Conservation and Production Act (ECPA) (Pub. L. 94-385). Under this program FEA would be authorized to issue loan guarantees for the purpose of developing, expanding or reopening underground coal mines.

The preamble of this notice summarizes certain important features of the program, and requests public comment concerning the need, impact, and feasibility of the program and the FEA's



preliminary proposed regulations to implement the program. The text of the authorizing legislation is reprinted at the end of the preamble for the sake of convenience. The preliminary program regulations suggesting the procedures under which FEA would operate the program, if implemented, are included at the end of the notice.

An Advance Notice of Proposed Rulemaking, rather than a Notice of Proposed Rulemaking, is issued now because FEA is still in the process of evaluating the feasibility and potential impact of the program. The purpose of the Advance Notice of Proposed Rulemaking is to enable FEA to obtain public comments assessing the need for this program as currently authorized by EPCA and ECPA. While the preliminary regulations contained in this Advance Notice of Proposed Rulemaking constitutes one possible approach to administering the program, FEA specifically requests comments on alternative approaches.

Applications for loan guarantees will not be accepted until FEA completes its evaluation of the comments received in response to this public notice, issues proposed program regulations, completes the programmatic environmental analysis, and promulgates final program regulations.

**DATES:** Comments by August 8, 1977, 4:30 p.m.

**ADDRESS:** All comments to Executive Communications, Room 3309, Federal Energy Administration, Box NY, Washington, D.C. 20461.

**FOR FURTHER INFORMATION CONTACT:**

David M. Phelan, 202-566-9934.

#### SUPPLEMENTARY INFORMATION:

- A. Background.
- B. Need, impact and feasibility of the program.
- C. Text of the authorizing legislation.
- D. Comment procedures.

##### A. BACKGROUND

The Congress included section 102 in the Energy Policy and Conservation Act (EPCA) and Section 164 in the Energy Conservation and Production Act (ECPA) for the purpose of providing greater availability of low sulfur coal. This legislation authorizes the Administrator of the FEA to guarantee loans issued for the development of new underground coal mines, the expansion of existing underground coal mines, and the reopening of underground coal mines which had been previously closed.

The primary purposes for which the Coal Loan Guarantee Program was enacted were to encourage and assist small and medium sized coal producers in increasing coal production from low sulfur underground coal mines, to enhance competition among coal producers, and to encourage new market entry by small coal producers.

In addition, the program is likely to stimulate additional job opportunities in

geographic areas where low sulfur underground coal reserves are located.

Underground mining is encouraged as a means of reducing the impact of coal production on the surrounding environment. Further, the program will also assist coal producers in acquiring the necessary funds to upgrade equipment and provide for better safety mechanisms as specified in the Federal Coal Mine Health and Safety Act.

No application for a loan guarantee would be considered unless evidence were provided which established that adequate financing could not be obtained without such a loan guarantee.

Priority consideration would be given loan guarantee applications for low sulfur underground coal mining projects, in accord with the legislative requirement contained in section 102(b)(3) of EPCA that 80 percent of the guarantees issued in any fiscal year be restricted to development of low sulfur coal production capacity.

It is anticipated that priority consideration would also be given those applications for projects having a plan of operation which indicates a reasonable likelihood of rapid production from proven reserves and which already have available such project infrastructure as access roads, rail systems and loading facilities.

It is not expected that guarantees would be made available for the mining of coal for metallurgical use.

The aggregate outstanding principal amount of loans guaranteed under this program could not at any time exceed \$750,000,000, in accordance with section 102(b)(3) of EPCA.

The preliminary regulations suggest the procedures by which the FEA would administer its responsibilities to issue loan guarantees. The regulations outline suggested requirements for the filing and processing of applications and for the issuance and subsequent servicing of guaranteed loans. The documentation required to be submitted by the applicant, including certain site-specific environmental information described in application forms currently under development, would provide a basis upon which the Administrator could evaluate the application and determine whether to issue a loan guarantee.

##### B. THE NEED, IMPACT AND FEASIBILITY OF THE PROGRAM

The FEA desires to obtain the public's views regarding the need for the Coal Loan Guarantee Program, its impact and its feasibility, as well as suggestions regarding program operating procedures.

Specific areas in which the FEA seeks comments and opinions include:

1. Increased underground production of low sulphur coal may be constrained by, among other factors, a lack of adequate financing for the development, expansion or reopening of underground mines by "small" coal producers. FEA has surveyed many lenders and small coal producers who believe such a financial constraint exists. Additionally, evi-

dence such as the relatively low legal lending limits of even the largest commercial banks in most states with large deep mineable low sulfur coal reserves tends to substantiate this constraint. However, it may be the case that if the coal producer controls proven low sulfur coal reserves and has obtained the long term coal sales contract required by EPCA, then no Federal guarantee is required to secure adequate debt financing. To date, very few such actual low sulfur coal sales contracts obtained by small coal producers have been identified. Comments are solicited, therefore, which document either that a loan guarantee program as authorized by EPCA is needed, and/or that small underground coal producers with long term low sulfur coal sales contracts have obtained adequate debt financing without such a loan guarantee.

2. EPCA requires that a borrower under the Coal Loan Guarantee Program be unable to obtain adequate financing without a loan guarantee. Other Federal loan guarantee programs require borrowers to demonstrate, some formally and others informally, their inability to obtain adequate debt financing by being rejected by one or more lenders. Comments are solicited on recommended procedures to be used in this program to demonstrate that adequate debt financing is not available without a loan guarantee.

3. In preparing an application for a loan guarantee, borrowers would incur such costs as providing the coal reserves and developing the financial and other data required for a feasibility study. These costs may be significant and would be incurred prior to approval of a conditional commitment to guarantee or issuance of a loan guarantee. Comments are solicited, particularly from those experienced in coal mining and in proving mineral reserves, on the magnitude of these costs and to what extent they should be eligible costs for reimbursement from the proceeds of the guaranteed loan, subsequent to and contingent on issuance of a loan guarantee.

##### C. TEXT OF THE AUTHORIZING LEGISLATION

For convenience, the text of the provisions in EPCA and ECPA authorizing the Coal Loan Guarantee Program has been reprinted below:

##### ENERGY POLICY AND CONSERVATION ACT

##### INCENTIVES TO DEVELOP UNDERGROUND COAL MINES

Sec. 102 (a) The Administrator may, in accordance with subsection (b) and rules prescribed under subsection (d), guarantee loans made to eligible persons described in subsection (c) (1) for the purpose of developing new underground coal mines.

(b) (1) A person may receive [sic] for a loan guarantee under subsection (a) only if the Administrator determines that—



(A) Such person is capable of successfully developing and operating the mine with respect to which the loan guarantee is sought;

(B) Such person has provided adequate assurance that the mine will be constructed and operated in compliance with the provisions of the Federal Coal Mine Health and Safety Act and that no final judgment holding such person liable for any fine or penalty under such Act is unsatisfied;

(C) There is a reasonable prospect of repayment of the guaranteed loan;

(D) Such person has obtained a contract, of at least the duration of the period during which the loan is required to be repaid, for the sale or resale of coal to be produced from such mine to a person who the Administrator of the Environmental Protection Agency certifies will be able to burn such coal in compliance with all applicable requirements of the Clean Air Act, and of any applicable implementation plan (as defined in section 110 of such Act);

(E) The loan will be adequately secured;

(F) Such person would be unable to obtain adequate financing without such guarantee;

(G) The guaranteeing of a loan to such person will enhance competition or encourage new market entry; and

(H) Such person has adequate coal reserves to cover contractual commitments described in subparagraph (D).

(2) The total amount of guarantees issued to any person (including all persons affiliated with such person) may not exceed \$30,000,000. The amount of a guarantee issued with respect to any loan may not exceed 80 percent of the lesser of (A) the principal balance of the loan or, (B) the cost of developing such new underground coal mine.

(3) The aggregate outstanding principal amount of loans which are guaranteed under this section may not at any time exceed \$750,000,000. Not more than 20 percent of the amount of guarantees issued under this section in any fiscal year may be issued with respect to loans for the purpose of opening new underground coal mines which produce coal which is not low-sulfur coal.

(c) For purposes of this section—

(1) A person shall be considered eligible for a guarantee under this section if such person (together with all persons affiliated with such person)—

(A) Did not produce more than 1,000,000 tons of coal in the calendar year preceding the year in which he makes application for a loan guarantee under this section;

(B) Did not produce more than 300,000 barrels of crude oil or own an oil refinery in such preceding calendar year; and

(C) Did not have gross revenues in excess of \$50,000,000 in such calendar year.

(2) A person is affiliated with another person if he controls, is controlled by, or is under common control with such other person, as such term may be further defined by rule by the Administrator.

(3) The term "low sulfur coal" means coal which, in a quantity necessary to produce one million British thermal units, does not contain sulfur or sulfur compounds the elemental sulfur content of which exceeds 0.6 pound. Sulfur content shall be determined after the application of any coal preparation process which takes place before sale of the coal by the producer.

(d) The Administrator shall prescribe such regulations as may be necessary or appropriate to carry out this section. Such rules shall require that each application for a guarantee under this section shall be made in writing to the Administrator in such form and with such content and other submissions as the Administrator shall require, in order reasonably to protect the interests of the United States. Each guarantee shall be issued in accordance with subsections (a) through (c), and—

(1) Under such terms and conditions as the Administrator, in consultation with the Secretary of the Treasury, considers appropriate;

(2) With such provisions with respect to the date of issue of such guarantee as the Administrator, with the concurrence of the Secretary of the Treasury, considers appropriate, except that the required concurrence of the Secretary of the Treasury may not, without the consent of the Administrator, result in a delay in the issuance of such guarantee for more than 60 days; and

(3) In such form as the Administrator considers appropriate.

(e) Each person who receives a loan guarantee under this section shall keep such records as the Administrator or the Secretary of the Treasury shall require, including records which fully disclose the total cost of the project for which a loan is guaranteed under this section and such other records as the Administrator or the Secretary of the Treasury determines necessary to facilitate an effective audit and performance evaluation. The Administrator, the Secretary of the Treasury, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any pertinent books, documents, papers, and records of any person who receives a loan guarantee under this section.

#### ENERGY CONSERVATION AND PRODUCTION ACT

Sec. 164. Section 102 of the Energy Policy and Conservation Act is amended by adding at the end of subsection (c) the following new paragraph:

(4) The term "developing new underground coal mine" includes expansion of any existing underground coal mine in a manner designed to increase the rate of production of such mine, and the reopening of any underground coal mine which had previously been closed.

#### D. COMMENT PROCEDURES

Interested persons are invited to participate in this public inquiry by submit-

ting data, views, or arguments, with respect to the proposals set forth in this notice, to Executive Communications, Room 3309, Box NY, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted with the designation: Coal Loan Guarantee Program. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

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

(Energy Policy and Conservation Act, Pub. L. 94-163; Energy Conservation and Production Act, Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, FEA issues an advance notice of proposed rulemaking amending Title 10 of the Code of Federal Regulations by adding Part 600, as set forth below.

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

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

#### PART 600—IMPLEMENTATION OF COAL LOAN GUARANTEE PROGRAM

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AUTHORITY: Pub. L. 94-163; Pub. L. 94-385; Pub. L. 93-275; E.O. 11790.

## Subpart A—General Provisions

### PURPOSE AND OBJECTIVES

FEA has included these regulations in this notice in order to indicate one possible set of procedures by which the program, if implemented, could be administered. While comments may be directed to these regulations, comments are specifically invited as to alternative approaches which FEA may wish to consider.

### § 600.02 Definitions.

For the purpose of this Part:

(a) "Act" means the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163), as amended by the Energy Conservation and Production Act of 1976 (Pub. L. 94-385).

(b) "Administrator" means the Administrator of the Federal Energy Administration, his duly designated representative, or any officer of the United States designated by statute or executive order to succeed to his responsibilities.

(c) "Affiliate" means a person who directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with another specified person, where control means direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities by contract, or otherwise. (17 CFR 230.405).

(d) "Applicant for Guarantee" or "Applicant" means the lender who applies to FEA for a guarantee.

(e) "Application" means the written request of an applicant for a loan guarantee.

(f) "Borrower" means any party directly liable for repayment of any part of a loan guaranteed by FEA.

(g) "Conditional Commitment" means that document, issued by the FEA, which sets forth specifically or by reference, the terms and conditions under which the FEA will issue a guarantee.

(h) "Contract" means a written agreement or agreements for at least the duration of the period during which a guaranteed loan is required to be repaid, for the direct and indirect sale or resale of coal to be produced from the subject mine to a person who the Administrator of the Environmental Protection Agency certifies will be able to burn such coal in compliance with all applicable requirements of the Clean Air Act, and with any applicable implementation plan (as defined in section 110 of the Clean Air Act).

(i) "FEA" means the Federal Energy Administration.

(j) "Guarantee" means the document issued by FEA setting forth specifically or by reference FEA's undertaking to save from loss the lender of a guaranteed loan, or portion thereof, and the terms and conditions of the undertaking.

(k) "Holder" means the person other than the lender who has succeeded in due course to all or part of the right, title and interest in the guaranteed portion of the loan.

(l) "Lender" means any original source of financing, licensed or regulated by a State or the Federal Government or approved by FEA, which provides to a borrower funds to be guaranteed by the FEA. The Lender is also the Applicant.

(m) "Loan Agreement" means the written contract between the Borrower and Lender specifying the terms and conditions under which the Lender provides financing to the Borrower.

(n) "Low Sulfur Coal" means coal which, in a quantity necessary to produce one million British thermal units, does not contain sulfur or sulfur compounds the elemental sulfur content of which exceeds 0.6 pound. Sulfur content shall be determined after the application of any coal preparation process which takes place before the sale of the coal by the Borrower.

(o) "Obligation" means any loan, note, bond, or other evidence of indebtedness.

(p) "Project" means an undertaking by the Borrower which will produce coal by the development of new underground mines, expansion of existing mines in a manner designed to increase production of such mine, or the reopening of underground coal mines which had previously been closed.

### § 600.03 General provisions.

(a) The aggregate outstanding principal amount of loans guaranteed under Public Law 94-163, section 102, may not at any time exceed \$750,000,000.

(b) The full faith and credit of the United States is pledged to the payment in cash or equivalent of all guarantees issued pursuant to section 102 of the Act. Any such guarantee issued by FEA shall be conclusive evidence that the guaranteed loan qualifies for such guarantee, and the validity of such guarantee so made shall be incontestable in the hands of a Holder, except for fraud or material misrepresentation on the part of such Holder.

(c) Not more than 20 percent of the total amount of guaranteed obligations issued in any fiscal year may be for the purpose of developing, expanding, or reopening underground mines that produce coal which is not low-sulfur coal.

(d) The Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the date of issue of any loan guarantee, except that this concurrence may not, without the consent of the Administrator, result in a delay in the issuance of a guarantee for more than 60 days.

## Subpart B—Applications

### § 600.20 Filing and processing fee.

The filing of each Application must be accompanied by a check or draft payable to the Administrator in the amount of \$10,000 for a mine expansion or reopening application, or \$20,000 for a new mine Application. Such fee shall be nonreimbursable. No subsequent application fee payment shall be required in the event the guarantee amount or other application items are amended after initial filing. Such amendments will be permitted until issuance of the guarantee.

### § 600.21 Determination of eligibility.

(a) Each Application must include a signed statement from the Borrower representing that the Borrower and any Affiliated Persons did not, in the calendar year preceding the year of application for a loan guarantee:

(1) Produce more than 1,000,000 tons of coal;

(2) Produce more than 300,000 barrels of crude oil;

(3) Own an oil refinery;

(4) Have gross revenue in excess of \$50,000,000.

(b) The Applicant must also submit a signed statement from the Borrower representing that there is no final judgment unsatisfied that holds Borrower or any Affiliated Person liable for any fine or penalty pursuant to the Federal Coal Mine Health and Safety Act.

(c) The Lender will certify that none of its officers or directors, major stockholders, or other owners is an Affiliated Person of the Borrower. The Lender will certify that none of the Borrower's officers or directors, stockholders, or other owners has a substantial financial interest in the Lender.

### § 600.22 General application information requirements.

The Applicant must provide at the time of application the following:

(a) Evidence that the Borrower owns, leases, or otherwise controls sufficient economically recoverable coal reserves at the site described in the application to produce sufficient coal to permit the Borrower to honor any obligation under the contract;

(b) A letter of intent to purchase coal or a draft coal sales contract, for the sale or resale of the coal to be produced from the project;

(c) An estimate of the sulfur content of the coal reserves at the site described in the Application;

(d) Adequate assurance that the mine will be constructed and operated in compliance with the Federal Coal Mine Health and Safety Act;

(e) Evidence that the Borrower has been unable to obtain adequate financing without such guarantee. Such evidence may consist of a signed statement from the Applicant representing that he would not provide financing under the proposed terms without a Federal guarantee;

(f) A copy of the Mine Development Plan (normally the same plan submitted to Federal and State officials will suf-



(f) which includes a description of the processes and methods the Borrower plans to use in the Project;

(g) A list of permits, licenses and other authorizations required by local, State or Federal authorities prior to opening of the proposed mine, with copies of any permits already issued and a schedule of expected dates of application for the remaining required permits;

(h) Certain environmental data to be specified, describing environmental characteristics of the Project site.

#### § 600.23 Financial and other application information requirements.

(a) The Applicant shall provide information in support of the Application, such as prescribed below: This information shall be used as the basis for the Administrator's legislatively stipulated determination that the Borrower is capable of successfully developing and operating the mine.

(1) Full description of the scope, nature, extent, and location of the proposed Project;

(2) A description of the Borrower's organization and a copy of the business certificate, partnership agreement, or corporate charter, bylaws, and appropriate authorizing resolutions;

(3) A list identifying Affiliated Persons of the Borrower;

(4) Resumes of the Borrower's key employees which includes in reverse chronological order their business and managerial experience, with emphasis on history of recent experience in the coal industry;

(5) A description of any other Federal financial assistance (e.g., direct loans, guaranteed loans, grants, contracts) expected to be applied for or already obtained by the Borrower in connection with the Project;

(6) Itemized estimates of costs of the Project (see § 600.25);

(7) Summary of insurance coverage for the Project;

(8) A schedule of salaries (and other financial remuneration including profit sharing and stock options) to be paid to officers and key employees of the Borrower who are, or will be directly associated with the Project;

(9) An analysis of the Project's economic and financial feasibility including:

(a) Recoverable coal reserves quantity estimate;

(b) Estimated thickness and pitch of seam(s);

(c) Physical analysis of coal quality;

(d) Estimated production volume;

(e) Shaft design, if applicable;

(f) Ventilation plan;

(g) Description of major equipment and facilities requirements;

(h) Roof and ground cutting plans;

(i) Coal handling and processing plan;

(j) Location of openings;

(k) Storage and disposal facilities;

(l) Modes of transportation;

(m) Building design;

(n) Water, sewerage, environmental control systems;

(o) access roads;

(p) Electrical and mechanical maintenance plans;

(q) Mine closing and reclamation plan.

(10) List identifying collateral with estimated market value.

(b) The required scope of the Project feasibility analysis will depend on the magnitude of the Project. The Administrator may require additional information at his discretion in order to evaluate adequately the potential success of the Project.

(c) The Lender must submit evidence, including a copy of his credit analysis, upon which FEA can reach a credit decision to issue a guarantee. The evidence submitted should consist of, but not be limited to, such items as the following:

(1) Latest financial statements of the Borrower;

(i) Financial condition,

(ii) Current and retained income,

(iii) Source and use of funds,

(iv) Others as appropriate, and

notes to the above, and the opinion thereof by an independent certified public accountant for the three most recent fiscal years, if applicable.

(2) Most recent (within 90 days) interim financial statements, as above, of the Borrower with representations as to the fairness and reasonableness of such statements by principals of the Borrower in lieu of an opinion by an independent certified public accountant.

(d) Projected source and use of funds statement shall be presented on an annual basis for the estimated duration of the guarantee. In case of mine expansion projects, the same statements shall be required, identifying separately the financial effect of the expansion and continuing operations.

#### § 600.24 Project cost documentation requirements.

(a) Reasonable and customary costs paid, or to be paid, by the Borrower applicable to the development of a Project are generally permitted in computing the estimated aggregate Project cost, as approved by the Administrator. All costs for plant and equipment must relate to facilities to be used substantially in connection with the Project. These costs related to the Project include, but are not limited to the following:

(1) Land and/or mineral rights purchase and lease payments, including reasonable real estate commissions;

(2) Acquisition or construction of buildings, including offices, bathhouses, lamphouses, and other buildings required for development;

(3) Coal preparation plant construction including all machinery and equipment;

(4) Coal handling facilities including tipples, storage facilities and loading facilities;

(5) Machinery and equipment including continuous miners, shuttle cars, loaders, roof bolting equipment, trucks, conventional mining equipment, conveyor belt systems and all other equipment necessary for coal mine development;

(6) Power plant equipment and transmission lines including installation cost;

(7) Employee's salaries and wages, consultant fees and independent contractor costs;

(8) Engineering fees, surveys, title insurance, recording fees and legal fees incurred in connection with land and/or mineral rights acquisition;

(9) Technical, financial, environmental, and feasibility studies;

(10) Infrastructure, including site preparation, installation of tracks, access roads, and fencing;

(11) Transportation equipment;

(12) Refuse disposal system;

(13) Water clarification system;

(14) Air pollution control system;

(15) Ventilation system;

(16) Communication system;

(17) Insurance and bonds;

(18) Costs of safety and environmental protection equipment, facilities and services;

(19) Legal and accounting fees for mine permit acquisition and mine development;

(20) Fees for royalties and licenses;

(21) Interest on interim construction financing;

(22) Costs of complying with terms and conditions specified in the guarantee agreement or required by regulations and issuances by Federal, State and local governments;

(23) Other costs not specified which are necessary for the project;

(24) A contingency reserve.

#### § 600.25 Consideration of environmental impacts.

(a) Prior to the implementation of the program, the Administrator shall complete a programmatic environmental review. Such review shall include a discussion of the environmental impact of, and alternatives to, the coal loan guarantee program and a description of the typical environmental impacts expected to result from the issuance of loan guarantees.

(b) Prior to issuance of a Conditional Commitment, the Administrator shall have reviewed each project for potential environmental impact and shall either have determined that no further environmental review is required or have completed an environmental assessment and negative determination or a draft environmental impact statement, as appropriate. If a determination has been made that an environmental impact statement is necessary, the final impact statement shall be issued and the 30 day no-action period required by 10 CFR Part 208 shall have run before final action is taken on a guarantee application.

(c) The site specific environmental analysis shall consider the potential environmental effects of all phases of the Project on the human environment, including but not limited to fish and other aquatic resources, wildlife habitat and populations, aesthetics, recreation, air and water quality, land use, and other resources in the area.

(1) To aid the above analysis, the Administrator may request the views and recommendations of Federal, State, and local government agencies, environmental and industrial organizations, and others, and when appropriate, may hold public hearings after due notice.



(d) Environmental assessments, negative determinations, and environmental impact statements prepared in compliance with this regulation shall be placed in the FEA Public Document Rooms as designated.

#### Subpart C—Application Processing

##### § 600.40 Approval criteria.

(a) The Administrator will evaluate the proposed project and will determine whether:

(1) There is a reasonable prospect of repayment of the guaranteed Obligation;

(2) The Applicant is capable of successfully developing and operating the Project mine(s);

(3) The Applicant is of established integrity and demonstrated management capability;

(4) The proceeds from the proposed guaranteed Obligation, together with other available funds will be sufficient to carry out the Project;

(5) The collateral will adequately protect the interest of the U.S. Government;

(b) The Administrator may develop environmental criteria on which he may disapprove guaranteed loan applications for Projects determined to have a significantly detrimental environmental impact.

##### § 600.41 Conditional commitment.

(a) A Conditional Commitment to guarantee the Obligation may be issued by the Administrator. A Conditional Commitment will state that the Administrator is prepared to guarantee an Obligation and will further state the terms and conditions under which the guarantee may be issued. It will also contain certain covenants to be included in the loan agreement. No amendment to a Conditional Commitment shall be deemed to exist unless reduced to writing and duly executed by the Administrator. It is anticipated that typical conditions in such a Conditional Commitment might include such requirements as:

(1) The Borrower must contribute a specified amount of equity;

(2) The Borrower must obtain an executed coal sales contract acceptable to the Administrator;

(3) FEA must obtain an independent validation of the quantity and quality of the Project coal reserves;

(4) The Borrower must provide for certification by the Environmental Protection Agency that the Borrower's coal can be burned by the purchaser in compliance with all applicable provisions of the Clean Air Act;

##### § 600.42 Personal and corporate guarantees.

(a) Personal guarantees may be required from major stockholders, owners or others having a major interest in the Borrower. Guarantees of parent, subsidiaries, or affiliated companies may also be required.

(b) Guarantors of Borrowers will:

(1) In the case of personal guarantees, provide current financial statements (not over 90 days old at the time of fil-

ing), represented by guarantors to present fairly the financial position of the guarantors.

(2) In the case of corporate guarantees, provide current financial statements including income statements, balance sheet and statement of sources and application of funds (not over 90 days old at time of filing), represented by an officer of the corporation, to present fairly the financial position and results of operations of the corporation.

##### § 600.43 Guarantee terms.

(a) The amount of a Guarantee issued with respect to any obligations may not exceed 80 percent of the lesser of (1) the original principal balance of the obligation, or (2) the cost of the Project.

(b) The total amount of guarantees outstanding at any time on behalf of any Borrower (including all persons affiliated with such Borrower) may not exceed \$30,000,000.

(c) The terms of such a proposed guaranteed Obligation may require full repayment over a period of no more than 30 years, or a period no longer than the term of the Contract, whichever is less, as determined by the Administrator.

(d) A Contract shall be executed prior to the issuance of a Guarantee.

(e) The Contract need not necessarily provide for sale of all coal production from the Project.

##### § 600.44 Interest rate.

Interest rates for guaranteed loans may be negotiated between the Borrower and Lender, as approved by the Administrator. They may be fixed or variable, so long as they are legal in the jurisdiction appropriate to the Loan Agreement. It is permissible to have one interest rate apply to the guaranteed portion, and another interest rate apply to the unguaranteed portion of the loan.

##### § 600.45 Guarantee fee.

(a) An annual fee fixed by the Administrator for any guarantee shall be one half of one percent of the principal amount of the guaranteed portion of the Obligation outstanding at the beginning of the anniversary year. Unless otherwise specified by the Administrator, payment by the Borrower is made by check or draft payable to the Administrator, together with identification of the specific Guarantee to which the fee relates and the period covered by the payment.

(b) Fees are fully earned when first due and no refund of earned fees will be made by the Administrator.

(c) At the time the Guarantee is executed, the Lender shall present to the Administrator payment of the first year's annual guarantee fee.

(d) The Administrator will evaluate annually whether the guarantee fee being imposed is sufficient to cover anticipated administrative and guaranteed loan default costs and, when appropriate, establish a revised fee schedule to be applied to subsequent new Guarantees. The payment of the guarantee fee by the

Lender, or the lack thereof, will in no way impair the guarantee to the Holder of the guaranteed portion of the loan.

##### § 600.46 Closing.

The major activities leading to the closing of the Guarantee Agreement include the following:

(a) When an Application for a loan guarantee has been approved and a Conditional Commitment issued by the Administrator, the Administrator will so notify the Lender and the Borrower and provide them with a copy of the proposed Guarantee.

(b) A preclosing conference will be arranged by the Administrator, if the Lender or Borrower requests one, to discuss the terms and conditions contained in the Guarantee.

(c) After agreement to terms and conditions, the Administrator shall arrange with the Lender and the Borrower for the preparation and review of necessary documents and agree upon a date for execution of the Guarantee and payment of the Guarantee fee.

(d) Requests for disbursement at closing and thereafter shall be supported by such documents as the Administrator may require; for example, but not limited to, copies of unpaid invoices to be paid from disbursements; copies of fully paid invoices together with lien waivers, where appropriate; and copies of cancelled checks.

#### Subpart D—Servicing the Guaranteed Loan

##### § 600.50 Collateral.

(a) The Lender is responsible for seeing that proper and adequate collateral is obtained and maintained in existence and of record to protect the interest of the Lender, United States Government and any Holders of the guaranteed Obligation.

(b) Collateral may include, but is not limited to the following: land, buildings, machinery, equipment, furniture, fixtures, inventory, accounts receivable, cash or special cash collateral accounts, marketable securities, and cash surrender value of life insurance. Collateral may also include assignments of leases or leasehold interests, revenues, patents, and copyrights.

(c) The Lender may not take separate collateral to secure only that portion of the loan not covered by the Guarantee. The Lender may not require compensating balances or certificates of deposit, other than as used in the ordinary course of business, as a means of reducing his exposure on the unguaranteed portion of the loan.

##### § 600.51 Loan servicing and reporting requirements.

Loan servicing is the responsibility of the Lender who remains a mortgagee or secured party of record notwithstanding the fact that another may hold a portion of the loan. The Guarantee must specify the Lender's servicing requirements which include, but are not limited to, the Lender notifying the Administrator without delay:



(a) Of the date and amount of disbursements;

(b) Of any nonpayment by the Borrower of principal or interest as required by the Loan Agreement, together with appropriate notices to the Borrower, and

(c) Of any failure by the Borrower, known to the Lender, to comply with the terms and conditions as set forth in the Loan Agreement.

#### § 600.60 Audit and inspection of records.

Upon request, the Lender and the Borrower will permit the Administrator to inspect and make copies of any of the records of the Lender or Borrower pertaining to FEA guaranteed loans. Such inspection and copying may be made during regular office hours of the Lender or Borrower, or at any other time mutually convenient.

#### § 600.61 Assignment or transfer of guaranteed loan.

(a) The Lender may assign, participate, sell, or otherwise transfer any part or all of his right, title, and interest in the guaranteed loan within any limits specified in the Guarantee. The Lender, will, however, retain and continue to be responsible for the collateral and servicing of the loan, unless the Administrator approves a substitute Lender.

(b) When a guaranteed portion of a loan is transferred from Lender to Holder(s), the Holder succeeds to all rights of the Lender in the Guarantee to the extent of the portion of the loan purchased by the Holder.

(c) Before, during, or after a transfer, the Lender will promptly notify the Administrator in writing of the fact of transfer and identify the Holder and his mail and telephone addresses. The records of all transactions by Lenders with Holders will be made available to the Administrator at his request.

(d) At the request of a Holder, the Administrator will certify that the Holder's portion is supported by the full faith and credit of the United States and is incontestable in the hands of a Holder, except for fraud or material misrepresentation on the part of such Holder. The request must accompany a certification by the Lender as the present outstanding principal amount of the loan and the amount being transferred.

(e) Any transfer of all or part of a guaranteed loan shall be subject to the condition that the Lender shall have the first option to repurchase the loan from the Holder in the event of default.

#### § 600.62 Termination of guarantee.

When payment in full has been received for any guaranteed loan, the Administrator shall notify the Lender in writing that the guarantee is terminated.

#### Subpart E—Default

#### § 600.80 Default.

(a) In the event of default by the Borrower, as defined in the Guarantee or the Loan Agreement, the Lender shall notify the Administrator within 15 days of such default.

(b) If such default continues for 30 days, the Lender or Holder may, upon written approval of the Administrator:

(1) Defer payment of the overdue principal amount and/or reschedule subsequent payments;

(2) Demand payment by the Administrator of the overdue amount of principal originally causing the default; or

(3) Demand payment by the Administrator of the entire outstanding guaranteed principal of the loan.

(c) Any demand by the Lender for payment to the Lender by FEA must be made within 90 days from the date of default.

(1) The Administrator must pay the amount due within 60 days from the date of demand, unless later payment is authorized by the Lender.

(2) The Administrator shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the Borrower of the payment of principal or that such default has been cured.

(d) In the event of default, the Lender shall take such actions as the Administrator may reasonably require to provide for the care, preservation, and maintenance of any collateral so as to achieve maximum recovery upon liquidation of collateral, security and guarantees for the loan. The Lender shall not waive or relinquish, without the written consent of the Administrator, any collateral or guarantee for the loan.

#### § 600.81 Liquidation.

(a) If the Lender concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the Borrower cannot or will not cure or eliminate within a reasonable period of time, he shall so notify the Administrator, and submit a plan of liquidation. When the Administrator concurs with the Lender's conclusion or at any time concludes independently that liquidation is necessary, the Administrator will notify the Lender and the matter will be handled as stipulated in the Guarantee.

(b) The Lender will liquidate the loan unless the Administrator, at his option, decides to carry out liquidation.

(c) Upon payment by the Administrator of the total unpaid guaranteed portion of principal, the Administrator shall succeed to all right, title and interest in the loan and any collateral or security agreement held by the Lender and Holders. The Lender shall retain his liquidation responsibilities as agent of the Administrator, unless the Administrator, at his option, decides to carry out liquidation. The Administrator shall have the right to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any collateral acquired by him pursuant to a security agreement with the Borrower. The Administrator shall take such action against the Borrower or any other parties liable thereunder that, in its discretion, may be required to protect the in-

terest of the United States. Any suit may be brought by the Administrator in the name of the Lender. The Lender shall make available to the Administrator all records and evidence necessary to prosecute any such suit.

(d) In the event that the Administrator determines it is necessary or desirable to take actions to protect or further the interest of the United States in connection with the liquidation of collateral, or security and guarantees, he may:

(1) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or collateral assigned to or held by him in connection with a guaranteed loan.

(2) Collect or compromise all loans assigned to or held by the Administrator in connection with the guarantee until such time as loans may be referred to the Attorney General for suit or collection.

(3) Take any and all other actions determined by the Administrator to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administering the guaranteed loan.

#### § 600.86 Share in recovery.

Funds received net of fees and expenses as a result of liquidation actions shall be shared ratably between the Lender and the United States Government, based upon their relative percentage share of the obligation.

#### § 600.90 Disclosure.

Some of the information submitted by Borrowers during the course of the Project may be confidential commercial information which FEA may withhold from public disclosure, because its release will cause substantial competitive injury. If the Borrower believes that any of the requested information is covered by exemption to the Freedom of Information Act under Disclosure Requirements for Trade Secrets and Confidential Commercial Information contained in 5 U.S.C. 552(b)(4), and if the Borrower does not wish FEA to disclose such information to the public, he should inform FEA by letter accompanying submission of the information. The letter must (1) Cite briefly and specifically, by item number, which information the Borrower believes is confidential commercial information; (2) Represent that release of the information would be likely to cause substantial competitive injury, and explain the basis of this statement; and (3) Explain whether each item of information which the Borrower believes is confidential is customarily treated as confidential by his company and in his industry. FEA needs a detailed explanation of the competitive injury resulting from public disclosure—rather than a general assertion of injury—before it can evaluate or accept claims of confidentiality. FEA re-



tains the right to make its own determination with regard to any claim of confidentiality. If the Borrower does not submit a request for exemption under the Freedom of Information Act, FEA may assume that he does not object to disclosure of the information.

**§ 600.92 Non-interference with Federal, State and local requirements.**

Nothing in this regulation shall be construed to modify requirements imposed on the Borrower or Lender by Federal, State, and local government agencies in connection with permits, licenses, or other authorizations to conduct or finance underground mining activities.

[FR Doc.77-20548 Filed 7-15-77;8:45 am]

**CIVIL AERONAUTICS BOARD**

[ 14 CFR Chapter II ]

[ EDR-325A; Docket 30310 ]

**CERTIFICATION OF COMMUTER AIR CARRIERS**

**Supplemental Advance Notice of Proposed Rulemaking**

JULY 12, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Advance Notice of Proposed Rulemaking.

SUMMARY: This notice extends until July 29, 1977, the date for filing reply comments in a rulemaking proceeding involving the development of a simplified certification procedure for commuter air carriers. This action was requested by Altair Airlines, Inc.

DATE: Reply Comments by July 29, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Gary J. Edles, Routes Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5205.

**SUPPLEMENTAL INFORMATION:** By Advance Notice of Proposed Rulemaking EDR-325, 42 FR 26558, May 24, 1977, the Civil Aeronautics Board gave notice that it desired to solicit public views on the need for certification of currently exempt commuter air carriers. Comments were requested to be filed by June 30, 1977 and reply comments by July 15, 1977.

Counsel for Affairs Airlines has requested an extension of the time for filing reply comments until July 29, 1977. In support of this request counsel states that the large number of comments coupled with the delay in receipt of these comments stemming from the July 4th holiday would make it extremely difficult to formulate a thoughtful response by July 15, 1977.

A substantial number of the comments in this proceeding were filed on June 30, 1977 and we are persuaded that the July 15, 1977 filing deadline may not allow sufficient time to prepare the kind of thoughtful responses the Board is seeking in the proceeding.

No previous extension of time having been requested in this proceeding, the undersigned hereby extends the time for filing reply comments to July 29, 1977. This action is taken pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)).

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

SIMON J. EILENBERG,  
Associate General Counsel,  
Rules Division

[FR Doc.77-20551 Filed 7-15-77;8:45 am]

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[ 14 CFR Part 71 ]

[ Airspace Docket No. 77-WE-14 ]

**TRANSITION AREA, ORLAND, CALIF.**

**Proposed Designation**

**Correction**

In FR Doc. 77-18013 appearing in the issue of Monday, June 27, 1977 on page 32554, the 1st paragraph in small type should read as follows:

ORLAND, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a three mile radius of Haigh Airport (latitude 39°43'16" N., longitude 122°08'50" W.); and within three miles each side of the Chico VOR 253° radial, extending from the three mile radius area to twelve miles west of the VOR.

[ 14 CFR Part 71 ]

[ Airspace Docket No. 77-SW-20 ]

**ALTERATION OF TRANSITION AREA**

**Refugio, Texas; Mellon Ranch Airport<sup>1</sup>**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Refugio, Tex., transition area to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mellon Ranch Airport, using the NDB located on the Mellon Ranch Airport.

DATES: Comments must be received on or before August 17, 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, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

<sup>1</sup> Map filed as part of the original.

**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 Refugio, Tex., transition area reflects the controlled airspace provided for the present instrument approach to the Mellon Ranch Airport. The new NDB Runway 33 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 August 17, 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 rule making (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 Refugio, Tex., transition area. The FAA believes this action will enhance IFR operations at the Mellon Ranch Airport by providing controlled airspace for aircraft executing the new 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 Refugio, Tex., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.); extending from the 5-mile-radius area to 8 miles northwest of the Vidauri NDB; within a 5-mile radius of Mellon Ranch Airport (latitude 28°16'50" N., longitude 97°12'30" W.); and within 3.5 miles each side of the 319° bearing from the Mellon Ranch NDB (latitude 28°16'47" N., longitude 97°12'20" W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB and within 3.5 miles each side of the 152° bearing from the Mellon Ranch NDB, extending from the 5-mile radius to 11.5 miles southeast of Mellon Ranch NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); 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, Tex., on July 8, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.77-20462 Filed 7-15-77;8:45 am]

[Airspace Docket No. 77-SW-21]

## [ 14 CFR Part 71 ]

## DESIGNATION OF TRANSITION AREA

Conway, Ark.<sup>1</sup>

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Conway, Ark., to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Conway Municipal Airport, using the established NDB located on the airport. Coincident with this action, the airport will be changed from VFR to IFR.

DATES: Comments must be received on or before August 17, 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

<sup>1</sup> Map filed as part of the original.

Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

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: Subpart G 71.181 (42 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Conway, Ark., will necessitate an amendment to this subpart.

## 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 August 17, 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 rule making (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 designate a transition area at Conway, Ark. The FAA believes this action will enhance IFR operations at Conway

Municipal Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the established NDB on 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, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) by adding the Conway, Ark., transition area as follows:

## CONWAY, ARK.

That airspace extending upward from 700 feet above the surface within a 9.5 statute mile radius of Conway Municipal Airport, Conway, Ark. (Latitude 35°04'42" N., Longitude 92°25'29" W.); and within 3.5 statute miles each side of the 095°T (090°M) bearing from Conway NDB (Latitude 35°05'02" N., Longitude 92°25'36" W.) extending from the 9.5-mile radius area to 11.5 statute miles east of the NDB; excluding that portion which overlies the Little Rock, Ark., transition area.

(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, Tex., on July 8, 1977.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.77-20461 Filed 7-15-77;8:45 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 77-WE-16]

## DESIGNATION OF TRANSITION AREA

Klamath, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area to provide controlled airspace for aircraft desiring radar services transiting the area. Radar service will be available utilizing the Klamath, California radar.

DATES: Comments must be received on or before August 12, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, 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:**

**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 Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before August 12, 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 received 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 Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling 213-536-6180. 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 designate a 2000 foot above ground level transition area. This action will provide controlled airspace for aircraft operating within the area and for aircraft desiring radar service transiting the airspace.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following Transition Area:

**KLAMATH, CALIFORNIA**

That airspace extending upward from 2000 feet above the surface bounded on the north by V-122, on the east by V-23W and V-23, the south by V-195 and on the west by V-27, excluding the airspace within federal airways and Red Bluff, Arcata and Crescent City, California Transition Areas.

**DRAFTING INFORMATION**

The principal authors of this document are Thomas W. Binczak, Air Traf-

fic Division, and DeWitte T. Lawson, Jr., Esquire, Regional Counsel.

(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 July 1, 1977.

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

[FR Doc.77-20303 Filed 7-15-77;8:45 am]

**DEPARTMENT OF DEFENSE**

**Corps of Engineers**

**[ 33 CFR Part 204 ]**

**BERING SEA, SHERMYA ISLAND AREA,  
ALASKA**

**Danger Zone Regulations**

AGENCY: Corps of Engineers, DoD.

ACTION: Proposed rule.

**SUMMARY:** The proposed amendment will relocate a meteorological rocket firing zone used by the U.S. Air Force near Shemya Island, Alaska. The U.S. Air Force requested the relocation because many planned rocket launches into the existing firing zone north of Shemya Island are cancelled when prevailing winds could cause burned out rocket motor casings to fall back on the Island endangering personnel and facilities. Relocation of the launch site will allow the U.S. Air Force more reliability in meeting firing schedules and provide an increased margin of safety for its personnel.

**DATES:** Comments must be received on or before 16 August 1977.

**ADDRESSES:** Send all comments, objections or suggestions to Office of the Chief, of Engineers, Forrestal Building, Washington, D.C. 20314, Attn. DAEN-CWO-N.

**FOR FURTHER INFORMATION CONTACT:**

(1st Lt. Alfonso Rushing or Mr. Ralph Eppard, Phone 202-693-5070.)

The Office of the Chief of Engineers has determined that this document does not contain a major proposal requiring preparation of an inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107. Accordingly, we propose to amend 33 CFR Part 204 by revising § 204.222b(a) as follows:

§ 202.222b In Bering Sea, Shemya Island Area, Alaska; meteorological rocket launching facility, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* An arc of a circle with a 45-nautical-mile radius of the launch point centered at latitude 52°43'30" N., longitude 174°06'05" E extending clockwise from 110° true bearing to 200° true bearing.

Dated: July 8, 1977.

THOMAS R. HICKLIN,  
LTC, Corps of Engineers, Acting  
Executive Director of Civil  
Works.

[FR Doc.77-20531 Filed 7-15-77;8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**

**Coast Guard**

[ 46 CFR Parts 32, 33, 35, 37, 72, 75, 77,  
78, 79, 92, 94, 96, 97, 99, 100-139,  
190, 192, 195, 196 ]

[CGD 74-125]

**ELECTRICAL ENGINEERING**

Revision of Subchapter J; Extension of  
Time and Corrections

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment closing  
deadline and corrections.

**SUMMARY:** In FR Doc. 77-18086 appearing at page 32700 of the June 27, 1977, issue of the FEDERAL REGISTER, the deadline for the submission of comments is extended to September 12, 1977; and the following corrections are made:

1. On page 32701, third column, the last line of the fourth paragraph should read: "more to meet ANSI C37.20."

2. On page 32722, first column, Figure 111.75-17 should be inserted to follow § 111.75-17(f).

3. On page 33725, second column, the third line of the note following § 111.95-7(e) should read: "Figures 111.95-7(e) (1) through 111.95-7(e)."

4. On page 33725, second column, Figures 111.95-7(e) (1) through 111.95-7(e) (4) should be inserted to follow the note after § 111.95-7(e).

**FOR FURTHER INFORMATION CONTACT:**

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

Dated: July 11, 1977.

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



FIGURE 111.75-17

## SEMI-AUTOMATIC NAVIGATION LIGHT PANEL CIRCUITS

LINE PANELS FOR PORT AND  
STARBOARD SIDE LIGHTS,  
MASTHEAD, RANGE, AND STERN  
LIGHTS

LINE PANELS FOR ANCHOR  
TOWING, AND NOT-UNDER-COMMAND  
LIGHTS

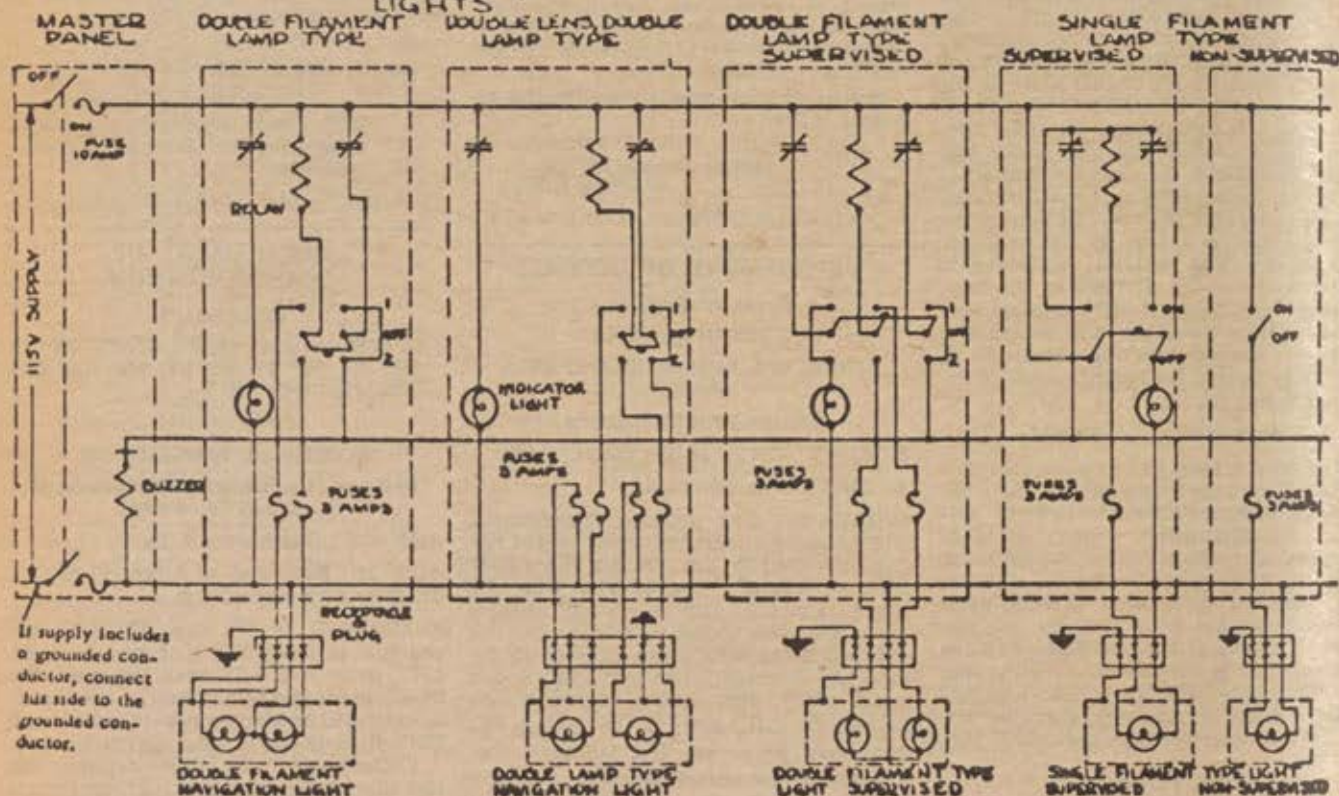




FIGURE 111.95-7(e) (1)

TYPICAL ELEMENTARY WIRING DIAGRAM AND ARRANGEMENT PLAN OF GRAVITY DAVIT AND BOAT WINCH EMPLOYING DOUBLE-POLE LIMIT SWITCHES AND MAIN LINE EMERGENCY SWITCH IN ACCORDANCE WITH SUBPART 100.015, SUBCHAPTER Q

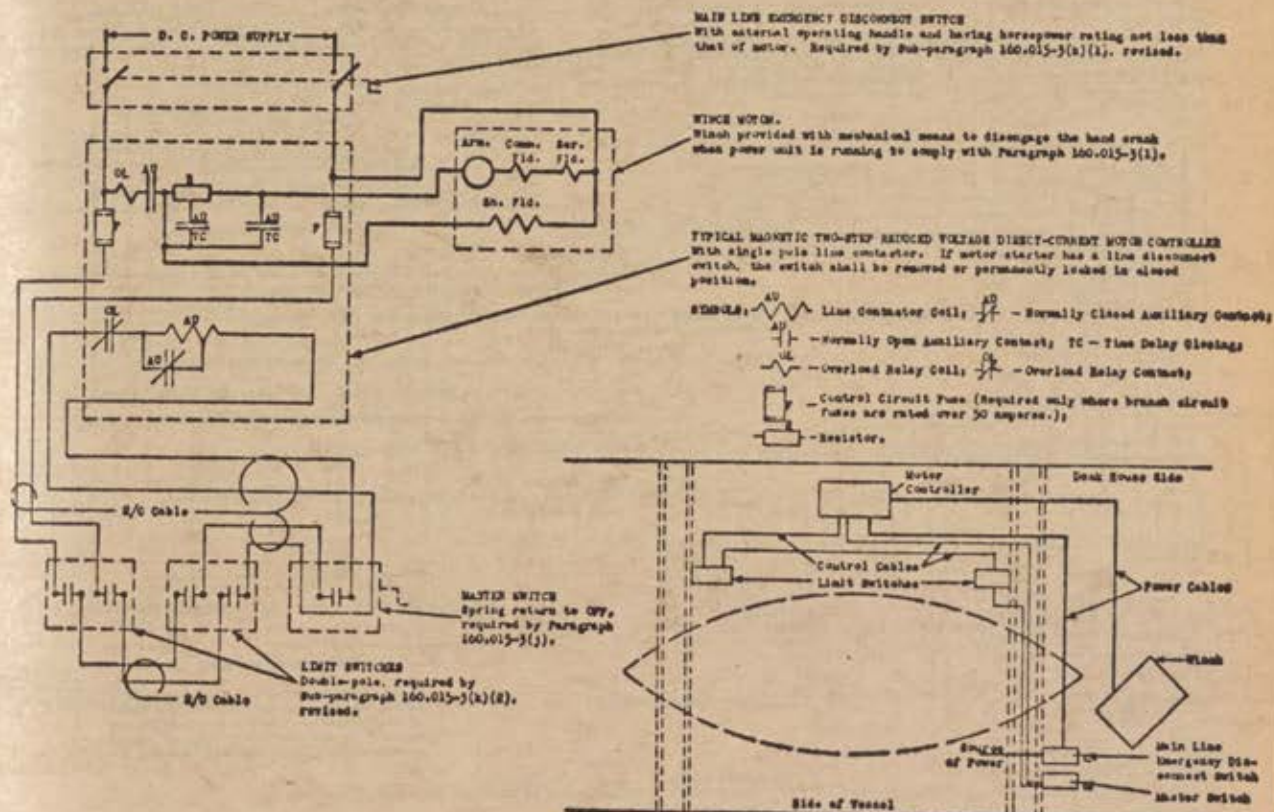




FIGURE 111.95-7(e) (2)

TYPICAL ELEMENTARY WIRING DIAGRAM AND ARRANGEMENT PLAN OF CRUVEY (WATER) AND DUAL POINT WITH EMPLOYING DOUBLE-POLE LIMIT SWITCHES, CLUTCH INTERLOCK SWITCHES, AND MAIN LINE EMERGENCY SWITCHES IN ACCORDANCE WITH SUBPART 160.015, SUBCHAPTER Q

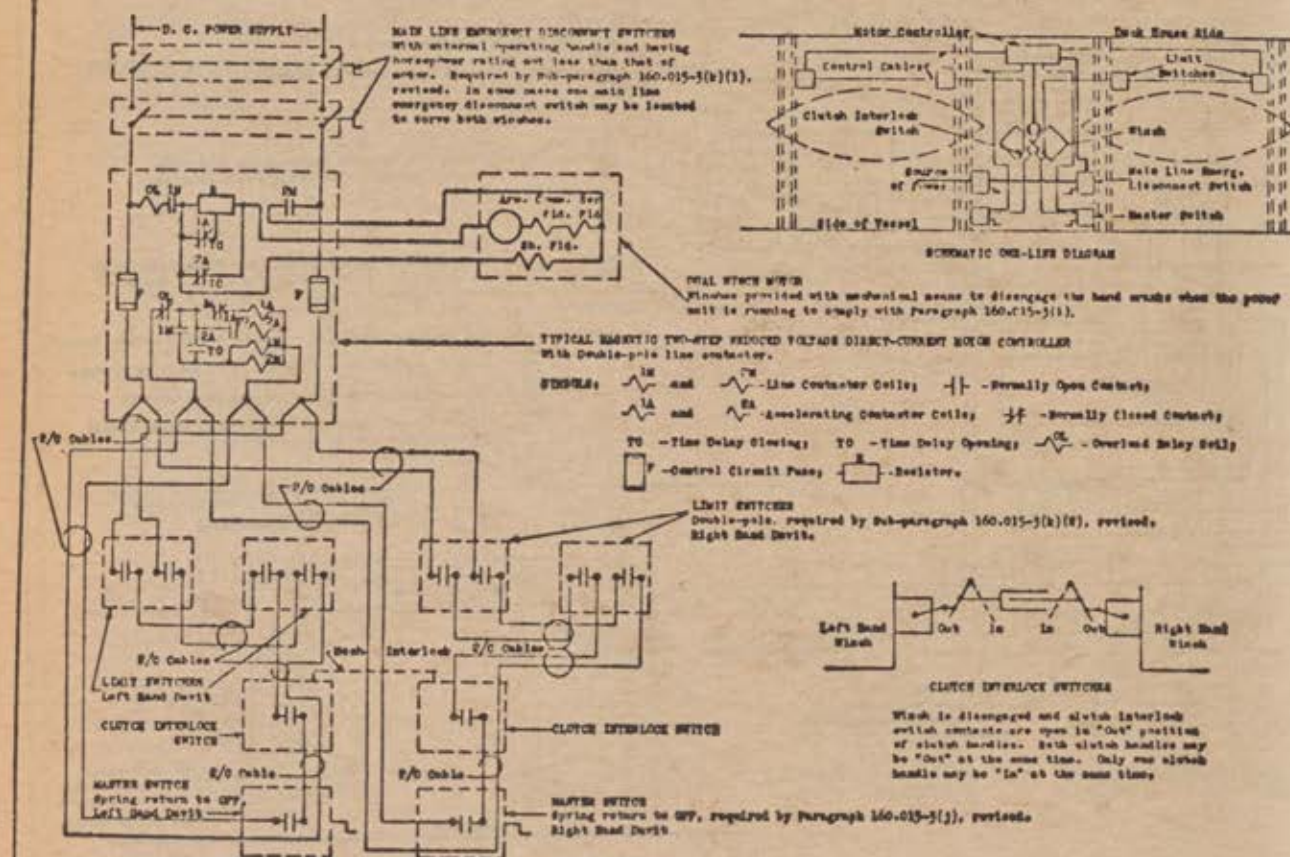




FIGURE 111.95-7(e)(3)

TYPICAL ELEMENTARY WIRING DIAGRAM AND ARRANGEMENT PLAN OF GRAVITY DAVIT AND BOAT WINCH EMPLOYING POWER LIMIT SWITCHES AND COMBINED STARTER AND MAIN LINE EMERGENCY DISCONNECT SWITCH IN ACCORDANCE WITH SUBPART 160.015, SUBCHAPTER Q

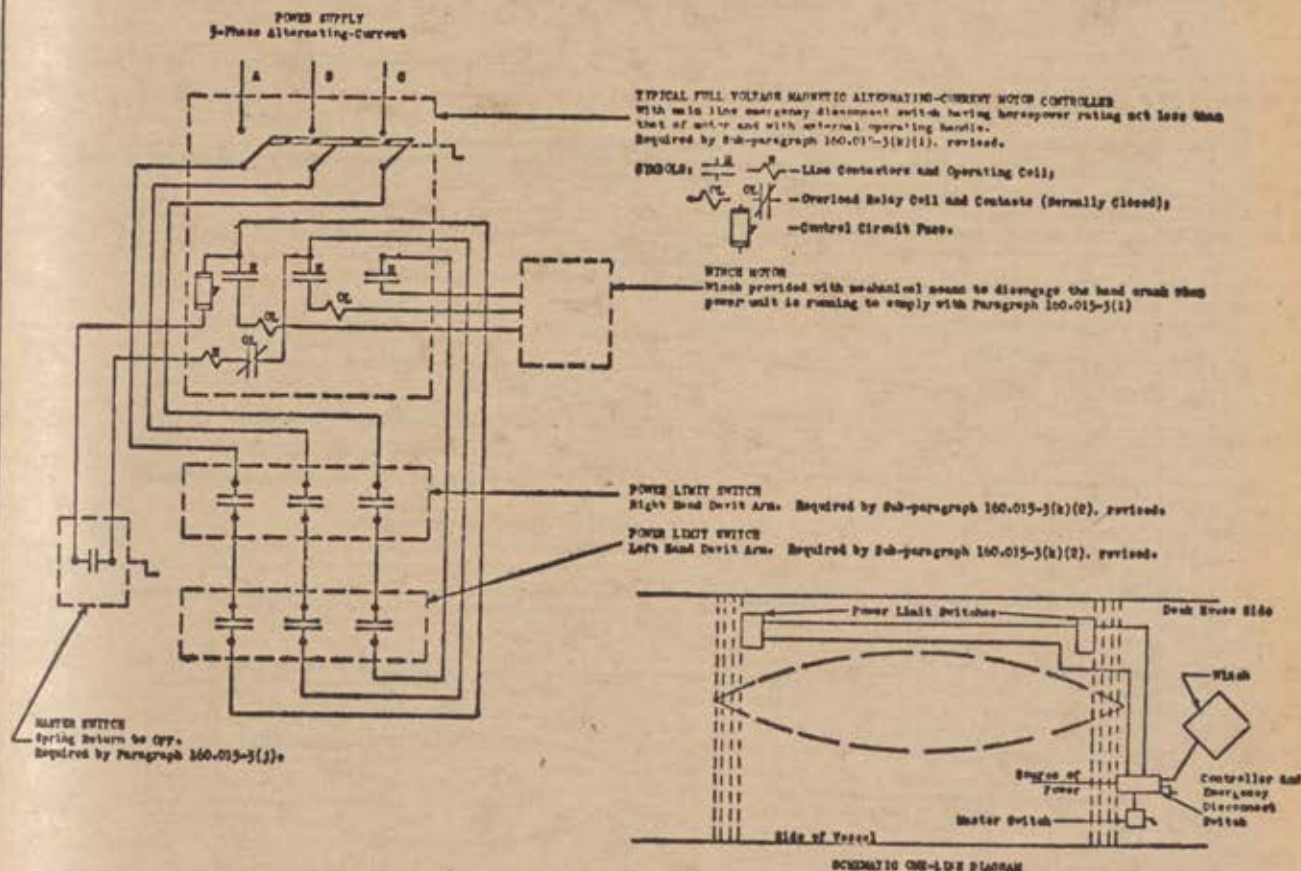
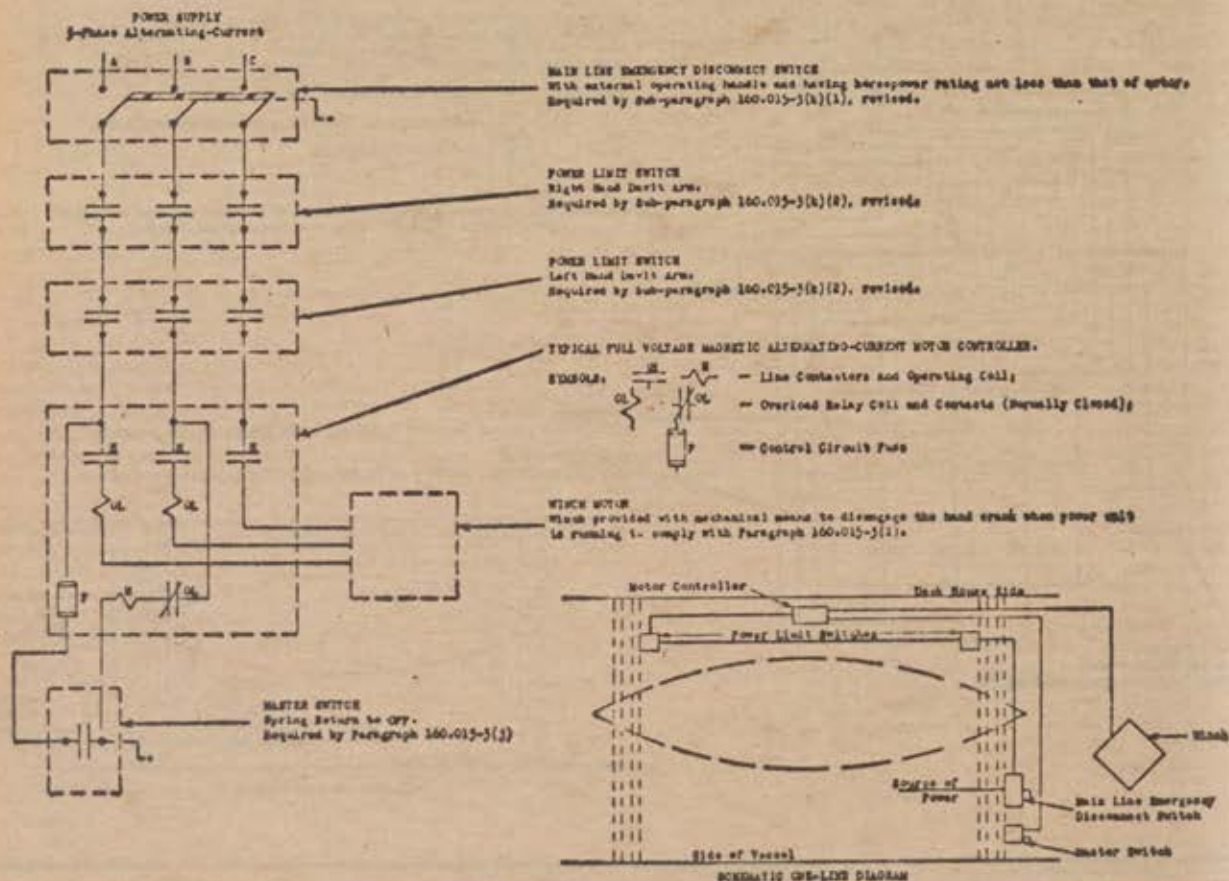




FIGURE 111.95-7(e)(4)

TYPICAL ELEMENTARY WIRING DIAGRAM AND ARRANGEMENT PLAN OF CRANES, DAVIT AND BOAT WINCH EMPLOYING MAIN LINE EMERGENCY SWITCH AND POWER LIMIT SWITCHES IN ACCORDANCE WITH SUBPART 100.015, SUBCHAPTER Q



[FR Doc. 77-20524 Filed 7-15-77; 8:45 am]



## [ 46 CFR Part 162 ]

[CGD 76-088a]

OIL POLLUTION PREVENTION  
EQUIPMENT

## Approval Requirements, Correction

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking, correction.

SUMMARY: This is a correction of a docket which appeared on June 22, 1977.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 77-18089 appearing at page 32686 of the June 27, 1977, issue of the FEDERAL REGISTER, the first paragraph under the heading: DISCUSSION OF THE PROPOSED REGULATIONS appearing on page 32686, column three, is corrected by adding the words:

"concerning the use of oil-water separators, oil content monitors, and oil content alarms on vessels when discharging oily mixtures from cargo tanks, cargo pumproom bilges, and machinery space bilges. Regulations 15 and 16 of the Annex require that each oil-water separator, monitor, and alarm used on a vessel be of a design approved by the government of the State under whose authority the vessel is operating.

To assist governments in developing the necessary approval requirements, the MEPC formed a working group to develop model design and test specifications for the equipment. The Coast Guard actively participated in these deliberations. At the fifth session of the MEPC held in May, 1976, this working group completed drafting of the specifications and forwarded a draft dated June 10, 1976, to the MEPC for consideration and approval. The specifications were approved by the MEPC at its Sixth Session and forwarded to the IMCO Assembly in the form of a resolution for adoption by IMCO at its next session to be held in 1977. The proposed design and testing specifications in this notice are essentially the same as those contained in the specifications prepared by the MEPC."

Immediately following the words, "applicable to vessels including requirements," and immediately before the start of the second paragraph.

FOR FURTHER INFORMATION CONTACT:

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

Dated July 11, 1977.

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

[FR Doc. 77-20523 Filed 7-15-77; 8:45 am]

SECURITIES AND EXCHANGE  
COMMISSION

[ 17 CFR Part 230 ]

[Release Nos. 33-5833, IC-9811; File No. 57-705]

ADVERTISING BY INVESTMENT  
COMPANIES

## Correction

In FR Doc. 77-16868 appearing at page 30379 in the issue for Tuesday, June 14,

1977 in the 5th full paragraph of the first column of page 30380, in the 11th line, "19(c)" should have read "10(c)".

## FEDERAL POWER COMMISSION

[ 18 CFR Part 35 ]

[Docket No. RM75-29]

FUEL ADJUSTMENT PROVISIONS IN FPC  
RATE SCHEDULES

## Order Denying Rehearing

AGENCY: Federal Power Commission.

ACTION: Order Denying Rehearing of the Commission's April 26, 1977, Order Terminating Rulemaking Proposal.

**SUMMARY:** Consumer Owned Systems' May 26, 1977, Application For Rehearing of the Commission's April 26, 1977, Order Terminating Rulemaking Proposal presents no new fact or principle of law requiring modification of the April 26 Order.

EFFECTIVE DATE: July 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mac Chryssikos, Office of General Counsel, 202-275-4214.

On May 26, 1977, a group of municipally and cooperatively owned systems, Consumer Owned Systems,<sup>1</sup> filed an Application For Rehearing of the Commission's Order Terminating Rulemaking Proposal, issued April 26, 1977, in this docket and a Petition to Intervene. The Application opposes the Commission's termination of the proposed rulemaking. For the reasons set forth below, the Commission shall deny Consumer Owned Systems' Application for Rehearing and take no action on its Petition to Intervene.

Applicant has been recognized as a participant in this proceeding through timely comments filed by its counsel and thus, has all participatory rights provided by § 1.20(m) of the Commission's Rules of Practice and Procedure. Wherefore, action on its Petition to Intervene is unnecessary.

Applicant files its Application under Section 313(a) of the Act as an "aggrieved" party. However, the instant proceeding was initiated pursuant to the Commission's purely discretionary authority under Section 309 of the Act,<sup>2</sup> and the Commission's April 26 order did not harm or aggrieve Applicant, within the meaning of Section 313(a). Consequently, Consumer Owned Systems has no standing to file the instant Application which could be summarily denied. However, the Commission will address the contents of the Application below.

<sup>1</sup> See Appendix A of "Comments of Consumer Owner Systems in Support of Proposed Rulemaking" filed on September 2, 1975, in this docket.

<sup>2</sup> Section 309 in pertinent part provides that the Commission has authority " . . . to prescribe . . . such . . . rules, regulations as it may find necessary or appropriate to carry out the provisions of this Act."

Applicant restates its support of the proposed rule and, in sum, alleges that the Commission's April 26 order represents, an "abdication" of responsibility to protect electric consumers under the Federal Power Act and an imprudent exercise of discretionary powers to promulgate regulations under the Act. However, a review of the Application reveals no new fact or principle of law supporting the above allegation. In fact, the Commission's conclusion in its April 26 order "that the more appropriate method of monitoring for abuse in the procurement of fuel and in the administration of fuel adjustment clauses is to continue to employ the Commission's audit staff and investigative procedures," adequately disposes of all of Applicant's arguments.

Applicant argues that Commission reliance on the "conspicuous dearth of specific allegations" of fuel clause abuses is misplaced because current regulations do not result in any information concerning fuel clause administration being made available to the customers.<sup>3</sup> However, this argument completely ignores information available to the public from monthly, quarterly and annual reports filed by jurisdictional public utilities<sup>4</sup> and from current audit and investigative proceedings.<sup>5</sup> The argument is thus, frivolous.

In an effort to be more specific, Applicant alleges that the Commission's audit staff either failed to uncover or failed to properly address, certain abusive fuel clause practices of Southern California Edison Company, Oklahoma Gas and Electric Company (OG&E) and Public Service Company of New Hampshire (PSNH). Commission review of this allegation indicates that it is completely without factual support. Review of official reports resulting from comprehensive compliance audits of the foregoing three companies indicates that Applicant has either ignored or failed to focus properly on the pertinent circumstances surrounding the audits. In each instance either an abuse was uncovered and corrected, or an alleged abuse was uncovered and subjected to further scrutiny in a subsequent rate proceeding.

Applicant attacks the Commission's conclusion that the burdens of the proposed rule outweigh its benefits, yet offers no new information to alter such conclusion. Applicant seems to be arguing that any benefit, however minimal, associated with a regulatory proposal, requires adoption of it without regard to relevant burdens. Again, Applicant's argument is frivolous.

Applicant criticizes the Commission for not adopting some unspecified, amended version of the proposed rule. Applicant then argues that by not doing so, the Commission reneged on a promise to consumers to vigorously regulate fuel clauses. The foregoing is simply frivolous.

<sup>3</sup> See 18 CFR Part 1.41.

<sup>4</sup> Notice of Proposed Rulemaking, issued June 17, 1975, in this docket, page 2.



ulous. The Commission is not precluded from adopting a modified version of the proposed rule in a future proceeding. Furthermore, by its action in this docket the Commission has vigorously protected the public by exploring the necessity of supplementing its current regulatory program.

Applicant argues that this proceeding should not be terminated because the Commission, in its April 26 order, failed to address several important issues raised in its June 17, 1975, Notice of Rulemaking. Review of this argument indicates it has no merit.

Applicant argues that the Commission either failed to address or to explain the following matters in its April 26 order: rejection of the refund provision of the proposed rule; failure to provide assurance to the public that only actual fuel costs, prudently incurred, are passed through wholesale fuel clauses; abdication of its duties under section 205(d) of the Act; and failure to discuss Consumer Owned Systems' proposal to require the regular filing of the breakdown of items included in Account 151.

The Commission notes that each of the foregoing points was explicitly referred to in the April 26 order. Review of each point indicates that all are adequately disposed of by the Commission's finding that "the more appropriate method of monitoring for abuse in the procurement of fuel and in the administration of fuel clauses is to continue to employ the Commission's audit staff and investigative procedures."

The Commission finds: Consumer Owned Systems' May 26, 1977, Application for Rehearing of the Commission's April 26, 1977, order in this docket contains no facts or principles of law requiring modification of that order.

The Commission orders: (A) Consumer Owned Systems' May 26, 1977, Application for Rehearing of the Commission's April 26, 1977, order in this docket is denied.

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

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20526 Filed 7-15-77; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21324; RM-2873]

### FM BROADCAST STATION IN NORFOLK, NEBRASKA

#### Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action herein proposes the assignment of a second Class C channel

to Norfolk, Nebraska. Petitioner, Central Media, Inc., states that the proposed channel would render significant second and third nighttime aural service to the area. Since there is an apparent need for a second broadcast voice in the Norfolk area, the Commission is making this proposal.

DATES: Comments must be received on or before September 15, 1977 and Reply Comments must be received on or before October 5, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: July 1, 1977.

Released: July 11, 1977.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Norfolk, Nebraska), Docket No. 21324, RM-2873.

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed January 27, 1977, and supplement to petition filed April 4, 1977, by Central Media, Inc. ("petitioner"), proposing the assignment of FM Channel 234 to Norfolk, Nebraska, as its second Class C assignment.

(b) The channel may be assigned without affecting any of the existing FM assignments in the Table. There were no oppositions to the proposal.

(c) Petitioner states it will apply for and construct a station if the proposed channel is assigned.

2. *Community data.*—(a) *Location.* Norfolk, in Madison County, is located in northeast Nebraska, 160 kilometers (100 miles) northwest of Omaha, Nebraska.

(b) *Population.* Norfolk—16,607; Madison County—27,402.<sup>2</sup>

(c) *Present aural services.* Norfolk presently receives local service from full-time AM Station WJAG and Class C Station WJAG-FM (Channel 294).

(d) *Economic considerations.* Petitioner states that Norfolk is northeast Nebraska's major city whose population has increased 26.3 percent between 1960-70. It notes that Norfolk has a diversified economy with agribusiness as its basic economic activity. We are told the Norfolk livestock market is the world's largest auction market with annual receipts in excess of \$97,000,000; 71 wholesale firms in Norfolk had estimated sales in 1975 of \$62,783,000; and the 317 retail firms in Norfolk had estimated sales of \$117,000,000 in 1975. Petitioner states that, in addition to the major economic area, Norfolk continues to grow in the areas of construction, transportation services, communications and utilities.

<sup>1</sup> Public Notice of the filing of the petition was given on April 18, 1977 (Rept. No. 1039).

<sup>2</sup> Population figures are taken from the 1970 U.S. Census.

finance and many service areas, particularly education. Petitioner details other social, economic and historical information to demonstrate the need for a second local broadcast voice in Norfolk.

2. *Preclusion studies.* Assignment of Channel 234 to Norfolk would cause preclusion on one or more channels for 12 communities with populations greater than 1,500 persons. Four<sup>3</sup> of the communities have one FM assignment each. An additional four<sup>4</sup> can be assigned alternate channels. There are four<sup>5</sup> more communities in the precluded area with a population greater than 1,500 persons which have neither an AM nor FM assignment. Petitioner is requested to identify in its comments whether alternate channels are available for assignment to these communities.

3. *Additional considerations.* Petitioner states that 445 persons in a 170 square kilometer (66 square mile) area would receive second nighttime aural service and 46,139 persons in a 5,000 square kilometer (1,868 square mile) area will receive third nighttime aural service. All of the first group plus a small segment (about 2.5 percent) of the second group would receive first FM service. The bulk of the second group would receive second FM service as would an additional undetermined number of persons now receiving two nighttime AM signals but only one FM signal. For these reasons and because there is an apparent need and demand for a second broadcast voice in the Norfolk area, we believe consideration of the proposal to assign Channel 234 to Norfolk, Nebraska, is warranted.

4. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b), with regard to the community of Norfolk, Nebraska, as follows:

City	Channel No.	
	Present	Proposed
Norfolk, Nebr.	294	234, 294

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated by reference herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel is assigned.

6. Interested parties may file comments on or before September 15, 1977, and reply comments on or before October 5, 1977.

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

<sup>3</sup> South Dakota: Winner (pop. 3,789); Gregory (1,756); Nebraska: Ord (2,439); O'Neill (3,753).

<sup>4</sup> Nebraska: Madison (pop. 1,595); Neligh (1,764); Ainsworth (2,073); Albion (2,074).

<sup>5</sup> South Dakota: Wagner (pop. 1,655); Nebraska: Central City (2,803); St. Paul (2,026).



1. Pursuant to authority found in sections 4(d), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certifi-

cate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-20491 Filed 7-15-77;8:45 am]

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

### SOUTH ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

[ 50 CFR Part 611 ]

#### FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

##### Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Announcement is made of the last in number of several public hearings to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. One of the three hearings announced will be held jointly by the National Marine Fisheries Service (NMFS) and the South Atlantic Regional Fishery Management Council. These hearings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES, TIMES, AND LOCATIONS: A public hearing will be held on August 2, 1977, jointly with the South Atlantic Regional Fishery Management Council, at: North Carolina Marine Resources Center, Manteo, North Carolina 27954.

On August 8, 1977, at: Le Salon Rooh, Airport Hilton Inn, 901 Airline Highway, Kenner, Louisiana 70062.

On August 10, 1977, at: Auditorium, Southeast Fisheries Center, 75 Virginia Beach Drive, Miami, Florida 33149.

The August 2 hearing will begin at 8:30 p.m. and will terminate by 10:30 p.m.

The August 8 hearing will begin at 2 p.m. and will terminate by 4 p.m.

The August 10 hearing will begin at 6 p.m. and will terminate by 8 p.m.

In addition to oral testimony, written comments also are solicited. These may be submitted to the address shown below no later than August 22, 1977.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Paul Fulham, Constituency Liaison, NMFS, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702. 813-893-3143.

#### SUPPLEMENTARY INFORMATION:

During the hearings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;

(b) Changing optimum yield statements with, or without, new biological, social, or economic data;

(c) Adjusting existing foreign allocations;

(d) Modifying existing permits and issuing new ones;

(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and

(f) Taking such other related steps as may be appropriate.

A detailed explanation of the issues and options to be discussed at these public hearings may be found at 42 FR 30875, 30876, Friday, June 17, 1977. The NMFS presently has no additional information which would be helpful to the public in updating or expanding upon that explanation.

Dated: July 13, 1977.

WINFRED H. MEISOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc.77-20467 Filed 7-15-77;8:45 am]



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to permit the fullest consideration of their views. Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format. The Department expects to publish the proposed regulations in the *FEDERAL REGISTER* shortly before the expiration of the statutory 90-day period following the date of enactment of Pub. L. 95-52 (i.e., shortly before September 21, 1977), and expects to allow 60 days thereafter for submission of comments on the proposed regulations. The Department expects to publish final regulations in the *FEDERAL REGISTER*, after taking into consideration the comments received, shortly before the expiration of the statutory 120-day period following the date of publication of the proposed regulations in the *FEDERAL REGISTER*.

Written public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations. Likewise, comments received after the close of the comment period will not be accepted or considered.

All public comments to be considered in the development of these boycott regulations will be a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

Written comments concerning the proposed regulations should be addressed to:

U.S. Department of Commerce, P.O. Box 320,  
Benjamin Franklin Station, Washington,  
D.C. 20044.

Oral communications should be directed to:

Stanley J. Marcuss, Deputy Assistant Secretary For Trade Regulation, 202-377-5491,  
or

Kent N. Knowles, Acting Assistant General Counsel for Domestic and International Business, 202-377-5301.

The public record concerning these boycott regulations will be maintained in the Domestic and International Business Administration, Freedom of Information Records Inspection Facility, Room 3012 Main Building, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title

15 of the Code of Federal Regulations. Information regarding the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the Domestic and International Business Administration Freedom of Information Officer, at the above address or by calling 202-377-3031.

A copy of the relevant provisions of the Export Administration Act of 1969, as amended by Pub. L. 95-52, is attached to this notice.

The following changes should be made to the material that follows the signature of the General Counsel.

1. On page 36007, in the third column, in the fifth line of the topic heading that appears just below the signature, the last word which now reads "Export" should be "Exports".

2. On page 36008, first column, in the first line of Sec. 4A., the third word now spelled "purpose" should be spelled "purpose".

3. On page 36008, in paragraph "(D)" of the same section, in the eighth line, the word "Under" should not be capitalized.

4. On page 36008, in the second column, Sec. 4A(a)(2)(C), the last word in the seventh line now spelled "course" should be spelled "course".

5. On page 36008, in Sec. 4A(a)(2)(D), the first complete word in the third line should be spelled "relating".

6. On page 36008, in Sec. 4A(a)(2)(E), the first complete word in the last line should be spelled "within".

7. On page 36009, in the third column, the center heading "DEFINITIONS" should be italicized and should read "DEFINITIONS".

8. On page 36009, in the third column, the first word in the eighth line under the center heading "PREEMPTION" should be "which", instead of "were".

#### Economic Development Administration ROUND II OF LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

##### Announcement of Additional Planning Target Data for Sub-State Areas and Applicants

Notice is hereby given that pursuant to authority contained in the Local Public Works Capital Development and Investment Act, as amended (Pub. L. 94-369 as amended by Pub. L. 95-28), additional planning target data for round II of the program, which is described at 13 CFR Part 317, is now available from the EDA Regional Offices and the Local Public Works unit of the EDA Washington Office. This information supplements and corrects the previously distributed planning target data.

The EDA Regional Offices will contact eligible areas and applicants which are receiving new or revised planning targets. Applicants receiving new or revised planning targets will be allowed 28 days from the date of receipt of the planning target data to submit new and revised applications to the EDA Regional Offices.

Each eligible applicant, including any school district, which has not previously filed an application under this program should contact EDA or area officials to see if its area has received a new or revised planning target in which it is qualified to share.

EDA is under no obligation to consider funding applications from applicants with new or revised planning targets which are received after the 28 day resubmission period announced above. In the case of areas and applicants with unchanged planning targets, EDA is under no obligation to consider funding applications received in the Regional Offices after July 29, 1977.

Information about new or revised planning targets may be obtained from the Washington Office at this number: 202-377-5800. The following is a list of the EDA Regional Offices:

Atlantic Regional Office, 10424 Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106, 215-597-4603.

Southeastern Regional Office, Suite 700, 1365 Peachtree Street, N.E., Atlanta, Georgia 30309, 404-881-7906.

Rocky Mountain Regional Office, Title Building, Suite 500, 909 17th Street, Denver, Colorado 80202, 303-837-4714.

Western Regional Office, Lake Union Building, Suite 500, 1700 Westlake Avenue, North, Seattle, Washington 98109, 206-442-0596.

Southwestern Regional Office, American Bank Towers, Suite 600, 221 West Sixth Street, Austin, Texas 78701, 512-397-5461.

Midwestern Regional Office, 32 West Randolph Street, Chicago, Illinois 60601, 312-353-7148.

Dated: July 14, 1977.

ROBERT T. HALL,  
Assistant Secretary  
for Economic Development.

[FR Doc.77-20680 Filed 7-15-77;3:45 am]

#### National Oceanic and Atmospheric Administration GULF OF MEXICO FISHERY MANAGEMENT COUNCIL Public Meetings

Notice is hereby given of public meetings of the Gulf of Mexico Fishery Management Council established by the Fishery Conservation and Management Act 1976 (Pub. L. 94-265).

The Gulf of Mexico Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Mississippi, Louisiana and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The South Atlantic Fishery Management Council has been designated by the Secretary of Commerce as the lead Council, among the several Councils of New England, Mid-Atlantic, Gulf of Mexico, and Caribbean concerned with the re-



source, in development of a fishery management plan for the billfish fishery. This notice announces public meetings for the Gulf of Mexico area. Additional meetings are scheduled for the other Council areas and will be announced in the FEDERAL REGISTER separately.

These meetings are for the purpose of providing an opportunity for public input and to serve as a factfinding mechanism relative to development of a fishery management plan for the domestic and foreign billfish fishery.

These meetings will convene at 7 p.m. and adjourn at about 11 p.m. at the following locations and dates:

**AUGUST 9, 1977—FT. WALTON BEACH, FLORIDA**  
Mariner Room, Ramada Inn, U.S. Highway 98 East, Miracle Strip Parkway, 7 to 11 p.m.

**AUGUST 18, 1977—CORPUS CHRISTI, TEXAS**  
Research and Extension Service Auditorium, Texas A&M University, Texas Highway 44 (5 miles past airport), 7 to 11 p.m.

**AUGUST 19, 1977—GALVESTON, TEXAS**  
Jury Assembly Room, Galveston County Courthouse, 722 Moody, 7 to 11 p.m.

**AUGUST 23, 1977—MOBILE, ALABAMA**  
Mobile Municipal Auditorium, Room 3, 401 Auditorium Drive, 7 to 11 p.m.

**AUGUST 24, 1977—NEW ORLEANS, LOUISIANA**  
Council Chamber Room, City Hall, 1300 Perdido, 7 to 11 p.m.

**AUGUST 30, 1977—ST. PETERSBURG, FLORIDA**  
Bahia Room, Bayfront Center Auditorium, 400 1st Street South, 7 to 11 p.m.

**AUGUST 31, 1977—MARATHON, FLORIDA**  
Bermuda Hall, Indes Inn, Route 1, Duck Key, Florida, 7 to 11 p.m.

Interested members of the public may present their views on matters related to the billfish fishery and on the management plan under development. Additional information relative to these meetings can be obtained by contacting:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, 813-228-2815.

Members of the public wishing to submit written comments should do so by addressing the Executive Director. To receive due consideration and facilitate inclusion of such statements in the record of the meetings, typewritten statements should be submitted before September 9, 1977.

Signed this 13th day of July, 1977, at Washington, D.C.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc 77-20465 Filed 7-15-77; 8:45 am]

# **NORTH PACIFIC FISHERY MANAGEMENT COUNCIL, FISHERY MANAGEMENT PLAN FOR GULF OF ALASKA GROUND-FISH FISHERY DURING 1978**

## **Availability of Draft Environmental Impact Statement/Fishery Management Plan and Notice of Public Hearings**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Oceanic and Atmospheric Administration, Department of Commerce, and the North Pacific Fishery Management Council have jointly prepared a draft environmental impact statement for the proposed implementation of the fishery management plan for Gulf of Alaska Groundfish Fishery during 1978. In accordance with provisions of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), the plan has been prepared by the North Pacific Fishery Management Council and requires approval by the Secretary of Commerce prior to its implementation.

The environmental statement concerns a proposal to adopt and implement a fishery management plan for the Gulf of Alaska Groundfish Fishery pursuant to the Fishery Conservation and Management Act of 1976, which extends U.S. jurisdiction over marine fishery resources to 200 nautical miles and establishes a program for their management. Upon approval, the plan will serve to manage groundfish fishery resources in the Gulf of Alaska for optimum yield and to determine foreign surplus. The plan recommends certain conservation measures designed to prevent overfishing and to maintain an orderly fishery. These proposed measures include time-area closures, gear restrictions, and quotas.

Individuals or organizations wishing to comment on the draft environmental impact statement/fishery management plan may also do so at public hearings to be held at the times and locations located below:

(a) Petersburg, Alaska, Wednesday, August 3rd, 9 a.m., Petersburg City Council Chambers.

(b) Seattle, Washington, Friday and Saturday, August 5th and 6th, 9 a.m., Seatac Hilton Hotel, 17620 Pacific Highway, South, Seattle, Washington.

(c) Anchorage, Alaska, Monday, August 22nd, 8:30 a.m., State Supreme Court Chambers, State Court Bldg., 3rd and K Streets.

(d) Sand Point, Alaska, Tuesday, August 23rd, 9 a.m., City Hall.

(e) Kodiak, Alaska, Wednesday, August 24th, 9 a.m., Elks Lodge, Marine Way.

Copies of the DEIS/DFMP's are available for public review at the following locations:

### ANCHORAGE

Department of Fish and Game, 333 Raspberry Road, Anchorage, Alaska 99502.

National Marine Fisheries Service, Room 408 Hill Building, 632 West 6th Avenue, Anchorage, Alaska 99501.

Z. J. Loussac Public Library, 427 First Street, Anchorage, Alaska 99501.

North Pacific Fishery Management Council, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska 99501.

### BETHEL

Department of Fish and Game, Bethel, Alaska 99559.

Bethel Public Library, Bethel, Alaska 99559.

### CORDOVA

Department of Fish and Game, Cordova, Alaska 99574.

Cordova Public Library, Cordova, Alaska 99574.

### DILLINGHAM

Department of Fish and Game, Dillingham, Alaska 99576.

Dillingham Public Library, Dillingham, Alaska 99576.

### FAIRBANKS

Department of Fish and Game, 1300 College Road, Fairbanks, Alaska 99701.

Fairbanks North Star Borough Public Library, 901 1st Avenue, Fairbanks, Alaska 99701.

### HOMER

Department of Fish and Game, Homer, Alaska 99603.

Homer Public Library, Homer, Alaska 99603.

### JUNEAU

Department of Fish and Game, SE Regional Office, 210 Ferry Way, Juneau, Alaska 99801.

Department of Fish and Game, Commissioner, Support Building, Juneau, Alaska 99801.

National Marine Fisheries Service, Rm. 453, Federal Building, Juneau, Alaska 99801.

Juneau Memorial Library, 114 West 4th Street, Juneau, Alaska 99801.

### KETCHIKAN

Department of Fish and Game, 208 State Court and Office Building, 415 Main Street, Suite 208, Ketchikan, Alaska 99901.

Ketchikan Public Library, 629 Dock Street, Ketchikan, Alaska 99901.

### KODIAK

Department of Fish and Game, Kodiak, Alaska 99615.

A. Holmes Johnson Memorial Library, Kodiak, Alaska 99615.

National Marine Fisheries Service, Gibson Cove, Kodiak, Alaska 99615.

### KOTzebue

Kotzebue Public Library, Kotzebue, Alaska 99752.

### PETERSBURG

Department of Fish and Game, Swanson Bldg., Petersburg, Alaska 99833.

Petersburg Public Library, Petersburg, Alaska 99833.

### SAND POINT

Department of Fish and Game, Sand Point, Alaska 99601.



Sand Point Community/School Library, Sand Point, Alaska 99661.

## SEWARD

Department of Fish and Game, Seward Court Building, Seward, Alaska 99664.

## SITKA

Department of Fish and Game, State Office Building, Sitka, Alaska 99835.  
Kedelson Memorial Library, Sitka, Alaska 99835.

## UNALASKA

Department of Fish and Game, c/o Standard Oil Dock, Dutch Harbor, Alaska 99685.  
Unalaska/School/Community Library, Unalaska, Alaska 99685.

## VALDEZ

Department of Fish and Game, Valdez, Alaska 99686.  
Valdez Public Library, Valdez, Alaska 99686.

## WRANGELL

Department of Fish and Game, Wrangell, Alaska 99929.  
Wrangell Public Library, Wrangell, Alaska 99929.

## YAKUTAT

Department of Fish and Game, Yakutat, Alaska 99689.

Limited numbers of the DEIS/DFMP's will be available from the Executive Director, North Pacific Fishery Management Council, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska 99510, and the Director, Regional Office, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802. Written comments on the DEIS/DFMP's from members of the public may be submitted not later than August 30th, 1977 to the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510.

This Notice of Availability is being published at the request of and in cooperation with the North Pacific Fishery Management Council.

Dated this 13th day of July 1977, at Washington, D.C.

WINFRED H. MEIBOHM,  
Associate Director, National  
Marine Fisheries Service.

[FR Doc.77-20464 Filed 7-15-77;8:45 am]

## SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

### Public Meetings

Notice is hereby given of public meetings of the South Atlantic Fishery Management Council established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the east coast of Florida, Georgia, North Carolina, and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The South Atlantic Fishery Management Council has been designated by the Secretary of Commerce as the lead Council, among the several Councils of New England, Mid-Atlantic, Gulf of Mexico, and Caribbean concerned with the resource, in development of a fishery management plan for the billfish fishery. This notice announces public meetings for the South Atlantic area. Additional meetings are scheduled for the other Council areas and will be announced in the FEDERAL REGISTER separately.

These meetings are for the purpose of providing an opportunity for public input and to serve as a factfinding mechanism relative to development of a fishery management plan for the domestic and foreign billfish fishery.

These meetings will convene at 7:30 p.m. and adjourn at 10 p.m. at the following locations and dates:

North Carolina Marine Resources Center, Manteo, N.C., August 2, 1977.  
North Carolina Marine Resources Center, Pine Knoll Shores, Roosevelt Drive, Route 1, Morehead City, N.C., August 16, 1977.  
North Carolina Marine Resources Center, Ft. Fisher, N.C., (Wilmington/Carolina Beach area), August 30, 1977.

Additional meetings will be held in the states of Florida, Georgia, and South Carolina during September and will be announced via a future notice in the FEDERAL REGISTER.

Interested members of the public may present their views on matters related to the billfish fishery and on the management plan under development. Additional information relative to these meetings can be obtained by contacting:

Dr. Jackson Davis, Project Manager, Billfish Management Plan, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407; 803-571-4366.

Members of the public wishing to submit written comments should do so by addressing the project manager. To receive due consideration and facilitate inclusion of such statements in the record of the meetings, typewritten statements should be submitted by September 9, 1977.

Signed this 13th day of July 1977, at Washington, D.C.

WINFRED H. MEIBOHM,  
Associate Director,  
National Marine Fisheries Service.

[FR Doc.77-20466 Filed 7-15-77;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force USAF SCIENTIFIC ADVISORY BOARD Meeting

JULY 12, 1977.

The USAF Scientific Advisory Board Electronics Panel Group to review Space Systems will hold a meeting on August 11, 1977 from 8:30 a.m. to 5:00 p.m. in the Pentagon, Room 5D982.

The purpose of the meeting will be to conduct a special review of space sys-

tems at the request of the Secretary of the Air Force.

The meeting concerns matters listed in section 552(b)(3) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-20447 Filed 7-15-77;8:45 am]

## UNITED STATES READINESS COMMAND JOINT READINESS EXERCISE BOLD EAGLE 78

### Intent to Prepare Draft Environmental Impact Statement

Notice is hereby given that pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and 39 FR 4699, the United States Readiness Command announces its intent to prepare a Draft Environmental Impact Statement for the proposed Joint Readiness Exercise "BOLD EAGLE 78."

BOLD EAGLE 78 is a joint exercise directed by the Joint Chiefs of Staff and sponsored by the United States Readiness Command. This proposed exercise is scheduled to be conducted in the southeast, preferably at the Eglin Air Force Base Test Range Complex, Florida, and adjacent coastal waters during the period October 11-November 11, 1977. Other installations under consideration include Fort Polk, Louisiana and Fort Stewart, Georgia.

This exercise will involve approximately 18,000 personnel in joint air and ground operations. Airborne assault and mechanized forces will be engaged in field activities for about 14 days.

Questions should be directed to LTC Dewees, US Readiness Command, MacDill AFB, Florida, 33608 (813-830-3831).

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-20448 Filed 7-15-77;8:45 am]

### Office of the Secretary

## CHEMICAL PROPULSION ADVISORY COMMITTEE

### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following committee meeting:

NAME: JANNAF Combustion Working Group.  
DATE: August 15 to 19, 1977.

PLACE: The technical sessions will be held in Room H2 and Lectinars 1 and 3, Fairchild Hall, USAF Academy, CO. The business meeting will be held in the Bronze Room of the Colorado Springs Hilton Inn, Colorado Springs, CO.



**TIME:** The technical sessions will be held from 9:00 a.m. to 5 p.m., Monday through Friday. The business meetings of the Workshop and Motor Instability Prediction Committees will be held on Monday, the Working Group on Tuesday, and the Particle Measurements Committee on Thursday. The business meetings will be held from 7:00 p.m. to 10:00 p.m.

**PROPOSED AGENDA:** The technical sessions will discuss the current government programs on steady-state and transient combustion within guns, rocket motors, rocket engines, airbreathers, and lasers. The business meetings will review achievements and future plans.

**PURPOSE OF THE MEETING:** The Working Group endeavors to develop sufficient design criteria to build efficient and stable combustion systems and to synthesize, interpret, and validate current knowledge to make research and development results useful to design engineers. These efforts are thus devoted toward early recognition, definition, and solution of possible combustion problems in existing and proposed systems.

The technical sessions on liquid propellant gun propulsion (Mon/AM), combustion technology for lasers (Mon/PM), airbreathing combustion (Tue/AM and PM), aluminum combustion (Wed/PM), composite propellant combustion (Thu/PM), and muzzle flash and burning rate (Fri/AM) are classified and in accordance with the provision of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), attendance is closed to the public and is restricted to those individuals who possess a personal security clearance of at least confidential and a certified need-to-know in the area of chemical rocket propulsion.

The technical sessions on gun propellant ignition and combustion (Mon/PM), solid propellant combustion instability (Tue/AM and PM), DDT and double-base propellant combustion (Wed/AM), combustion in liquid rocket engines (Wed/AM and PM), burning rate measurements (Wed/PM), composite propellant combustion (Thu/AM), and interior ballistic analysis (Fri/PM), are open to the public. The business meetings of the committees and Working Group also are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Working Group Chairman in writing at least five (5) days prior to the meeting, of their intention to attend.

Any member of the public may file a written statement with the Working Group Chairman before, during, or after the meeting. To the extent that time permits, the Chairman may allow public presentation of oral statements at the open meetings.

All communications regarding this meeting and Working Group should be addressed to the Working Group Chairman, Dr. Ronald L. Derr, Code 388, Naval Weapons Center, China Lake, California 93555.

JULY 13, 1977.

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

[FR Doc. 77-20497 Filed 7-15-77; 8:45 am]

## DOD ADVISORY GROUP ON ELECTRON DEVICES

### Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at M.I.T.—Lincoln Laboratories, Boston, Mass., on August 2-3, 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically, subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Correspondence and Directives,  
Office of the Assistant Secretary  
of Defense (Comptroller).

[FR Doc. 77-20470 Filed 7-15-77; 8:45 am]

## DOD ADVISORY GROUP ON ELECTRON DEVICES

### Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on August 11, 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems, and microelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code,

it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Office of the Assistant  
Secretary of Defense  
(Comptroller).

[FR Doc. 77-20471 Filed 7-15-77; 8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### COMMITTEE OF SENIOR REVIEWERS

#### Meeting

JULY 13, 1977.

The Committee of Senior Reviewers will hold a meeting on August 24, 25, and 26, 1977, at the Lawrence Livermore Laboratory in Livermore, California. The subjects scheduled for discussion include nominees for additional membership, along with weapons, laser fusion, isotope separation, and other topics concerned with Restricted Data and other National Security Information.

This meeting will be closed to the public under the authority of subsection 10(d) of Public Law 92-463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552b(c) (1) and (3), other National Security Information which is exempt from disclosure under 5 U.S.C. 552b(c) (1), and personnel or similar files which are exempt from disclosure under 5 U.S.C. 552b(c) (6). The public interest will be served by closing such meeting as it is essential to protect such classified and personal information.

HARRY L. PEEBLES,  
Deputy Advisory Committee  
Management Officer.

[FR Doc. 77-20489 Filed 7-15-77; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 762-7; OPP-42005C]

### STATE OF WYOMING

Extension of Contingency Approval of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36445 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Ed Herschler, Governor of the State of Wyoming, submitted a State Plan for Certification of Pesticide Applicators to the Environmental Protection Agency (EPA)



for approval, contingent upon promulgation of implementing regulations. On January 9, 1976, the Regional Administrator, EPA, Region VIII, approved the Plan on a contingency basis, allowing one year for promulgation of the regulations. Notice of the approval was published in the *FEDERAL REGISTER* on January 29, 1976 (41 FR 4359).

Subsequently, on December 30, 1976, and on June 13, 1977, the State of Wyoming requested extensions of the period of the contingent approval in order to allow additional time to promulgate the regulations required for full approval.

The Agency approved the first request and finds that there is good cause for approving the second request and has granted an extension until October 1, 1977.

Dated: July 6, 1977.

JOHN A. GREEN,  
Regional Administrator,  
Region VIII.

[FR Doc. 77-20440 Filed 7-15-77; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 77-385]

### AMERICAN TELEPHONE & TELEGRAPH CO., LONG LINES DEPARTMENT

#### Memorandum Opinion and Order Designating Hearing

Adopted: June 6, 1977:

Released: June 13, 1977.

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##### VI. ORDER

##### I. INTRODUCTION

1. On October 1, 1976, we released our Memorandum Opinion and Order<sup>1</sup> ruling on and disposing of long-pending questions as to the lawfulness of rate levels<sup>2</sup>

<sup>1</sup> AT&T Private Line Rate Cases, 61 F.C.C. 2d 587 (1976); referenced hereafter as "Decision."

<sup>2</sup> The issues herein were designated in terms of "rate levels." Id. at 596. In this context, rate level "refers to \* \* \* percentage

and rate level relationships of each service category of the American Telephone and Telegraph Company (Bell) subject to our jurisdiction, the most appropriate basis or methodology to measure the full cost of providing service and the lawfulness of Bell's TELPAK bulk-rate discount private line service. Seven petitions for reconsideration and/or clarification of our Decision were filed.<sup>3</sup> Six oppositions<sup>4</sup> and four replies<sup>5</sup> are also before us.

2. At the outset it may be useful to emphasize the scope of this proceeding and its relationship to our rulings herein. Specifically, while certain rate levels were at issue and were decided herein, this is not primarily a typical "rate case" designed to test the lawfulness of specific charges, nor a "rate-of-return" proceeding designed to establish an appropriate earnings ratio on investment. Rather, the purpose and effect of this proceeding is to establish basic principles and standards of general applicability for determining cost of service and corresponding rate levels, by service category. This case constitutes further delineation and clarification of our statutory obligation to determine and in certain instances prescribe "just and reasonable" rates, thus assuring carrier accountability to the public for its rate actions. Our Decision is also intended to promote innovation and efficiency in telecommunications common carriage. Thus, we stated:

We find our obligation to promote (efficiency) and innovation to encompass cost definition, minimization, and allocation. Furthermore, we recognize the interdependence of efficiency and costing. We do not limit our consideration of efficiency only to measurable transactions, but realize that the public interest may be served by recognizing (such) factors (as) \* \* \* considerations (of) equity and social welfare. It is, therefore, broader than that espoused by economists or individual carriers. 61 F.C.C. 2d at 615.

##### A. SUMMARY OF HOLDINGS

3. Our Decision may be broadly summarized as follows: (1) "Fully Distrib-

return on investment." The phrases "earnings ratio," "return level," "return on investment" and "return" are all to the same effect (see 61 F.C.C. 2d at 650, n. 86).

\* Petitions for reconsideration were filed by American Telephone and Telegraph Co. (Bell), The Western Union Telegraph Company (Western Union), Aeronautical Radio, Inc. (ARINC), Air Transport Association of America, Inc. (ATA), United States Transmission Systems, Inc. (USTS), the Department of Defense and all other Federal Executive Agencies (DoD) and the Aerospace Industries Association of America, Inc. (AIA).

\* Oppositions to the above petitions were filed by Western Union, Bell, the National Association of Broadcasters (NAB), Microwave Communications, Inc. (MCI) and by ATA and ARINC jointly as the "airline industry parties;" American Broadcasting Companies, Inc., CBS, Inc. and National Broadcasting Company, Inc. ("the network parties") collectively filed a "response" to petitions for reconsideration which we treat as an opposition.

\* Replies to oppositions were filed by Western Union, Bell, USTS and by ATA and ARINC jointly.

\* See 47 U.S.C. §§ 201(b), 205 (1974).

uted Cost" (FDC) is the costing approach most consistent with our objectives under the Act, and should be the basic standard by which the justness and reasonableness of rates will be judged (61 F.C.C. 2d at 589);

(2) FDC Method 7's historical cost causation basis of allocating costs is most consistent with our mandate to ensure just, reasonable and non-discriminatory rates (ibid.);

(3) Certain revisions to Methods 7 and 1 are required to correct infirmities observed during the course of these proceedings and to align these methods with prescribed guidelines and standards (61 F.C.C. 2d at 589-90); Bell was directed, in consultation with the staff of the Common Carrier Bureau (CCB staff), to correct these infirmities and to revise FDC Method 7 according to Decisional guidelines (id. at 668);

(4) Forecast assignments of new plant established in accord with the cost-causational revised Method 7 will subsequently be tested for accuracy using Method 1-based experienced-use data (id. at 587, 667);

(5) Discriminatory rates may be justified by competitive necessity. The two applicable competitive necessity criteria are: (1) that those benefitting from the discrimination have an alternate supply source which will be utilized in the absence of discrimination and, (2) that the discrimination benefits users discriminated against (id. at 590);

(6) The lawfulness of TELPAK was before us and our Decision held that this specific bulk discount discrimination was not justified under the proper competitive response criterion of the competitive necessity test. Although Bell was ordered to terminate TELPAK, we held that Bell may file a new appropriately responsive bulk offering consistent with our Decision's guidelines (id. at 659);

(7) Bell was ordered to refile tariff rate revisions for all services in order to yield rate levels in accordance with the costing guidelines and methodologies specified in the Decision (id. at 668). As a basis for determining the full costs related to these general filings and all future filings, Bell was directed to assign all extant plant, by service category, to a facility "datum." No departures from full cost rates are permissible absent grant of a waiver (id. at 590-91, 666-67).

##### B. CONTENTIONS OF THE PARTIES

4. With the exception of USTS, all of the petitioners have participated in the hearings below. The parties before us are either major customers of Bell (e.g., ATA, DoD, AIA, ARINC, the Networks and NAB) or are competitors of Bell (USTS, Western Union and MCI). The following are brief summaries of petitioners' contentions.

##### Bell

5. Bell prefaces its petition with the statement that it does not challenge our Decision's choice of FDC Method 7, the FDC guidelines or the implementation process where we directed Bell to consult with the staff on refinements to Method 7 which would underlie its June, 1977



tariff filings. Bell requests reconsideration of only two issues. First, Bell asserts that FDC should not be held to be the "immutable standard" for determining whether rate levels are compensatory, stating that users of other services may still benefit when certain services are priced at "a somewhat lower FDC level." Further, Bell contends that departures from the FDC standard should not be considered in tariff filings, but "in proceedings where all pertinent evidence can be presented." Second, Bell asserts that our finding that the record falls to support the competitive necessity for the nationwide TELPAK offering is improper on the ground that the competitive necessity for TELPAK had already decided in 1964 and could not be reappraised.

#### Western Union

6. Western Union asserts that standards governing future bulk offerings, Method 7, our guidelines for revisions and the way in which Method 1 will be used in conjunction with Method 7 are "imprecise." We are urged to decide whether and how Method 7 applies to other carriers, to initiate an investigation into the bulk offerings of other carriers and to reconsider our choice of Method 7 and adopt instead Method 1 in accordance with the Recommended Decision (RD) of the Chief of the Common Carrier Bureau, released January 19, 1976.

7. Western Union also contends that the consultations between Bell and the CCB staff constitute an unlawful delegation of Commission ratemaking responsibilities. Finally, Western Union criticizes Bell's FDC Manual as failing to adhere to our Decisional guidelines.

#### ATA

8. ATA requests that we provide additional reasons for not employing its "Accommodation Theory" as the appropriate costing methodology. It joins Bell in asserting that our rulings respecting TELPAK should be reconsidered. It also seeks a ruling on TELPAK refunds, the standing of Method 1 vis-a-vis Method 7, and objects to both our direction that Bell consult with the staff on its FDC Manual and the Manual's faithfulness to the Decision.

#### DoD

9. DoD has determined not to seek reconsideration of the prescribed costing methodologies, preferring instead to concentrate in the context of reconsideration

on the TELPAK issue. DoD emphasizes that it occupies a unique position in this case since, by a recent study, it has determined that its AUTOVON system and Government Services Administration's (GSA) Federal Telecommunication System (FTS) utilize approximately 65 percent of the circuits of the present TELPAK network. DoD estimates an increase in its charges for communications services of \$7 million per month upon removal of the TELPAK discounts. It asserts that the decision on TELPAK impacts the Federal agencies more than any other Bell customer with the result that special attention should be paid to its arguments for a continuation of TELPAK in its present form.

10. DoD alleges that the record supplies ample support for a finding that TELPAK was competitively necessary, and that evidence to the contrary was "four years old" at the time of our Decision and did not reflect the "virtual revolution in the communications industry." DoD asserts that our designation order establishing Docket 18128 affirmed previous findings of competitive necessity and contemplated only the question whether TELPAK rates were compensatory. DoD characterizes our competitive necessity holding as an attempt to decide matters not properly at issue. Finally, DoD urges that each service should not be required to earn a return equal to that of the firm's authorized rate of return.

#### USTS

11. USTS urged us to rely on Method 1 rather than Method 7, but stated in the alternative that Bell's FDC Manual should require the concurrent filing of Method 1 with Method 7. It contends that some aspects of our Decision are at variance with our Decision in Phase II Docket 19129,\* and requested that we issue an "unequivocal" statement that the Manual is open to challenge in any future proceeding.

#### ARINC

12. ARINC, as a major customer of TELPAK, asserted that our TELPAK findings are contrary to the evidence and that there is competitive necessity for Bell's nationwide bulk offerings, or alternatively, that our 1964 Decision<sup>†</sup> is res judicata. ARINC also takes issue with Bell's consultations with the staff on the FDC Manual and contended that the contents of the Manual are contrary to our Decisional guidelines. ARINC requests that the lawfulness of teletypewriter station equipment and reductions in the TELPAK telegraph-grade voice equivalency be decided.

#### AIA

13. AIA, also a substantial TELPAK customer, urges us to reverse our TELPAK holding, citing reasons similar to those posited by ARINC, DoD and ATA.

\* F.C.C. 77-150, released March 1, 1977.

† 38 F.C.C. 370, 37 F.C.C. 1111 (1964), aff'd sub nom. American Trucking Ass'n v. F.C.C., 377 F.2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

#### Oppositions and Replies

14. MCI filed an opposition to the petitions of ARINC, DoD, AIA, ATA and Bell. MCI criticizes our choice of Method 7 as well as the contents of Bell's FDC Manual, contending that Method 7 will not provide an effective check on the alleged ability of monopoly services to subvert the concurrent filing of Method 1 data for this purpose. MCI objects to Bell's position that revised FDC Method 7 should not be the "immutable" standard for judging the lawfulness of rates on the ground that:

Clearly, a single methodology must be employed to produce rates irrespective of any additional benchmark studies that may be made for purposes of listing and comparison. MCI Opposition, p. 11.

15. MCI supports our ruling on TELPAK, stating that the large-user parties ignore the fact that it is the Commission's Decision on resale and shared use<sup>‡</sup> which will probably render the further provision of TELPAK economically infeasible for Bell. "Indeed, resale and sharing are the normal economic responses of the marketplace to an irrational price structure that fails to reflect cost realities." MCI Opposition, p. 11. Relative to whether TELPAK's lawfulness under the proper competitive response criterion was at issue, MCI states that "it is frivolous to contend that there was no notice to the parties that competitive necessity was at issue." Id. at 17.

16. The Networks challenge Western Union's and USTS's preference for Method 1, citing portions of the record and our Decision. The Networks join Bell in requesting clarification of whether FDC is the "absolute" standard for determining whether rates are lawful, but limit this issue to the context of pricing departures which fall below the FDC standard. Networks' Response, p. 22.

17. Bell opposes ATA's contention that it is entitled to a refund on the ground that TELPAK rates have been unlawfully high, on the basis of Rulings on Exceptions and the fact that the TELPAK users have had the benefit of a lower rate for a "like" service with private line. Bell Opposition, p. 4. Bell also states that evidence in the record fully justifies the 1968 and 1970 changes in the TELPAK telegraph-telephone equivalency ratio and the 1968 rate increases for teletypewriter station equipment. Id. at footnote. Bell asserts that no record evidence exists for the position taken by Western Union and USTS that Method 1 should be adopted instead of Method 7. Id. at 5. Relative to its consultations with the CCB staff on revisions to the FDC Manual, Bell stated that participation was properly limited to the staff. Bell and its independent telephone company "partners" and that its Manual conforms to the Decision's guidelines.

‡ Resale and Shared Use of Common Carrier Services and Facilities (Docket 20087), 60 F.C.C. 2d 261 (1976), reconsideration denied in part, 62 F.C.C. 2d 588 (1977), petition for review pending, sub nom. AT&T v. F.C.C., No. 77-4057 et al. (2d Cir.).



18. Western Union limited its opposition to the user-parties' and Bell's contention that the competitive necessity for TELPAK had already been decided, and asserted that legally, and "as a practical matter," the parties and this Commission "recognize throughout this proceeding that the alleged competitive necessity for TELPAK was at issue." Western Union Opposition, p. 3.

19. The NAB addressed its opposition to the issue raised by Bell that FDC should not constitute the "absolute" or "immutable" standard against which to measure whether rates are compensatory or whether interservice subsidy exists. NAB asserts that "the Commission's 'Decision' was not perceived as establishing an absolutely rigid and inflexible costing formulation" (NAB Opposition, p. 2) and that "it is apparent that [program transmission rates] cannot withstand strict adherence to the FDC criterion." Id. at 5. NAB thus seeks clarification of this issue.

20. ATA and ARINC (collectively the Airline Industry Parties) first oppose the argument made by Western Union and USTS that Method 1 rather than Method 7 should have been chosen as the FDC allocation standard, and discuss the points made by Western Union relative to Bell's FDC Manual and its adherence to our Decision.

21. In their replies, Western Union and USTS reiterate their preference for Method 1, the Airline parties again argue the competitive necessity for TELPAK and its benefit to other users, and Bell reiterates its position on the propriety of Method 7 and its criticism of our ruling on the competitive necessity for TELPAK.

#### 11. RECORD SUPPORT FOR PRESCRIBING FDC METHOD 7 AND THE USE OF FDC METHOD

22. In this section we respond to assertions that our Decision does not find a sufficient basis in the record for defining Method 7's principle of historic cost causation and that we did not effectively dispose of certain matters at issue. These claims are not well taken. Our Decision has resolved the issues in this proceeding and does in fact provide the foundation for filing revised carrier-made rates according to full service costs.

23. In Sections V-VIII (61 F.C.C. 2d at 605-18), we set forth the statutory, legal and policy grounds of our selection and prescription of ratemaking standards, principles and guidelines. We have expressed our intention to select the costing methodology which best reflects our statutory mandate, concluding that:

Of the seven FDC Methods of record, Method 7's historical cost causation basis of allocating costs is determined to be most consistent with our mandate to ensure just, reasonable, and nondiscriminatory rates. Id. at 589.

24. We emphasize the general applicability of our findings. The record before us focused on cross-subsidization between monopoly and competitive services and an industry structure characterized by emerging competitive forces.

However, our underlying philosophy extends equally to other extant possibilities of cross-subsidization and to those which would be made possible by further development of the industry, restructure of service offerings by regulated carriers, technological changes, or other events. Id. at 638.

25. FDC methods were held "the standard of ratemaking" (id. at 641; emphasis in original) and we made clear that Bell was to base its future rate levels, rate relationships and changes thereon on FDC Method 7 data. Id. at 649.

We held that: [T]ariff filings should reflect their overall impact and effects, and should be based on data employed in a consistent manner between services and over time. Bell must exhibit methodological consistency and supply comparable supportive materials for future rate filings of all the various Bell services in accordance with the guidelines established herein. Id. at 641-42; emphasis supplied.<sup>11</sup>

26. We thus required that revised tariffs which incorporate our FDC guidelines into rates and rate relationships were to be filed with the "minimum materials required to support rate levels and departures from datum-based full costs." Id. at 663; emphasis in original. "Full cost," of course, includes cost of capital. Id. at 619-21. "See also, Communications Satellite Corp., 56 F.C.C. 2d 1101, 1145 (1975). Thus, to comply with our Decision, each tariffed service category's rates must be targeted to yield an expected return level equal to the carriers' authorized overall return, absent a proper showing under the general provisions of the waiver process. This waiver process is intended to recognize instances where the public interest may be served by departures from full cost rates. Id. at 608, 662-63. For example, "carrier pricing flexibility may be warranted in situations where less-than-full cost based rates will permit beneficial cost efficiencies and demand adjustments over time." Id. at 663. However, the "full recorded cost of operations" (Id. at 661) are to be covered for each service category unless a waiver is granted. Even with the waiver process, it is abundantly clear that our prime emphasis is on carrier accountability for its rates. Id. at 610. "[A]ccountability is the touchstone of the 'just and reasonable provision' of Section 201" of the Act. Id.

<sup>11</sup> Upon experience gained on this record and through our Decisions in *Hi-Lo*, 55 F.C.C. 2d 346 (1975), *DDS*, 62 F.C.C. 2d 774 (1977) and *WATS*, 59 F.C.C. 2d 671 (1976), we held "disparate and incongruous ratemaking concepts . . . unlawful." 61 F.C.C. 2d at 662. We specified that "the breadth of supportive" materials required for tariff filings should show "overall" impact, including proper estimates of cost function changes and cross-elasticity data. *Ibid.* Such data must allocate the totality of Bell's plant and expenses among all services. Plant and expenses totals must be derived from data of a recent test year; it cannot be based on results of prior test years "factored forward." Furthermore, the recent test year must be the same for all services.

at 612. Further, "accountability . . . involve[s] consistency in forecast and actual methodology and in the dimensions of the data employed[.] . . . across all services." . . . Id. at 612.<sup>12</sup>

27. Grant of a waiver requires that the carrier be able to reconcile and account for any requested departures from FDC Method 7 full costs in relation to datum-based investment assignments and an allocated share of expenses.<sup>13</sup> In the competitive area, departures below the overall authorized return level will be considered in exceptional circumstances.<sup>14</sup> Id. at 666. On the other hand, departures above the overall level of return can be supported by appropriate justification.

<sup>12</sup> Chairman Wiley has commented as follows on the public safeguard features of accountability:

Once the costs of each of AT&T's services are identified, regulatory agencies, the Congress, and the American people will be able to make fundamental decisions concerning the desirability of subsidies between classes of users. These decisions can then reflect conscious social and political judgments made with the full knowledge of all consumers. 61 F.C.C. 2d at 669.

<sup>13</sup> We have held Bell's "basic service philosophy" or ratemaking unlawful. Consequently, supportive materials for "revisions to any existing service rate level or rate relationship . . . must be supported by a showing of overall impact of such revisions . . . for each of the various Bell services." This relates to "plant responsibility [which] impacts directly on realization of Commission objectives and responsibilities." 61 F.C.C. 2d at 662; see also 61 F.C.C. 2d at 591, 627, 661-63 and 666. Reconciliation of datum-based assignments is relevant in the context of (1) rate filings, (2) reconciliation between forecast and actual plant assignments at regular intervals and (3) upon review of proposals for datum reassignments submitted by other carriers or interested parties. See Id. at 655.

<sup>14</sup> Waivers will generally be considered within the context of tariff proceedings. Waivers must be properly supported by materials as specified in our Decision concerning use of disparate ratemaking concepts. Id. at 661, et seq. Where applicable, Bell must provide materials which will allow us to determine the full impact of any waiver of the requirement that the service cover its full costs, including a showing of the incidence, by service, of any revenue requirement burden associated with a grant of the waiver. These materials shall support both the rate levels petitioned for by waiver and rate levels corresponding to the then prevailing authorized return levels. A showing that any shortfalls will be made up within "a reasonable time certain, and that the departure will benefit the body of Bell's users" is also to be made. Id. at 666. The requirement to recover shortfalls over time is generally applicable to departures below full costs, when it is practicable to recover full costs for the service category. It would not generally be applicable to those services where rate changes would not improve the level of return or where a preferential rate may be sanctioned or where a waiver may be granted to exceed the company's authorized return. We take note of our intention to undertake rulemaking in conjunction with the Uniform System of Accounts under which specification of supportive records, accounts, sub-accounts, and traffic and other data will be examined. USOA revisions should also provide us with data, records and accounts for waiver process reconciliation and accounting.



28. We note that the use by carriers of projections and forecasts of changes in demand have logically provided management with the basis for budgeting, committing and disbursing capital for the installation of facilities used to provide service. When expended, these costs become embedded, and associated expenses such as depreciation, maintenance and general and administrative are incurred. See *id.* at 633. This is the underlying philosophy of historical cost causation embodied in our prescribed methodology. The carrier may base its rates on the datum mix of embedded and forecast plant requirements to meet projected changes in demand. Subsequent analysis of experienced—use plant data (revised Method 1-type data) will provide the basis to determine the accuracy of forecasts. Thus, although ultimately accountable for its pricing decisions, management is given the flexibility to forecast future plant requirements and calculate rates, in part, in relation to these forecasts. Method 7 envisions allocation and attribution at the inception of this causal chain. Thus Method 7 was found to reconcile best the divergent needs of flexible management decision-making and public accountability.<sup>32</sup>

29. The carrier's rate base investment is distributed to a facilities datum by service category on the basis of both current and projected use:

The method to be used for the allocation of facilities costs \* \* \* must be one of assigning such facilities on the basis of historical causation to all services \* \* \*. [T]he carrier must provide evidence of causation for facilities currently in place. \* \* \* Projected usage is important here \* \* \*. This process will constitute a 'datum' which will provide the basis for future [rate] actions \* \* \*. [F]acilities \* \* \* which are directly attributable shall be assigned to the respective services. Newly completed common facilities shall be assigned to the pertinent service categories on the basis of the projected circuit use accounted for by each serv-

<sup>32</sup> These concepts taken together underlie our Decision. Management retains the right to make investment, service offering and other decisions in the interests of its stockholders and investors, but remains accountable for its rate and pricing actions as it would within a strictly competitive marketplace. Use of revised Method 7 procedures provides a surrogate for the marketplace and its public interest aspects. 61 F.C.C. 2d at 609-12. We have recognized that investment and facility allocation decisions are fundamental to this objective, and have directed the establishment of a facilities datum and the reconciliation of forecast data and actual plant usage data. These reconciliations will be made part and parcel of our actions regarding subsequent facility construction applications and will be incorporated into our examination of the actual utilization of facilities in place. *Id.* at 664-65. It will include review of plant utilized by the carriers themselves such as test and administrative circuits. USOA revisions made in conjunction with our intended rulemaking in this area should also provide us with data to assess the appropriateness of service category definitions.

ice. We believe that such a procedure most closely parallels the concept of historic cost causation. 61 F.C.C. 2d at 664-5; footnote omitted.

While the revised methodology we have prescribed is intended to maximize the use of cost-of-service principles, assuring the fullest possible extent of attribution and cost assignment to each tariffed category of service, we view specific allocation procedures as continually subject to evolution and refinement in accordance with our guidelines, principles and standards.<sup>33</sup> It is a "dynamic, continuous process." *Id.* at 665.

30. In sum, the substantive record support for FDC Method 7 is evident from our Decision. *Id.* at 642-48. We specifically approve the allocative basis of historical cost responsibility, over time (*id.* at 642-643) with its inherent retrospective and prospective aspects. We have noted that the causal features of Method 7 appear ostensibly to incorporate some of the attractive characteristics of marginal costing, particularly since it incorporates the feature of "projected service usage \* \* \* into an FDC framework." *Id.* at 646.

#### A. THE SELECTION OF METHOD 7 OVER METHOD 1

31. Western Union, USTS and MCI advocate the selection of Method 1 over Method 7 as the applicable costing standard. This was the methodology before us on recommendation of the Chief of the Common Carrier Bureau (see, Recommended Decision of the Chief of the Common Carrier Bureau, released January 19, 1976).

32. Our choice of Method 7 over Method 1 as the standard for cost of service analysis is supported by "substantial evidence." *Cf., Nadar v. F.C.C.*, 520 F.2d 182, 199, n. 17, 204, n. 23 (D.C. Cir. 1975). Comparatively speaking, FDC Method 7 possesses all the attributes of our statutory objectives and responsibilities, without Method 1's inherent shortcomings. In particular, it will further the efficiency, innovation, fair competition and accountability objectives stated in the Decision. As revised, Method 7 will use forecast data and causal cost allocation mechanism which should closely correlate with efficient management decision-making processes. 61 F.C.C. 2d at 614-15, 645-46. Causal aspects incorporated into the facilities datum permit the tracking of management plant assignment decisions over time and their alignment with actual results. *Id.* at 644-49. By way of contrast, Method 1 intrinsically relies on informa-

<sup>33</sup> Ratemaking approaches may not be rejected for lack of perfection as some parties imply in their petitions. We have chosen a methodology which is reasoned, nonarbitrary and best capable of achieving our objectives under the Act. Further, we envision that Method 7 will more precisely fix cost responsibility as it evolves over time. See, *National Association of Greeting Card Publishers v. United States Postal Service*, --- F.2d --- (D.C. Cir. Slip. Op. No. 1856, Decided December 28, 1976) at p. 43.

tion of a past or historical context. Total reliance on information of this type as the basis of tariff filings cannot reflect all aspects of an efficient decisional process, nor provide management with the proper costs and criteria with which to compete in the marketplace. We have recognized the value of retrospective experienced-use information for accountability purposes as a check on the prospective plant assignment process. *Id.* at 667. However, this limited use of such data does not deny that "our primary FDC Methodology for the determination of the justness and reasonableness of rate levels and the rate relationships will be based on the logic of historical cost causation." *Id.* at 667. Principles of carrier accountability, fixity through the datum device and equity ring clear throughout our Decision. See, e.g., *id.* at 662-67. Our Decision holds promise of rest and repose over long-pending costing controversies. It incorporates elements of marginal cost pricing without sacrifice of the regulatory advantages of verifiable, fully distributed cost data. We thus expect our Decision to facilitate and expedite future rate proceedings before us. *Id.* at 665.

33. In summary, while Method 1's inherent shortcomings illustrate that it cannot fix cost responsibility prospectively as can Method 7, we, as noted above, have not "discarded" experienced-use information derived from Method 1. We will periodically compare experienced-use-based assignments of plant to historic causation assignments for evidence of "gross imbalances." *Id.* at 665, 667. In the final analysis, we shall determine the validity of datum plant assignments upon periodic examination (*id.* at 665) using Method 1 type data in the context of return levels.<sup>34</sup>

<sup>34</sup> Within the context of return levels, this process logically envisions comparison of Method 7 datum plant assignments and experienced use data (i.e., a comparison of forecast and actual results), with expenses and revenues held constant for this purpose. Enough data will be provided to allow for the comparison of cost causal and experienced use-based return levels. Comparison of return levels will indicate "gross imbalances" and thus provide signals as to whether plant assignment revisions among the datum categories are warranted. It is expected that the procedures for performance of revised Method 7 studies will maximize all opportunities for cost causal attribution of direct (nonfungible) and other expenses. Consequently, it is expected that such procedures will be the only basis for attribution of expenses. The Commission, sua sponte, carriers and other parties may propose and submit evidence respecting datum assignment revisions. 61 F.C.C. 2d at 665. Redistribution of plant assignments will be handled so as to preserve the datum's assignment integrity. As a result of the reconciliation process actual assignments may supersede causal assignments to the extent that a proper showing has been made. *Id.* at 612, 641 and 662. Where applicable, gross imbalances will be estimated in terms of their cumulative historical revenue requirement effects. The carrier will then present a plan to redistribute future revenue requirements in such a way as to eliminate these effects over time.



34. Certain revisions to Method 7 costing procedures of record (see Bell Exh. T-9 and T-10) were indicated. We found, for example, that Method 7 must be made more consistent with a true historical causal base, that it must be made less susceptible to managerial interpretation and manipulation and that the procedures employed must be generally clarified and delineated to our satisfaction. Id. at 646-47, 664-65. We thus directed Bell to develop acceptable forecasting techniques and, in consultation with the staff of the Common Carrier Bureau, appropriately revise Method 7 costing procedures and Method 1. Id. at 591. The staff was directed to report the results of the consultations to us within three months. Id. at 668.

#### B. THE EXTENT OF PRESCRIPTION AND THE DIRECTIONS TO THE STAFF

35. We now consider, in connection with the extent of our prescription, questions raised respecting Bell's consultations with the CCB staff and the status of Bell's FDC Implementation Manual. As indicated, in prescribing FDC Method 7 we observed that, as then constituted, it admitted of certain infirmities. Accordingly, we prescribed specific guidelines for the revision of Method 7 (see, e.g., 61 F.C.C. 2d at 667) and directed consultations between the carriers and the staff (id. at 668) so that the carriers would obtain a clear understanding of the Decision and consequently effect the revisions we ordered.

We now discuss contentions that the consultations were an improper delegation of authority properly residing only in this Commission. It is claimed by some parties that the contents of the FDC Manual more properly belong in our Decision or, in the alternative, that the process by which Bell consulted with the staff to develop the Manual should have included the several parties to Docket 18128 as active participants.

36. We make clear that the specifics of the manual will be subject to our full scrutiny. We have not, as some parties contend, "accepted" the manual. It was the report of the Cost Analysis Task Force that we "accepted." "Order" (F.C.C. 77-110), released February 14, 1977. We stated then, and affirm now:

The burden of justifying rates and costing techniques remains with Bell in accordance with statutory and legal standards. The results of the consultative process are thus not binding on the Commission or on staff elements charged with rate evaluation and hearings; rights and remedies related to the rates filed in compliance with our Docket 18128 Decision are subject to our Rules and Regulations. *Ibid.*

37. The manual was the subject of a report by the Cost Analysis Task Force established by the Chief of the Common Carrier Bureau for compliance with paragraph 241 of our Decision. 61 F.C.C. 2d at 668. The report describes, in general terms, the content of the FDC Implementation Manual, but the manual itself was not transmitted, nor is it otherwise before us at this time. The report states

that the manual will underlie the rates Bell has been ordered to file under our Decision. Claims respecting the specifics of the FDC Implementation Manual and its conformance to the Decision will properly be before us in connection with Bell's tariff rate revisions, based on the manual. Until such time, contentions addressing the manual are premature. When filed, Bell's tariff rate revisions are underlying support (including its FDC Implementation Manual) will be subject to all rights and remedies under the Act, our rules and regulations and governing decisional law.

38. The delegation to the staff was wholly proper. See § 0.291, 47 CFR 0.291. Specifically, our delegation to the Common Carrier Bureau under § 0.91(e) and (g) of our rules and regulations, 47 CFR 0.91(e) (g), includes advising and assisting members of the public and the carriers on Commission policy and regulations. The Bureau also may obtain from the carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created. This constituted the extent of the staff's authority. The staff had no power to bind this Commission.

39. Effecting the necessary rate revisions in relation to full costs to comply with our Decision remains within the purview of the carriers' management. Neither the record nor any specific costing methodology before us was at a level of perfection to allow the specific prescription of rates. We therefore have not exercised our full prescriptive powers under the Act. We have not disturbed the presumption of carrier-made rates on which Sections 201-204 of the Act are bottomed. For the future, it appears that the Commission's capability to prescribe rates will be enhanced by refinement and implementation of the costing principles in our Decision. At the present we see no reason to prescribe specific rules of allocation. Such rulemaking could, of course, be undertaken if future circumstances warrant.

40. We also reject contentions raised by Bell's customers and competitors respecting the right actively to participate in the consultative process. In the report of the Cost Analysis Task Force (p. 2) it is stated that:

Bell and its partners actively participated with the staff at these meetings. Bell's customers, competitors and others were permitted to attend and observe, but not participate, because the consultative process involved the formulation of revised cost allocation procedures, which in turn, were to be used to support revised rates and charges.

41. As reported by the Cost Analysis Task Force, the consultations between Bell, its independent telephone company partners and the staff were open to the public. Minutes of the meetings were maintained and distributed to all those interested in the consultations. Report of the Cost Analysis Task Force, p. 3. Comments and suggestions were taken from the non-participants at various stages. Id. at p. 2. Those interested in

challenging Bell's revised rate levels will be able to use the knowledge gained from these public consultations when the rates employing the manual are before us. We find that the extent of participation and observation afforded Bell's customers and competitors was fair and appropriate under the circumstances and consonant with clear market rules.<sup>19</sup>

#### III. THE LAWFULNESS OF BELL'S BULK DISCOUNT PRIVATE LINE TARIFF (TELEPAK) UNDER SECTION 202(a) OF THE ACT

42. We are urged to reconsider our Decision that Bell has not met its burden of proof under section 202(a) of the Act on the lawfulness of TELEPAK, a tariff category which offers private line service at a discounted, bulk rate.<sup>20</sup> We required Bell to justify its discriminatory pricing technique, nationwide in character, by meeting the "competitive necessity test." The test has two criteria:

- (1) That those benefiting from the discriminatory pricing have an alternative of satisfying their communications requirements from a substitute source of supply and that they will shift to the substitute source unless the discrimination is maintained (the proper competitive response criterion); and
- (2) That the discrimination benefits the users of the carrier's services who are discriminated against, i.e., charges to other users are lower because of the discriminatory rate than they would be without such rates (the compensatory/beneficial criterion).<sup>21</sup>

We found under the first criterion that the record in this proceeding failed conclusively to demonstrate "that the TELEPAK offering as presently structured, constitutes a proper response to the extent of competition posed by private microwave," and that "while growth in specialized carriers and satellites might justify (TELEPAK as a proper) competitive response in the future, this uncertain probability is not sufficient to justify the present TELEPAK offering."<sup>22</sup> It is thus evident that our concern was with the specifics of TELEPAK as a pervasive and ubiquitous response to the actual threat of competition from private microwave and specialized common carriage. We ordered that TELEPAK in its present form be terminated, although Bell was afforded the opportunity to file another bulk offering (a replacement for TELEPAK) consistent with our Decision.<sup>23</sup>

<sup>19</sup> We have stated that "clarification of market rules" (61 F.C.C. 2d at 615) in furtherance of our Specialized Common Carrier Decision, 29 F.C.C. 2d 870 (1970) was a "major objective." In such Decision, we put parties on notice of "our objective to promote and maintain an environment within which existing and any new carriers shall have an opportunity to compete fairly and fully in the sale of specialized services. Our ratemaking and regulatory policies and practices will be appropriately adapted to accomplish this objective" in Docket 18128. Id. at 915-16.

<sup>20</sup> Those requesting reconsideration of our TELEPAK holding are Bell, DoD, AIA, ARINC and ATA.

<sup>21</sup> 61 F.C.C. 2d at 853.

<sup>22</sup> Id. at 658.

<sup>23</sup> Id. at 659.



43. Reconsideration is urged on two grounds: (1) That there was not a substantial record basis for our holding and (2) that there was insufficient notice of the continued pendency of the proper competitive response criterion. The parties state that the return levels for TELPAK supported a finding of lawfulness under the zone of reasonableness test we applied under section 201(b) of the Act<sup>22</sup> to Bell's other services. Since we had held TELPAK unjustified by competitive necessity, we did not rule on whether its return level was lawful.

44. We state at the outset that our Decision's holding on the lawfulness of TELPAK as a specific response to private microwave and private line competition finds ample support in the record. We note with concern, however, that the largest TELPAK customers (ARINC, ATA, AIA and DoD)<sup>23</sup> contend that our 1964 TELPAK decision<sup>24</sup> and certain subsequent orders indicated that we would consider only the compensatory/beneficial criterion of the competitive necessity test. They claim that they were not on clear and proper notice that the lawfulness of TELPAK as a "response" to competition continued at issue and that the evidence they presented on private microwave costs was directed solely to the compensatory/beneficial criterion.

45. The parties state the following as the basis for their notice claims. In 1964, when we first considered the TELPAK tariff in Docket 14251, we found "apparent competitive necessity" for the TELPAK C and D classifications.<sup>25</sup> We then held that the record in Docket 14251 would remain open to receive additional evidence on the question whether the rates therefor were compensatory.<sup>26</sup> During the twelve years between 1964 and our instant Decision, we issued orders by which we consolidated Docket 14251 with Phase 1-B of Docket 16258;<sup>27</sup> we then consolidated the latter with Docket 18128.<sup>28</sup>

46. These and other orders contained language that the compensatory/beneficial criterion would be the primary focus of these further hearings, although we placed the lawfulness of TELPAK in general at issue under Section 202(a) of the Act.<sup>29</sup> The customer-petitioners argue that these orders did not put them on adequate notice of our intended ruling. Other parties maintain, however, that they were on notice; MCI claims notice was evident and Western Union states that the issue was encompassed in "broad

statutory terms."<sup>30</sup> Indeed, even Bell offered findings on the issue.<sup>31</sup>

47. We believe our 1968 Memorandum Opinion and Order<sup>32</sup> designating the issues to be addressed in this proceeding was intended to encompass the overall lawfulness of the TELPAK rates under any rationale, including whether it was a proper response to competition. The record demonstrates that at least a number of major parties were aware of its scope and in fact argued the issue of competitive alternatives/responses. The evidence presented on private microwave costs, though relevant to the compensatory/beneficial criterion, is also directly related to the proper competitive response criterion. Furthermore, we cannot accept an interpretation of our 1964 TELPAK decision<sup>33</sup> to the effect that the proper competitive response criterion was settled in perpetuity at that time.

48. We recognize, however, that confusion on this point may have resulted from differing statements contained in orders issued during this somewhat convoluted and protracted proceeding.<sup>34</sup> We shall on this ground reconsider the matter of TELPAK's lawfulness as well as whether the return levels on these discounted rates fall within the zone of reasonableness.

49. Consequently, we set aside, and accordingly stay our Order requiring Bell to eliminate TELPAK by June 8, 1977 (61 F.C.C. 2d at 668) and will conduct an expedited hearing on the question of TELPAK's lawfulness in general under sections 201(b) and 202(a) of the Act.<sup>35</sup>

50. In this connection, we reiterate the bases upon which the propriety of private line bulk discount rates will be judged.

51. In our 1964 Tentative Decision respecting TELPAK<sup>36</sup>, we stated that differences in rates directly attributable to differences in the cost of furnishing volumes of circuits vis-a-vis the other services, may justify a rate differential. *Id.* at 377, 379. We there concluded that TELPAK and the other private line services are like communication services, and that there were no material cost differences between such services furnished under TELPAK on a volume basis and those furnished under other private line tariffs on a circuit-by-circuit basis. *Id.* at 381.<sup>37</sup> In the absence of cost justification for the rate differentials between providing a like service in bulk or an individual circuit basis, rate discrimina-

tions may also be justified by meeting the competitive necessity test. *Id.* at 376. These holdings are consistent with our current holding that any bulk rates recover full cost over time and that competitive necessity may constitute the basis for a grant of a waiver. See 61 F.C.C. 2d at 659. Thus in the private line context in order for a carrier which provides both monopoly and competitive services to justify a discount rate to volume users of a private line service which is "like" non-discounted private line services, the following must be proved:

(1) The discriminatory bulk discount classifications must be cost justified, i.e., it must be proved that there are material cost savings associated with provision of the service on a volume basis.

(2) The discount rate must be an exact reflection of such cost savings and must also be targeted to recover full costs on an FDC Method 7 basis.

(3) Absent proof of cost justification, or upon departure from FDC Method 7 based rates which mirror actual cost savings, no discriminatory discount rates may be filed absent a waiver. Waivers may be granted upon proof that the rate differential is required by competitive necessity.

Thus the carrier is afforded the opportunity to compete fully and fairly in the competitive intercity private line marketplace evolving under our Specialized Common Carrier and Domestic Satellite Decision.<sup>38</sup>

52. It is important to point out that cost differentials must be real and documentable. They cannot result from a fractionalization of demand, but must result from true cost savings associated with offering service in bulk. Discounted rates must be in proportion to actual cost savings and targeted to yield the company's authorized level of return. Other rates which may yield such a return, but are not tied to actual cost differentials, would not be acceptable. The appearance of having attained a lawful level of return cannot be sustained by "artificial and unwarranted service category structure" (61 F.C.C. 2d at 659). The same would be applicable to manipulations of "demand factors." *Ibid.* "Like services are not made different services merely because the level or structure of rates is different." 38 F.C.C. at 1114.

53. We now turn to the issue of whether the Telpak rates are compensatory, which we did not reach in our October Decision. It is argued that inasmuch as the indicated TELPAK return levels for the twelve months ending September 30, 1975 were 8.5 percent under FDC Method 1 and 12.6% under FDC Method 7,<sup>39</sup> the TELPAK rates at that time were not unjust or unreasonable in relation to Bell's overall return level of 8.5%.

<sup>29</sup> 35 F.C.C. 2d 870 (1971); 35 F.C.C. 2d 844 (1972).

<sup>30</sup> See Bell Brief in Support of Exceptions, Appendix A.

<sup>22</sup> See *id.* at 649-50.

<sup>23</sup> Bell joins the user-parties only in asserting that the record proves that TELPAK is a lawful discrimination.

<sup>24</sup> 38 F.C.C. 370, 395, 37 F.C.C. 1111 (1964), *aff'd* sub nom. American Trucking Ass'n v. F.C.C., 377 F.2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

<sup>25</sup> 37 F.C.C. 1111, 1118-19 (1964).

<sup>26</sup> *Id.*

<sup>27</sup> 7 F.C.C. 2d 30, 31 (1966).

<sup>28</sup> 18 F.C.C. 2d 761, 764-65 (1969).

<sup>29</sup> 13 F.C.C. 2d 853, 858 (1968).

<sup>30</sup> Western Union Opposition, pp. 4-5.

<sup>31</sup> AT&T Proposed Findings and Conclusions, March 12, 1973, p. 385.

<sup>32</sup> AT&T, 13 F.C.C. 2d 853 (1968).

<sup>33</sup> 38 F.C.C. 370, 37 F.C.C. 1111 (1964), *aff'd* sub nom. American Trucking Ass'n v. F.C.C., 377 F.2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

<sup>34</sup> See generally: 38 F.C.C. 370 (1964); 37 F.C.C. 1111, 1118-1119 (1964); 6 F.C.C. 2d 177, 180 (1966); F.C.C. 68-388 (April 10, 1968); 13 F.C.C. 2d 853, 858 (1968).

<sup>35</sup> 47 U.S.C. §§ 201(b), 202(a) (1974).

<sup>36</sup> 38 F.C.C. 370, 37 F.C.C. 1111 (1964), *aff'd* sub nom. American Trucking Ass'n v. F.C.C., 377 F.2d 121 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

<sup>37</sup> See also 37 F.C.C. 1111 (1964).



54. The problem with this line of reasoning is that it begs the basic question before us of the proper allocation of costs as between TELPAK and like communication services (i.e., Series 2000 and 3000 private line services). We previously found that TELPAK was a like service (38 F.C.C. at 381) provided on a fungible basis via the same facilities and exhibiting the same basic costs as Series 2000/3000 services. Thus the TELPAK discount rate could only produce a higher actual return level than Series 2000/3000 services if (a) there are in fact significant cost savings in the bulk offering which were not evident in our previous determination or (b) there is in fact an "artificial and unwarranted service category structure" resulting in a fractionalization of demand. The record before us in the present proceeding does not provide the necessary segmentation and justification of costs as between like services provided under the TELPAK rate and those provided under the Series 2000/3000 rate to enable us to determine whether one or another of these factors is responsible for the indicated TELPAK return level. Absent such a determination, the lawfulness of the TELPAK rates or indicated return simply cannot be established.

55. We are mindful that Bell has filed a tariff revision cancelling TELPAK. Bell states that its reasons for this action are our Decision's holding that TELPAK was unlawful and Bell's own conclusion that:

The imposition of unrestricted resale and sharing substantially changes the revenue/cost relationship for the TELPAK offering \* \* \*. Thus, as we have pointed out (Transmittal No. 12714), TELPAK simply cannot continue in a resale and sharing environment. Bell Reply to Oppositions to Petitions for Reconsideration, p. 8; citations omitted.

In view of our grant of reconsideration, Bell is no longer under order to eliminate TELPAK. To this extent we stay and nullify paragraph 242 of our Decision. 61 F.C.C. 2d at 668. Consistent with this ruling we have waived § 61.59 of our rules and regulations to permit Bell to withdraw the tariff revision canceling TELPAK should Bell wish to do so. See our Memorandum Opinion and Order, F.C.C. 77-384, adopted June 2, 1977. In view of the uncertainty whether Bell will continue to offer TELPAK we must point out Bell's obligations. Pursuant to our Decision Bell was to file rates and rate levels in compliance with the Decision in all service categories. 61 F.C.C. 2d at 668. TELPAK, which we previously found unlawful, was exempted, although another replacement bulk offering could have been filed. Since Bell is no longer obliged to terminate TELPAK pursuant to our order and it may, at its option, continue to provide these discount rates, the TELPAK return levels must be adjusted to comply with our Decision. If the existing rates and classifications are continued, they must be shown to be lower, as stated previously, on the basis of actual cost differences from like private line services not offered in bulk and

must also be targeted to yield the company's overall return. It is clear from our 1964 finding of "no material cost differences" (38 F.C.C. at 381) and the lack of any subsequent evidentiary offerings on this point that further expedited hearings would be necessary if TELPAK in its present form is to be continued, or if the present rates do not meet our full cost standard and have to be refilled to comply with same. In such event, in the context of the return level for all private line services, Bell will have to demonstrate actual cost savings and the ability of its new rates to meet the targeted return. If Bell seeks to depart from full costs we would entertain expedited proceedings under the competitive necessity test as a basis for a grant of a waiver. (This would be without prejudice to other bases that might be presented to justify a waiver.) We find in view of "Nader v. P.C.C.," 520 F. 2d 182 (D.C. Cir. 1975) that any further hearing to be held be on an expedited basis as follows:

First, a separated trial staff will be designated to conduct the proceedings. Second, the Chief Administrative Law Judge will forthwith appoint an Administrative Law Judge to preside over these proceedings and to establish and adhere to an expedited schedule with direct certification of the record to the Commission for decision. Third, the parties are instructed to limit their proof to matters not already in the record. Several petitions assert that certain studies on which our Decision was based are "out of date." Any new studies or submissions must therefore be shown to be based on data which will not be similarly criticized. We direct the parties and the Administrative Law Judge to adhere strictly to the rules of relevancy in this regard.

We note that it has already been established that TELPAK is not a separate service employing separate facilities or experiencing wholly separate costs from other private line service. See 38 F.C.C. 370, 381 (1964); 61 F.C.C. 2d at 659. Thus, any attempt to prove that TELPAK is compensatory must first demonstrate how its costs differ from other private line services which have been determined to be non-compensatory. If Bell seeks to justify departures from full costs on the basis of competitive necessity, the following sets forth the standard to which evidence on this question should be directed.

56. To justify rate discrimination on the basis of competitive necessity, the carrier must evince the existence and extent of alternative telecommunications supply sources, on a route-by-route basis, citing demand, production, financial and other considerations which would impact these sources feasibility. The carrier should address alternative supply sources such as private microwave system (PMW) or other private line alternatives. It must be shown that a particular user's or user group's in-

"We find that due and timely execution of our functions imperatively and unavoidably requires that an initial decision by the Administrative Law Judge be omitted. See U.S.C. 557(b) (2) (1976).

ternal demand, in terms of its absolute size, variability, and growth characteristics, is economically sufficient to justify any cited alternative. Demand by route and length of haul must be demonstrated as well as economic considerations, service quality, reliability and flexibility determinants. On the supply side, the ability and willingness of the individual user or user group to build, operate and maintain a PMW system must be demonstrated. In this regard, it must be shown that specialized equipment is available in the quantity and quality desired, and within the relevant time frame. Further, a definitive route-by-route plan to satisfy the user's projected telecommunications needs must be made, including right of way and site, frequency, duct, or other congestion considerations. Financially and as a matter of policy, the ability and willingness of a user to undertake alternatives, commit funds, and bear any risks of obsolescence must be manifest. Users should demonstrate the availability of necessary lines of credit, external equity, or internal financial sources of funds sufficient to develop and employ alternatives. The need for and availability of specialized services from other common carriers must be demonstrated in the light of the above criteria, if such services are being considered as alternatives to TELPAK.

57. Petitioners also assert that our 1964 TELPAK decision was res judicata and cannot be disturbed. It is claimed that we are barred from deciding the question whether TELPAK is a proper competitive response in today's marketplace. While this argument was raised in the context of our October Order's finding that the TELPAK discrimination had not been justified in terms of this criterion, we recognize this same issue in the context of rehearing. Accordingly, we hold that res judicata does not apply herein, and that our finding twelve years ago of "apparent" competitive necessity should not be forever binding or prevent renewed consideration of this question.

58. Our past decisions on the lawfulness of TELPAK were ratemaking and as such an action under our delegation of legislative power. Res judicata has been held not to apply to an agency's legislative action in the context of rate cases. The Supreme Court has stated as early as 1929 that "[a] rate order is not res judicata. Every rate order may be superseded by another." *Tagg Bros. v. United States*, 289 U.S. 420, 445 (1929). Other federal appellate cases support our determination that we are not barred from reconsidering our 1964 decision. *Borough of Lansdale, Pa. v. Federal Power Com'n*, 404 F.2d 1104 (D.C. Cir. 1974) discusses whether summary "rejection" of a rate schedule should preclude refiling and reconsideration of the schedule in a subsequent proceeding. Noting that the case presented a probable error of law, the Court stated:

"... [T]he appropriateness of a rate schedule typically depends on factual circumstances and policy considerations which change drastically, and often quite rapidly



over time. A doctrine barring all reconsideration would seem contrary to sound regulatory policy. 404 P.2d at 1115, n. 45.

59. ARINC cites *United States v. Utah Construction and Mining Co.*, 384 U.S. 394, 424 (1966) as authority for its position that we are bound by res judicata. The case reveals, however, that the administrative action must be one of adjudication in a "judicial capacity," not legislative action. Cf., *Arizona Grocery v. Atchison Ry.*, 284 U.S. 370, 387 (1931).

60. Further, a decision must be final and on the merits before it may constitute a bar to later proceedings.<sup>40</sup> Our tentative decision in the original TELPAK proceeding was not a final decision. Subsequent orders state that due to an insufficient evidentiary showing we were unable to decide whether TELPAK C and D were compensatory and ordered that the record in Docket No. 14251 remain open to receive further evidence on this question.<sup>41</sup> Moreover, we reject statements by Bell and other petitioners that the 1964 decision was "court approved" in the *American Trucking* case and therefore could not be altered or reconsidered in subsequent Commission orders. That decision did not reach our findings as to TELPAK classifications C and D which are now at issue, but only our holding on the "like services" question and the lawfulness of classifications A and B.

[S]ince the disposition of sections C and D of the Telpak tariff is not before us on this appeal, we need not consider this phase of the matter. *American Trucking Ass'n v. FCC*, 377 F.2d 121, 129 (D.C. Cir. 1966), cert. denied, 386 U.S. 943 (1967).

We accordingly find that res judicata would not bar reconsideration of TELPAK's lawfulness as a proper response to competition.

61. In conclusion, on reconsideration we find that the Telpak discounts, now subject to termination at the carrier's option, have not yet been justified on the basis of either a cost differential, an overall return level, or competitive necessity. Such justification will be the subject of the further hearings we are ordering herein.

#### IV. THE LAWFULNESS OF OTHER RATE ACTIONS

##### A. TELETYPEWRITER STATION EQUIPMENT RATES AND THE TELPAK TELEGRAPH/TELEPHONE EQUIVALENCY RATIO

62. ARINC (Petition, pp. 20-21) requests that we decide the lawfulness of rate increases for (1) teletypewriter station equipment rates and (2) the reduction in the Telpak telegraph-to-voice equivalency from 12:1 in the original Telpak rates to 6:1 in the September 1968 rates to 2:1 in the present Telpak tariff.

63. The teletypewriter station equipment rates at issue in this proceeding became effective on November 1, 1968. A

list of these rates and the earlier rates which they superseded is found in Bell's Proposed Findings on pages 282 and 283. Bell's justification for its choice of rates is set forth in Bell's Exhibit 7 and proposed findings (pp. 278-88). Cost studies were also offered as justification (Docket 16258: Bell Exh. 24A, 24B, 46; FCC Staff Exh. 38, Tab 4) as well as evidence on competitors' products and prices in relation to some of the Bell equipment subject to the rate increase.

64. Bell relies on Full Additional Costs (FAC), the predecessor of LRIC (see Docket 18128, Bell Exh. 3, p. 4) to justify these increases. Bell P. F., pp. 280-81. The infirmities of LRIC, which we have detailed in our Decision (61 FCC 2d at 632-33), are also present in FAC. FAC as a costing methodology is not sufficiently reliable to provide adequate justification for the specific tariff changes at issue. Bell performed a FAC study to support the teletypewriter exchange equipment increases. As ARINC pointed out (ARINC P. F., pp. 119-20), this study is seriously flawed; therefore, even if the FAC methodology was satisfactory, for the reasons observed by ARINC the study itself is unacceptable. Accordingly, Bell has not met its burden of proof and the subject rate increases are found unlawful.

65. Bell claims that the changes in the TELPAK telegraph-to-voice equivalency ratio are completely justified (Bell Opposition, footnote p. 4). ARINC, on the other hand, claims that by changing the number of telegraph channels per voice channel available to a customer, AT&T has "hidden" a significant rate increase. Bell has attempted to justify this (Bell Exh. 2, pp. 30-34) on the basis of increased telegraph terminal costs, and a "rationalization" of the TELPAK rate structure with the stated objectives of reducing "churning" of facilities and services, encouraging efficient use of transmission capacity within each voice-grade channel and equalizing the revenue-cost relationship (on a LRIC basis) of the telephone and telegraph portions of the offering. (See Bell P. F., pp. 219-23)

66. We find that the changes in the ratio had the effect of a rate increase and that the evidence offered by Bell is insufficient to justify this rate increase. Bell's arguments concerning the purported problems with the rate structure and the need to correct them (its "rationalization") are without proper support in the record. The evidence represents only Bell's judgment, without the underlying facts. The effect on customers and the market in general are not addressed in any meaningful fashion (e.g., no substantive market studies of the effects of such changes were offered). Further, the LRIC-based cost estimates are found invalid in the light of our Decision.<sup>42</sup> We

<sup>40</sup> We noted in our Decision that there may be possible applications for marginal cost pricing (61 FCC 2d at 587, 626) subject to certain conditions. However, Bell's proposed LRIC did not constitute an acceptable application of marginal costing principles.

therefore hold these tariff changes unlawful, and require that they be refiled under Method 7. Costs for individual rate elements must be derived on a Method 7 basis. While we do not require at this time that the rates for particular tariff components be designed to yield the allowed overall rate of return, we note that such matters are subject to determination in other proceedings such as Docket 19149.

##### B. THE MAY 4, 1972 RATE INCREASES

67. On December 6, 1971, AT&T filed rate revisions to its private line telephone, telegraph and TELPAK rates. These revisions went into effect on May 4, 1972. ARINC (ARINC P. F. pp. 122-24), UPI (UPI P. F. pp. 8-10) AP (AP P. F. pp. 5-11) and other parties have requested a determination on the lawfulness of these rate changes, particularly installation charges, terminal equipment charges and CCSA charges. These are rate element questions, as opposed to questions of the overall return level of a particular service. We affirm our findings that the present return levels for private line telephone and private line telegraph are deficient. 61 FCC 2d at 651, 652. Further, the past earnings of private line telephone were inadequate and private line telegraph showed mixed results. Id. at 652. We did not reach the question whether TELPAK is compensatory, although we found no basis to order refunds based on the facts before us (id. at 659) and we have now ordered rehearing.

68. The pertinent question, however, is the just and reasonable nature of increases in specific rate elements of these tariffs. Although the overall return levels were not excessive, it is still possible that the rates for certain tariff elements were not justified. Users or classes of users who have a greater need for particular rate elements may have borne a disproportionate share of the total cost of the service and may have been discriminated against. Therefore, we must still reach the question of specific rate increases, even though the overall return level of a service was deficient.

69. In this instance too, AT&T has relied largely on long-run incremental costs and its attendant burden test to justify the pricing changes in these rate elements (see Bell P. F., pp. 223-330). The deficiencies of LRIC make such studies unacceptable as justification for the increased charges. Therefore, we hold these rate changes unlawful, to the extent that Bell has not met its burden of proof in justifying these rate elements.

70. For the future we expect Bell to provide costs developed according to Method 7 principles and to refile its rates and supporting material in accordance herewith. Rate elements, unlike the overall service categories, need not be placed to yield the overall allowed company-wide rate of return at this time. However, as we noted above, the matter of return levels for particular rate elements is subject to determination in other proceedings.

<sup>41</sup> See *United States v. U.S. Smelting Co.*, 339 U.S. 186, 198-199 (1950).

<sup>42</sup> 37 FCC 1111, 1118-19 (1964).



## V. ADDITIONAL ISSUES

## A. CONSISTENCY OF DOCKETS 19128 AND 19129

71. USTS asserts that our use of Method 7 is inconsistent with our holding concerning plant under construction in Docket 19129. In Docket 19129, we found that "public interest considerations require that those who receive the benefits of certain investment items should pay the associated costs at the time the benefits accrue." USTS contrasts this statement with the historical cost causation-based Method 7, which USTS claims "disregards the question of assigning plant responsibility to the current ratepayers using that plant irrespective of what the company's intention was at the time it was constructed." We find USTS' contention without merit. Method 7 fully distributed costing allocates the full costs of service for a test year. The funding in Docket 19129 cited by USTS refers to the criteria for allowing plant under construction into the rate base. Determination of the rate base and Method 7 allocation are serial. The rate base is determined first, then it is allocated to the various service categories under Method 7. We perceive no inconsistency between the two decisions.

## B. THE "ACCOMMODATION THEORY"

72. ATA has requested that we give further consideration to its "Accommodation Theory" presented as an alternative to Bell's LRIC Method. Briefly, the "Accommodation Theory" sets a rate ceiling for monopoly services and a rate floor for competitive services. The competitive services must be priced at least to cover the long-run incremental costs attributed to them on a cost causation basis. The monopoly services may cover up to the remaining costs of the firm's operation. The monopoly service ceiling is equal to the competitive services. This purportedly protects the monopoly users. If the competitive services earn more than their incremental costs, such contributions reduce the costs which must be recovered from the monopoly users. Revenue shortfalls caused by insufficient earnings by the competitive services would be borne by Bell's shareholders.

73. We rejected the Accommodation Theory largely because it suffers from a number of the shortcomings of long-run incremental costs specified in our Decision. For example, it does not address the problems we have with LRIC in terms of equity, accountability, fair competition and clarification of market rules. See 61 FCC 2d at 609-18. Further, it has most of the characteristics of the "basic service philosophy" which we also rejected (id. at 634-38). It treats classes of users on an unequal basis and allows for the carrier's determination of which customers shall be considered the mar-

ginal users and thus given special rate treatment. While we observed that the Accommodation Theory has attributes of historical causation (id. at 661, n. 129) and some elements of accountability (id. at 638, n. 81) insofar as certain shortfalls may purportedly pass directly to Bell stockholders, we concluded that it was nevertheless inferior to FDC Method 7, for the reasons indicated.

## C. THE APPLICABILITY OF METHOD 7 TO CARRIERS OTHER THAN AT&amp;T

74. Western Union, in its Petition (p. 5), claims uncertainty surrounding the application of Method 7 to itself "and other Bell competitors." We have already held Method 7 applicable to Western Union (61 FCC 2d at 668), at least insofar as determination of costs are concerned. The determination of the costs of Western Union's services is central to determining whether any interservice subsidies exist and, if so, whether they are lawful, as well as whether waivers from its full costs are warranted. Respecting the applicability of Method 7 to other carriers, this issue is not before us. We have, however, indicated our preference for this method and held it applicable to Western Union and Bell, multiservice carriers with both monopoly and competitive offerings.

## D. REFUNDS FOR TELPAK

75. We have been requested by a number of the user parties to determine

whether the increases in the TELPAK rates during the pendency of this case were lawful and whether refunds are due in view of the indicated levels of return over time. Our Decision did not reach this question on TELPAK return levels in view of our holding that the specific TELPAK tariff constituted an unjustified competitive response. 61 FCC 2d at 659. On reconsideration we have found it necessary to hold further proceedings. Consequently, we set aside paragraph 243 of our Decision. Id. at 669.

## E. PREFERENTIAL RATES FOR DOD

76. Preferential rates for DoD are not at issue in this proceeding. If DoD seeks preferential rates, it may appropriately petition the Commission under section 201(b) of the Act.

## VI. ORDER

77. Accordingly, it is ordered, That the Petitions for Reconsideration are granted in part to the extent indicated herein and otherwise, denied.

FEDERAL COMMUNICATIONS  
COMMISSION,

VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-20492 Filed 7-15-77; 8:45 am]

\* Commissioner Hooks dissenting; Commissioner White concurring in the result.

[Report No. 1063]

## PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

JULY 13, 1977.

Docket or RM No.	Rule No.	Subject	Date received
59813	Parts 2, 13, 81, and 83.	Amendment of pts. 2, 13, 81, and 83 to implement changes in frequencies, operating procedures, technical standards, and other criteria relating to the use of radiotelephony in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974. Filed by Martin W. Berzovici, Attorney for Mobile Marine Radio, July 8, 1977 Inc.	July 8, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 d after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 77-20493 Filed 7-15-77; 8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 228]

## H. N. AND FRANCES C. BERGER FOUNDATION

Receipt of Application for Permission To Acquire Control of Savings and Loan Association

JULY 13, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. N. and Frances C. Berger Foundation, Arcadia, California, for approval of the acquisition of control of Sacra-

mento Savings and Loan Association, Sacramento, California, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the donation to the H. N. and Frances C. Berger Foundation by Mr. and Mrs. H. N. and Frances Berger, the sole stockholders of Sacramento Savings and Loan Association, of between 94 percent to 100 percent of the outstanding stock of Sacramento Savings and Loan Association. Comments on the proposed acquisition should

\* American Telephone and Telegraph Company, FCC 77-150, 64 POC 2d —, released March 1, 1977, p. 79, par. 149.

\* USTS Petition for Reconsideration, p. 7; emphasis in original.



be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20522, on or before August 17, 1977.

RONALD A. SNIDER,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.77-20532 Filed 7-15-77;8:45 am]

[H.C. No. 227]

#### NEW PARENT CO. AND D. H. BALDWIN CO.

Receipt of Application for Permission To Acquire Control of the Empire Savings, Building and Loan Association, Denver, Colo.

JULY 12, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from New Parent Company, Cincinnati, Ohio ("New Parent"), a Delaware corporation, for approval of acquisition of control of The Empire Savings, Building and Loan Association, Denver, Colorado, through the acquisition of D. H. Baldwin Company, Cincinnati, Ohio, a registered savings and loan holding company, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies. The proposal is to be effected by means of an exchange of common and convertible preferred shares of D. H. Baldwin Company for like classes of shares of New Parent. As an incident to the proposed transaction, the names of New Parent and D. H. Baldwin Company will be changed to D. H. Baldwin Company and DHB, Inc., respectively. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20522, within 30 days of the date this notice appears in the FEDERAL REGISTER.

RONALD A. SNIDER,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc.77-20475 Filed 7-15-77;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. ER76-659]

##### ALABAMA POWER CO.

##### Certification of Proposed Settlement Agreements

JULY 8, 1977.

Take notice that Presiding Administrative Law Judge Michel Levant on June 3, 1977 certified to the Commission two Settlement Agreements tendered by Alabama Power Company (Alabama) on May 30, 1977.

According to the Judge the first Settlement Agreement is between Alabama and the intervening distribution cooperatives, and Alabama Electric Cooperative, Inc., and resolves all of the issues in this pro-

ceeding as far as those parties are concerned. According to the Judge the second Settlement Agreement is between Alabama and all of the intervening distribution municipalities, and Municipal Electric Utility Association of Alabama, and resolves all of the issues in this proceeding with respect to those parties.

The Judge indicates that Staff counsel has no objection to the certification of these settlements to the Commission.

Any persons wishing to be heard concerning said Settlement Agreements should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 18, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreements are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20509 Filed 7-15-77;8:45 am]

[Docket Nos. RP77-65, et al.; Docket No. RP77-74]

#### ALABAMA-TENNESSEE NATURAL GAS CO., ET AL., EL PASO NATURAL GAS CO.

##### Hearing Date and Extension of Time for Filing Testimony

JULY 7, 1977.

Pursuant to the directives prescribed in the Commission's order issued on May 11, 1977, in the above-styled proceedings, a hearing will be convened in the proceeding entitled El Paso Natural Gas Company, et al. in Docket No. RP77-74 on July 26, 1977.

It was not possible in our Notice of June 28, 1977, issued in these proceedings to make a factual determination that the convening of a hearing in the above-styled proceeding relative to El Paso Natural Gas Company (El Paso) was warranted. This was due to the fact that El Paso had not at that date filed the data requested in the latter order.<sup>1</sup>

El Paso on July 1, 1977, submitted some of the material requested by the Commission in its May 11, 1977, order in this proceeding. On July 1, 1977, it requested a further extension of until July 12, 1977, within which to file its supporting prepared testimony necessary to apprise the Commission of the problems that could confront it this winter. El Paso is granted until July 12, 1977, to file the aforementioned information with the Commission.

The hearing that we are convening herein for El Paso will convene as scheduled on July 26, 1977, in a hearing room of the Federal Power Commission, 825

<sup>1</sup> On June 7, 1977, El Paso requested an extension of time for filing the information required by our May 11, 1977, order in these proceedings. By order issued June 10, 1977, the Commission granted it the requested extension for filing, i.e., until July 1, 1977.

North Capitol Street NE., Washington, D.C. 20426 at 10:00 a.m. (E.D.T.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20499 Filed 7-15-77;8:45 am]

[Docket No. ER77-466]

#### ARIZONA PUBLIC SERVICE CO.

##### Cancellation

JULY 7, 1977.

Take notice that Arizona Public Service Company (APS), on June 23, 1977, tendered for filing a notice of cancellation of its FPC Rate Schedule No. 18. APS indicates that this rate schedule was a Contract for the Sale of Power and Energy to the Arizona Power Authority (APA) and was cancelled at the request of APA.

APS requests an effective date of February 28, 1977, and therefore requests waiver of the Commission's notice requirements.

According to APS copies of the filing were served upon APA and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20500 Filed 7-15-77;8:45 am]

[Docket No. E-9597]

#### CALIFORNIA-PACIFIC UTILITIES CO. AND NEVADA POWER CO.

##### Application

JULY 8, 1977.

Take notice that on June 17, 1977 California-Pacific Utilities Company ("Cal-Pac") and Nevada Power Company ("Nevada") filed a joint application pursuant to section 203(a) of the Federal Power Act seeking an order authorizing the exchange of certain electric distribution properties or, in the alternative an order disclaiming jurisdiction over the exchange of properties.

According to the Applicants Cal-Pac is incorporated under the laws of the State of California with its principal business office at San Francisco, California and is engaged in the electric, telephone, gas distribution and water



utility business in portions of the states of California, Arizona, Nevada, Oregon and Utah.

According to the Applicants Nevada is incorporated under the laws of the State of Nevada with its principal business office at Las Vegas, Nevada and is engaged in the generation, transmission and distribution of electric energy in portions of the State of Nevada.

Cal-Pac proposes to transfer to Nevada its electric properties in the City of Henderson, Nevada and Nevada to transfer to Cal-Pac its electric properties in Elko, Nevada. The Applicants indicate that as of March 31, 1977 the net book cost of the facilities to be transferred by Cal-Pac was \$3,038,280 and the net book cost of the facilities to be transferred by Nevada was \$2,783,270. The Applicants further indicate that after the exchange, Cal-Pac's present customers in Henderson will be served by Nevada and Nevada's present customers in Elko will be served by Cal-Pac. According to the Applicant no customer of either Cal-Pac or Nevada will experience a rate increase as a result of the exchange of properties.

The Applicants request a waiver of the Commission's filing requirements with respect to copies of their First Mortgage Indentures and all supplements thereto.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH P. PLUMB,  
Secretary.

[PR Doc.77-20510 Filed 7-15-77;8:45 am]

[Docket No. CP77-329]

#### DELMARVA POWER & LIGHT CO.

#### Order Authorizing the Importation of Liquefied Natural Gas

JULY 5, 1977.

On April 5, 1977, Delmarva Power & Light Company (Delmarva) filed in Docket No. CP77-329 an application, as supplemented May 24, 1977, pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Canada to the United States purchased from Gaz Metropolitan, Inc. (Gaz Metro), of Montreal, P.Q., Canada, all as more fully set forth in the application.

Delmarva proposes to import LNG, equivalent to approximately 225,000 Mcf of vaporous natural gas, which is to be

purchased from Gaz Metro during the months of May through November 1977, for a price of \$2.60 per Mcf for all LNG delivered from May through October 1977 and \$2.80 per Mcf for LNG delivered during November 1977.

Delmarva anticipates that the LNG to be purchased will be delivered to Delmarva's Wilmington, Delaware, LNG storage facility on the following schedule:

	Thousand cubic feet
May	50,000
June	50,000
July	50,000
October	25,000
November	50,000

Gaz Metro will sell the LNG to Delmarva at the loading point at its Montreal storage facility. The LNG will be transported to Delmarva's LNG storage facility in Wilmington by trucks owned and operated by Gas Incorporated (Gas Inc.), a motor common carrier of Lowell, Massachusetts, under an Interstate Commerce Commission approved tariff. Delmarva will pay Gas Inc. the equivalent of \$1.32 per Mcf to transport such gas from Montreal to Wilmington, thus making the total cost to Delmarva for the gas \$892,000, or an average of \$3.94 per Mcf.

The LNG will be regasified during the 1977-78 winter season (November through March) as needed to maintain service to high-priority customers that would otherwise face interruption of service due to curtailments by Delmarva's pipeline supplier, Transcontinental Gas Pipe Line Corporation (Transco). A statement of gas balance provided by Delmarva in a letter dated May 24, 1977, indicates that during the five-month heating season 76.6 percent of Delmarva's load is Priority 1 service, 15.4 percent is Priority 2 service, and 0.6 percent is for all other industrial requirements not specified. The supply data assume the issuance of import authorization; therefore, if the application were denied the monthly volumes indicated above would not be available to meet Priority 2 and 3 requirements.

Delmarva stated that it was forced to curtail service to many "high-priority commercial and industrial customers" this past winter as a result of the severe levels of curtailment experienced on the Transco system together with the abnormally cold weather prevailing in Delmarva's service area. Delmarva states that the purchase of the Gaz Metro LNG is cheaper than two other alternatives: (1) Purchasing emergency gas and liquefying it at the Wilmington facility, or (2) purchasing gas in liquid form from Transco's Carlstadt plant.

Since the volumes of LNG to be purchased from Gaz Metro represent only 1.5 percent of Delmarva's total annual sales, the importation at the average price of \$3.94 per Mcf will not greatly impact the rates charged to Delmarva's customers. However, in view of the price and the fact that the gas is intended to be imported to prevent curtailment of

the highest priority requirements, the authorization herein will be conditioned to require that the gas not be used by customers with alternate fuel capability.

The Department of State and the Department of Defense have indicated to the Commission that they have no objection to the approval of the requested import authorization.

After due notice by publication in the FEDERAL REGISTER on April 27, 1977 (42 FR 21515), no notice of intervention, protest to the granting of the application, or petition to intervene has been filed in this proceeding.

The Commission finds: The importation of liquefied natural gas by Delmarva Power & Light Company from Canada to the United States as hereinabove described and as set forth in the application in this proceeding will not be inconsistent with the public interest within the meaning of Section 3 of the Natural Gas Act, provided that said importation be on the terms and conditions hereinafter set forth.

The Commission orders: (A) Delmarva Power & Light Company is authorized to import LNG from Canada to the United States in volumes equivalent to approximately 225,000 Mcf of vaporous natural gas purchased from Gaz Metropolitan, Inc., through November 1977, as hereinbefore described and as more fully described in the application, upon the conditions herein set forth and subject to the provisions of the Natural Gas Act and Commission's Regulations issued thereunder.

(B) The authorization herein granted is conditioned upon Gaz Metro's receipt of appropriate authorization from the National Energy Board of Canada for the exportation of LNG.

(C) The LNG imported under the subject arrangement shall not be used for sale to customers with alternate fuel capability.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[PR Doc.77-20513 Filed 7-15-77;8:45 am]

[Docket No. RP76-148]

#### GAS GATHERING CORP.

#### Rate Settlement Proposal

JULY 8, 1977.

Take notice that on May 9, 1977, Gas Gathering Corporation (GGC) filed with the Commission in Docket No. RP76-148 a settlement proposal which, if approved, will resolve all issues raised in this proceeding.

GGC states that the settlement proposal was served on the Commission Staff and Transcontinental Gas Pipe Line Corporation, the only other parties to the proceeding.

Any person wishing to do so may submit comments in writing concerning GGC's settlement proposal. All comments should be addressed to the Federal Power Commission, 825 North Capitol



Street NE., Washington, D.C. 20426, and should be mailed or filed on or before July 19, 1977. GGC's settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20512 Filed 7-15-77;8:45 am]

[Docket No. ER77-388]

#### LAKE SUPERIOR DISTRICT POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Late Petition To Intervene, and Establishing Procedures; Correction

JUNE 24, 1977.

All references made in the above-referenced order to the City of Medford should be changed to the Medford Electric Utility. It is the Medford Electric Utility which should have been granted leave to intervene in the proceeding.

Published in the FEDERAL REGISTER on July 5, 1977, 42 FR 34353.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20518 Filed 7-15-77;8:45 am]

[Docket No. ER77-470]

#### MISSISSIPPI POWER CO.

Filing of Agreement

JULY 8, 1977.

Take notice that on June 24, 1977, Mississippi Power Company (Mississippi) tendered for filing Amendment No. 8 to an Interconnection Agreement between Mississippi and South Mississippi Electric Power Association (SMEPA), designated as Mississippi's Rate Schedule FPC No. 108.

Mississippi states that said Amendment revises Service Schedule A of Amendment No. 2 to provide for the purchase of 10,000 kilowatts of firm power by SMEPA for the contract year commencing June 1, 1977.

Mississippi requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.77-20508 Filed 7-15-77;8:45 am]

[Project No. 2188]

#### MONTANA POWER CO.

Concerning Public Access to Upper Holter Reservoir

JULY 6, 1977.

Public notice is hereby given that the Federal Power Commission is considering whether existing facilities for public access to the Upper Holter Reservoir, one of several developments licensed to The Montana Power Company as Project No. 2188, are adequate to accommodate the needs of the public for access to these waters.

In order to determine whether a need for additional public access facilities exist, we believe it appropriate to formally solicit comments on this matter from interested members of the public. Any comments filed should address whether there is a need for additional public access facilities at the Upper Holter Reservoir of Project No. 2188, and if so, (1) What size and type of facilities should be constructed, (2) where such facilities should be located, (3) what conditions and restrictions, if any, should be placed on public use of such facilities, and (4) who should construct, operate, and maintain such facilities.

Any person desiring to be heard or to make any comment with reference to the issue of public access to the Upper Holter Reservoir, Project No. 2188, should file said comments with the Federal Power Commission, Washington, D.C. 20426 on or before August 15, 1977. Such comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make those commenting 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.77-20520 Filed 7-15-77;8:45 am]

[Docket No. ER77-465]

#### OKLAHOMA GAS AND ELECTRIC CO.

Filing of Agreement

JULY 7, 1977.

Take notice that on June 21, 1977, Oklahoma Gas and Electric Company (OG&E), tendered for filing a proposed Transmission Service Agreement between Western Farmers Electric Cooperative (Western) and Oklahoma Gas and Electric Company (OG&E) dated June 7, 1977.

OG&E states that the Agreement provides that OG&E perform a transmission function for Western. OG&E further states that under the provisions of the Agreement, Western shall deliver power and energy to the Company in sufficient quantity to meet the anticipated needs of Western's Cooperatives. OG&E shall receive said power and energy, deliver same to Western at various delivery points, and

Western in turn will deliver to seven Cooperatives at 64 points of delivery, as indicated by OG&E.

OG&E requests an effective date of July 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest 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 July 15, 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.77-20498 Filed 7-15-77;8:45 am]

[Docket Nos. E-7777 (Phase I) and E-8928]

#### PACIFIC GAS & ELECTRIC CO.

Order Approving Settlement

JULY 8, 1977.

On February 8, 1977, the parties to the proceedings in Docket Nos. E-7777 (Phase I) and E-8928 held a settlement conference which resulted in approval by all parties of settlement agreements for both dockets. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Docket No. E-7777 (Phase I) was initiated on September 29, 1972 when Pacific Gas and Electric Company (PG&E) filed a change in rate level of electric resale rate schedules contained in PG&E's FPC Electric Tariffs, Original Volumes Nos. 1<sup>1</sup> and 2<sup>1</sup>. The proposed rates provided for an estimated annual increase in tariff changes (excluding the fuel cost adjustment clause) of approximately \$2,386,000 or 22% for test year 1971. These proposed rates became effective, subject to refund, on April 28, 1973. Hearings have been completed in this proceeding and an Initial Decision was rendered on June 28, 1976. Briefs on exceptions and briefs opposing exceptions have been filed.

Docket No. E-8928 was initiated on July 24, 1974, when PG&E filed a change in rate level of electric resale rate schedules contained in PG&E's FPC Electric

<sup>1</sup> Applicable to Sierra Pacific Power Company.

<sup>2</sup> Schedule R-1 applicable to City of Alameda; Bay Point Light and Power; California Pacific Utilities Co. (Chester, Weaverville and West Wood delivery points); City of Healdsburg; City of Lodi; City of Lompoc; City of Santa Clara (PG&E Portion); City of Ukiah.



Tariffs, Original Volumes Nos. 1 and 2. The proposed rates provided for an estimated annual increase in tariff charges (excluding the fuel cost adjustment clause) of approximately \$2,864,000 or 15% for test year 1974. These proposed rates became effective subject to refund on August 24, 1974. Hearings have been completed in this proceeding with an Initial Decision being rendered on November 4, 1976. Briefs on exceptions and briefs opposing exceptions have been filed.

The rates at issue in Docket Nos. E-7777 (Phase I) and E-8928 relate solely to the locked-in periods April 28, 1973 to August 23, 1974 and August 24, 1974 to October 25, 1976, respectively.<sup>2</sup> The settlement revenues in Docket No. E-7777 adopt the findings contained in the Initial Decision of June 28, 1976. This amounted to acceptance of the proposed rates for the R-1 customers and a reduction of \$147,000 in the proposed rate to Sierra Pacific. The settlement revenues in Docket No. E-8928 adopt the findings contained in the Initial Decision issued November 4, 1976 and provide for an estimated annual increase in tariff charges of approximately \$1,505,000 representing 47% less than the \$2,864,000 increase originally requested. Staff did not except to the Initial Decisions inasmuch as they essentially endorsed staff positions. All of PG&E's customers who have sought intervention in these proceedings and are served under such tariffs have entered into the Settlement Agreement.

The settlement agreement also states that it terminates and settles any claims of illegal or unjust or unreasonable price squeeze by PG&E for the period September 29, 1972 through October 26, 1976.

PG&E has requested waiver of Sections 35.3, 35.13 and 35.14 with respect to filing requirements of settlement rates.<sup>3</sup>

Inasmuch as the settlement affects locked-in periods, we will grant waiver, provided PG&E supplies a detailed refund report as hereinafter ordered.

Staff filed comments in response to notice of the settlement supporting the settlement as being cost justified and a reasonable resolution of all issues presented. No other comments were received.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement approved by all parties to these proceedings on February 8, 1977, is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, PG&E shall refund amounts collected in excess of the settlement rates

based on service rendered during the locked-in periods of April 28, 1973 through August 23, 1974 in Docket No. E-7777 and August 24, 1974 through October 25, 1976 in Docket No. E-8928, together with interest in accordance with Section 35.19a of the Commission's regulations (18 CFR).

(C) Within 20 days after refunds have been made PG&E will file a compliance report showing billing determinants and revenues under prior, present and settlement rates including all computations used to determine the settlement amounts and refunds. The report will also show the monthly rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for total refund. The report should show all amounts separately for Docket Nos. E-7777 and E-8928. A copy of this report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(D) PG&E's request for waiver of Sections 35.3, 35.13 and 35.14 of the Commission's Regulations is granted with respect to any requirements for filing of settlement rate schedules.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against PG&E or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20514 Filed 7-15-77; 8:45 am]

[Docket Nos. ER76-319 and ER76-811]

# PACIFIC GAS AND ELECTRIC CO.

## Order Approving Settlement

JULY 8, 1977.

On February 4, 1977, as amended on February 9, 1977, Pacific Gas and Electric Company (PG&E) filed a Settlement Agreement between PG&E and all of the intervenor-customers in ER76-319 and ER76-811. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Docket No. ER76-319 was initiated on December 2, 1975, when PG&E filed a change in the fuel cost adjustment provision applicable to rate schedules under PG&E's FPC Electric Tariffs, Original Volumes Nos. 1<sup>1</sup> and 2.<sup>2</sup> The revised tariff

<sup>1</sup> Applicable to Sierra Pacific Power Company.

<sup>2</sup> Schedule R-1 applicable to City of Alameda; Bay Point Light and Power; California-Pacific Utilities Co. (Chester, Weaverville,

and Westwood delivery points); City of Healdsburg; City of Lodi; City of Lompoc; City of Santa Clara (PG&E Portion); City of Ukiah.

became effective, subject to refund, on January 2, 1976.

Docket No. ER76-811 was initiated on July 26, when PG&E filed a change in rate level of electric resale rate schedules contained in PG&E's FPC Electric Tariffs, Original Volumes Nos. 1 and 2. The proposed rates provided for an estimated annual increase in tariff charges (excluding the fuel cost adjustment clause) of approximately \$6,388,000 or 24% for test year 1976 and became effective subject to refund, on October 26, 1976.

The proposed settlement's fuel clause complies with the Commission's Regulations. Except for minor differences (i.e. a slight difference in the derivation of the loss factor, ending the record period in the third rather than second month prior to the month to which each is to become effective, and giving refunds directly to customers), the agreement adopts the modifications contained in the Initial Decision. Staff analysis indicates that the revenue from the settlement rates applicable to Sierra and the R-1 customers is below the Commission Staff's cost computation, and the rate of return under the proposed settlement rates lies below Staff's recommended rate of return 9.17% including 13% on common equity. Based upon all the pleadings, we find that it is in the public interest to accept this settlement agreement and to approve it.

Notice of proposed settlement was issued February 16, 1977 with comments due March 1, 1977. The only comments received from the parties were those of staff supporting Commission approval of the settlement. Congressman Harold T. Johnson submitted a letter requesting the Commission to consider the plight of residents in Lassen County, California before final approval of the settlement. These customers are served at retail by California-Pacific Utilities Co. Congressman Johnson's comments were considered by us in evaluating the propriety of the settlement agreement.

The Commission finds: The proposed settlement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement filed by PG&E on February 4, 1977 and amended on February 9, 1977 is hereby accepted, incorporated herein by reference and approved, subject to the following conditions.

(B) Within 30 days from the date of this order, PG&E shall file with the Commission revised tariff sheets in conformance with the settlement agreement.

(C) Within 45 days from the date of this order, PG&E shall, in Docket No. ER76-319, refund amounts collected in excess of settlement rates based on service rendered after January 2, 1976, together with interest as 9% per annum, as provided for in the settlement agree-

<sup>3</sup> A further increase in tariff rates became effective subject to refund on October 26, 1976 in Docket No. ER76-811.

<sup>4</sup> The Settlement Agreement provides for filing of an abbreviated refund report (Appendix A), which together with the tariff sheets already on file are to constitute the rate schedules applicable to the locked-in periods.



ment, and, in Docket No. ER76-811, refund amounts collected in excess of the settlement rates based on service rendered after October 26, 1976, together with interest at 9% per annum, as provided for in the settlement agreement.

(D) Within 20 days after refunds have been made, PG&E shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates, including all billing determinants necessary to compute charges under basic rates and under the fuel adjustment clause. The report should also show the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against any person or party.

(F) The Secretary shall cause prompt publication of this order in the *FEDERAL REGISTER*.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20515 Filed 7-15-77; 8:45 am]

[Docket No. ES76-61]

**PENNSYLVANIA POWER & LIGHT CO.**  
Application

JULY 6, 1977.

Take notice that on June 28, 1977, Pennsylvania Power & Light Company (Applicant) filed an Application for Modification or Order, pursuant to Section 204 of the Federal Power Act, seeking an extension from September 30, 1977, to September 30, 1978 of the date prior to which Applicant may issue unsecured promissory notes with a maturity of less than one year, in the form of bank loans, loans from institutional investors, loans from trust departments of commercial banks, or commercial paper, in an aggregate amount up to but not exceeding (a) 25% of Applicant's revenues during the last preceding twelve months of operations, or (b) \$180 million, whichever is less.

The interest rate applicable to the unsecured promissory notes will be the best rate obtainable by Applicant for the type of transaction involved. This generally will be, in the case of bank loans, the prime commercial bank rate; in the case of commercial paper issued to commercial paper dealers, the market rate (or discount rate) for commercial paper of comparable quality and of the particular

maturity sold to commercial paper dealers.

Applicant is incorporated under the laws of the Commonwealth of Pennsylvania with its principal business office at Allentown, Pennsylvania and is engaged in the generation, transmission, distribution and sale of electrical energy in the Commonwealth of Pennsylvania.

The principal purpose for which Applicant will issue and sell unsecured promissory notes are (1) to purchase and carry fuel inventories, (2) to carry account receivable, (3) to provide for periodic large cash needs, such as tax, dividend and investment payments, (4) to supply temporary funds for unexpected cash requirements, and (5) to provide interim financing for the construction of additions to Applicant's generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application, as supplemented, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20521 Filed 7-15-77; 8:45 am]

[Project No. 2216]

**POWER AUTHORITY OF THE STATE OF NEW YORK**

Application for Change in Land Rights

JULY 8, 1977.

Public notice is hereby given that an application was filed on December 13, 1976, under the Federal Power Act, 16 U.S.C. § 791a et seq., by the Power Authority of the State of New York (Applicant) (Correspondence to: Mr. George T. Berry, General Manager and Chief Engineer, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019; and to John C. Mason, Esq., Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20035) for Commission authorization to grant certain easements to the City of Niagara Falls, New York (City) to permit the City to construct and maintain sewer pipelines across project lands of Niagara Falls Project No. 2216, located on the Niagara River in the City of Niagara Falls, New York.

As proposed, the City would construct and maintain sewer pipelines across project lands as part of a comprehensive

program to improve the City's wastewater sewer facilities. One of the proposed easements would permit an 84-inch sewer bypass, to be located across Applicant's cut and cover hydraulic conduits immediately south of Royal Avenue in the City. The sewer line would cross project lands totaling approximately 0.4 acres in area. The second easement would permit the construction of a 30-inch underground force main across an access road in the vicinity of the intersection of Whirlpool Street and Third Street. This force main would cross the Robert Moses Parkway under the bed of the access road. The total area involved under the second easement is 1.5 acres. Both lines would be placed underground, and the total length of the lines on project lands would be 3,300 feet. The construction of the sewer lines is to be carried out in connection with construction of an interceptor sewer system deemed necessary for the City's overall program of improvement of its wastewater facilities.

The City has received approval from the New York State Parks Commission, the City's Planning Board, the Niagara County Planning Board, and the New York State Planning Office. The City has received a National Pollutant Discharge Elimination System permit from the United States Environmental Protection Agency.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 25, 1977, file with the Federal Power Commission, 825 N. Capitol St., NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.



The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20516 Filed 7-15-77; 8:45 am]

[Docket No. RP77-11]

# **SOUTHWEST GAS CORP.**

## **Rate Settlement Proposal**

JULY 8, 1977.

Take notice that on June 14, 1977, Southwest Gas Corporation (SGC) filed with the Commission in Docket No. RP 77-11 a settlement proposal which, if approved, will resolve all issues raised in this proceeding.

SGC states that the settlement proposal was served on all parties of record, all Federal Power Commission jurisdictional customers, and interested state commissions.

Any person wishing to do so may submit comments in writing concerning SGC's settlement proposal. All comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be mailed or filed on or before July 26, 1977. SGC's settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20511 Filed 7-15-77; 8:45 am]

[Docket No. G-9483, et al.]

# **SUN OIL CO., ET AL.**

## **Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction**

JUNE 21, 1977.

Published in the FEDERAL REGISTER on June 20, 1977, 42 FR 31186 (Issued June 9, 1977).

On 42 FR 31187 of Tabulation, opposite Docket No. CI77-525, change "Well no longer Productive." to "Interests assigned to Mullins & Prichard".

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20519 Filed 7-15-77; 8:45 am]

[Docket No. CP76-302]

# **TRANSCONTINENTAL GAS PIPE LINE CORP.**

## **Extension of Time**

JULY 5, 1977.

On June 23, 1977, Transcontinental Gas Pipe Line Corporation (Transco) filed a request to extend the time within which to complete construction and place in actual operation the facilities authorized by Commission Order issued August 18, 1976, in the above indicated docket.

Upon consideration, notice is hereby given that an extension of time is granted to and including February 17, 1978, with-

in which Transco shall complete construction and place in actual operation the facilities authorized in the above proceeding.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20502 Filed 7-15-77; 8:45 am]

[Docket No. E-9147 (Phase II)]

# **VIRGINIA ELECTRIC AND POWER CO.**

## **Order Approving Settlement and Terminating Proceedings**

JULY 7, 1977.

On April 12, 1977, VEPCO submitted for filing a proposed Settlement Agreement with Electricities of North Carolina (Electricities) which resolves all remaining issues in Docket No. E-9147 (Phase II) and terminates the proceedings therein. The Commission finds that the settlement agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

The proceedings in the subject docket were instituted by Commission order dated January 22, 1975, in Docket No. E-9147 which suspended a proposed rate increase by VEPCO and established Phase II proceedings in Docket No. E-9147 to resolve certain anticompetitive allegations made by Electricities against VEPCO. Such allegations consisted mainly of excessive length of term of VEPCO agreements and VEPCO's efforts to prevent Electricities from developing alternate sources of supply. Electricities and VEPCO have reached a complete settlement on the anticompetitive matters which were the sole subject of Phase II of this proceeding.

Electricities and VEPCO have executed a settlement agreement and an interchange service agreement entitled "Memorandum of Agreement Between North Carolina Municipal Power Agency Number 2 and Virginia Electric and Power Company To Govern Interconnection Between the Agency's Internal Combustion Turbine Generating Station and the Vepco System, and Concerning Related Matters". The effectiveness of each agreement is contingent upon the effectiveness of the other. In addition VEPCO has committed itself to revise its tariff to eliminate certain provisions which Electricities deemed to be unduly restrictive at the time of its next general wholesale rate increase filing.

Under the terms of the Settlement Agreement, VEPCO and Electricities each agree not to bring action against the other with respect to allegation of anticompetitive acts or practices in violation of state or Federal law, including

<sup>1</sup> In this order this shall include only those 24 member municipal utilities, 16 located in North Carolina, and 8 in Virginia, who are represented as parties to the subject agreement.

<sup>2</sup> Phase I (rate level) for all customers and Phase II for co-ops was terminated by order dated April 12, 1976.

the Federal Power Act, up to the date of the Settlement Agreement.

Notice of the proposed settlement was issued May 3, 1977, with responses due on or before May 16, 1977. No responses were received.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) the settlement agreement filed by VEPCO in this proceeding on April 12, 1977 is hereby accepted, incorporated herein by reference and approved.

(B) The proceeding in Docket No. E-9147 (Phase II) is hereby terminated.

(C) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against VEPCO or any person or party.

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

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20501 Filed 7-15-77; 8:45 am]

[Docket No. ER76-747, ER76-748, ER76-749, ER76-750, ER76-751, ER76-752 and ER76-753]

# **WEST TEXAS UTILITIES CO.**

## **Order Accepting Service Agreements for Filing, Granting Intervention and Waiving Notice Requirements; Correction**

JUNE 16, 1977.

Published in the FEDERAL REGISTER on June 8, 1977, 42 FR 29336 (Issued June 1, 1977).

42 FR 29336, Footnote 2, second line from the bottom of page: change the "that" at the end of the line to "of".

42 FR 29337, Paragraph 2, line 15: "footnote 4" should read "footnote 5".

42 FR 29337, line 29: change the "(supra, note 3.)" to "(supra, note 4.)".

42 FR 29337, bottom of page: "footnote (continued)" should read "footnote continued".

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 77-20517 Filed 7-15-77; 8:45 am]

[Docket No. ER77-394]

# **WEST TEXAS UTILITIES**

## **Notice of Contract**

JULY 11, 1977.

Take notice that West Texas Utilities Company (WTU) on June 23, 1977, tendered for filing an initial contract and rate schedule for the sale of electric service to the City of Coleman, Texas (City).

WTU indicates that the facilities through which service is to be provided



are expected to be completed, and service pursuant to the contract to be initiated, on July 5, 1977. WTU therefore requests waiver of the Commission's notice requirements to allow for an effective date of July 5, 1977, for said contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 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. 77-20715 Filed 7-15-77; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development  
REHABILITATION RESEARCH AND  
DEMONSTRATION  
Extension of Deadline for Grant  
Applications

The Rehabilitation Services Administration, Office of Human Development, announces that it is extending the due date for receipt of applications under its Rehabilitation Research and Demonstration Program. New and competing extension applications will not be accepted until August 1, 1977 for the following funding priority areas: (1) A Comprehensive Medical Rehabilitation Approach for Severe Burns (D-39 and D-40), (2) Development of a Special Project Survey Questionnaire Supplemental to ESRD—Medical Information System Relating to the Current Medical, Psycho-Social and Vocational Aspects of End-Stage Renal Disease (J-5), (3) A State-of-the-Art in the Medical, Psycho-Social, Vocational, Technological and Legislative Aspects of End-Stage Renal Disease (J-6) and (4) Medical, Psycho-Social and Vocational Evaluation of Kidney Transplant and Dialysis Patients/Clients Whose Treatment Began Four (4) or More Years Ago (J-8).

The program was originally announced in the FEDERAL REGISTER, Vol. 42, No. 93, 42 FR 24331, Friday, May 13, 1977 as Program Announcement Number 13627-772.

Application kits which contain the prescribed forms, the project description and information for the application may be obtained by making a request, containing the funding priority and number, to: Division of Grants and Contract Management, Office of Human Development, Room 1427, Mary E. Switzer Building,

330 "C" Street, S.W., Washington, D.C. 20201 Attention: (13627-772).

(Catalog of Federal Domestic Assistance Program Number: 13.627 Rehabilitation Research and Demonstration)

Dated: July 11, 1977.

JOSEPH A. MOTTOLA,  
Acting Commissioner  
of Rehabilitation Services.

Approved: July 12, 1977.

ARABELLA MARTINEZ,  
Assistant Secretary for Human  
Development.

[FR Doc. 77-20483 Filed 7-15-77; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
GENERAL AVIATION CONFERENCE  
Meeting

Notice is hereby given of a conference to be held at FAA's National Aviation Facilities Experimental Center (NAFEC) in Atlantic City, New Jersey, August 17 and 18, 1977. This conference will provide an opportunity for the exchange of information between FAA and other government, industry, university, pilot and professional organizations, and the public on General Aviation Research and Development programs. The agenda will include:

1. Presentation of present and proposed FAA General Aviation R&D programs.
2. Description of NAFEC's facilities and capabilities for R&D.
3. Presentation of industry and professional organizations' commentaries on FAA's programs.

Although individual comments will be solicited and encouraged, there will be no attempt made to achieve any agreements or reach any conclusions on the topics discussed.

Due to space limitations, persons wishing to attend and/or make oral statements at the symposium should contact Mr. W. Thomas Edwards, Assistant Chief, Aircraft and Airports Safety Division, NAFEC, Atlantic City, New Jersey 08405. Telephone: AC 609 641-8200, Extension 2666.

Issued in Atlantic City on July 11, 1977.

ROBERT L. SOUTH,  
Director, NAFEC.

[FR Doc. 77-20456 Filed 7-15-77; 8:45 am]

## DEPARTMENT OF STATE

[Public Notice CM-7/91]

SHIPPING COORDINATING COMMITTEE,  
SUBCOMMITTEE ON SAFETY OF LIFE  
AT SEA

### Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the

Shipping Coordinating Committee, will hold an open meeting at 1:30 p.m. on Monday, August 15, 1977, in Room 8438 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the 18th Session of the Subcommittee on Radio-communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London November 28-December 2, 1977. In particular, the working group will discuss the following topics:

- Code of safety requirements for mobile offshore drilling units.
- Operational standards for shipboard radio equipment.
- Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.
- Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to LT F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,  
Acting Director,  
Office of Maritime Affairs.

JULY 12, 1977.

[FR Doc. 77-20453 Filed 7-15-77; 8:45 am]

## OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

### Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Wednesday, August 17, 1977, from 1:30 p.m. to 5:00 p.m. in the Board Room of the Bank of America, 555 South Flower, Los Angeles, California, will involve a review and discussion of the status of, and United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva. Such review and discussion will deal with information properly classified pursuant to Executive Order 11652 and specifically required by such order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have appropriate security clearances. Accordingly, I hereby determine that this meeting of the Advisory Committee will be concerned with matters listed in section 552b(c) (1) of Title 5 of the United States Code.

ROBERT S. STRAUSS,  
Special Representative  
for Trade Negotiations.

[FR Doc. 77-20699 Filed 7-15-77; 8:45 am]



## FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC.,  
ET AL.

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 8, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

LYKES BROS. STEAMSHIP CO., INC., AMERICAN EXPORT LINES, INC., COMPAGNIE NATIONALE ALGERIENNE DE NAVIGATION, PRUDENTIAL LINES, INC.

## Notice of agreement filed by:

R. J. Finnan, Pricing, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10304, among the above named parties, is a discussion agreement in the trade between U.S. Atlantic and Gulf ports and ports in Algeria. It provides that the parties agree to undertake the exchange of information and to cooperate in developing information on matters relevant to the Algerian and U.S. flag common carrier service in the trade as described under the terms and conditions as set forth therein.

By order of the Federal Maritime Commission.

Dated: July 13, 1977.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-20527 Filed 7-15-77; 8:45 am]

[Docket No. 77-36]

OCEAN DRILLING & EXPLORATION CO.  
V. KAWASAKI KISEN KAISHA LTD.

## Filing of Complaint

Notice is hereby given that a complaint filed by Ocean Drilling and Exploration Company against Kawasaki Kisen Kaisha Ltd. was served July 12, 1977. Complainant alleges it was subjected to payment of charges for ocean freight in violation of section 18(b) (3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 12, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,  
Acting Secretary.

[FR Doc. 77-20528 Filed 7-15-77; 8:45 am]

[Docket No. 77-35]

PUBLICATION OF INACTIVE TARIFFS BY  
INDEPENDENT CARRIERS IN FOREIGN  
COMMERCE OF THE UNITED STATES

## Order To Show Cause

The independent carriers named in Appendix A, attached hereto have published rates in tariffs on file with the Federal Maritime Commission for the carriage of goods in the foreign commerce of the United States. However, the Commission has reason to believe that the tariffs published by the carriers cited in Appendix A are essentially inoperative, and that the carriers themselves are not actively engaged in the common carriage of goods in the trades covered by those tariffs.

Section 18 of the Shipping Act, 1916, 46 U.S.C. 817, requires every common carrier by water in the U.S. domestic offshore or foreign commerce to file with the Commission in prescribed form the rates charged for its transportation services. However, where a carrier is not actively engaged in service and does not plan to become actively engaged in service in the foreseeable future, the existence of its tariffs(s) on file with the Commission holding itself out as a common carrier amounts to a false representation contrary to the letter and spirit of Section 18. Intercoastal Schedules of Hammond Shipping Co., Ltd., 1 U.S.S.B. 606 (1939). The shipping public is misled by a meaningless offer of service. Ghezzi Trucking, Inc.—Cancellation of Inactive Tariffs, 13 F.M.C. 253, 255 (1970). Therefore, the maintenance by common carriers of tariffs indicating the rates for services they do not perform cannot be justified, and the tariffs should be cancelled. Embargo on Cargo, North Atlantic and Gulf Ports, 2

U.S.M.C. 464, 465 (1940); Ghezzi Trucking, supra.

In view of the applicable law, the Commission is of the opinion that the tariffs presently on file on behalf of the independent carriers listed in Appendix A be cancelled, unless the carriers can show cause why their tariffs should not be cancelled.

Any tariff which is cancelled as a result of this Order shall be cancelled without prejudice to the filing of a new tariff should future conditions warrant.

Now, therefore, it is ordered, That pursuant to Sections 22 and 18 of the Shipping Act, 1916, the carriers named in Appendix A be named respondents in this proceeding, and that they be ordered to show cause why their tariffs indicating rates for the common carriage of goods in the foreign commerce of the United States should not be cancelled as being inactive.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies thereto, and oral argument, if requested and/or deemed necessary by the Commission. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before August 15, 1977. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all nonrespondent parties of record no later than close of business on August 15, 1977. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business on September 5, 1977. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of this Order be published in the Federal Register and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than the close of business on July 29, 1977.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

JOSEPH C. POLKING,  
Acting Secretary.

\* For the purposes of service of this Order, each respondent carrier will receive as Appendix A only that page(s) of the Appendix which relates to its own tariffs.



## APPENDIX "A"

- AB Scanfreight—NVOCC FMC-7**  
From: Sweden, Norway, Denmark, Finland, and Poland.  
To: U.S. Atlantic Coast Ports.  
Date of Last Revision: 11-30-75.  
Box 8873, 402, 72 Gothenburg, Sweden.
- AB Scanfreight—NVOCC FMC-8**  
From: Sweden, Norway, Denmark, Finland, and Poland.  
To: U.S. Gulf Coast Ports.  
Date of Last Revision: 11-30-75.
- AB Scanfreight—NVOCC FMC-9**  
From: Sweden, Norway, Denmark, Finland, and Poland.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 11-30-75.
- Abaco Oil Carriers Company, Ltd.—FMC-1**  
Between: Miami and Palm Beach, Florida.  
And: The Bahama Islands.  
Date of Last Revision: 8-13-74.  
March Harbor, Abaco, Bahamas.
- Alberti Foods, Inc.—FMC-1**  
Between: East Coast Central America Ports.  
And: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 8-21-67.  
36 South Washington Street, Hinsdale, Illinois 60521.
- Alberti Foods, Inc.—FMC-2**  
Between: U.S. Atlantic and Gulf Ports.  
And: All Mediterranean Sea Ports.  
Date of Last Revision: 2-13-74.
- Agana Line Ltd.—FMC-1**  
Between: Hong Kong and Far East Ports (P.I., Japan, Taiwan, and Thailand).  
And: Guam and Trust Territory Ports.  
Date of Last Revision: 3-3-76.  
47th Floor, Connaught Centre, Hong Kong.
- Agromar Line—FMC-1**  
From: U.S. Gulf and South Atlantic Ports.  
To: Ports in Colombia.  
Date of Last Revision: 1-8-75.  
Apartado Aero No. 15-78, Barranquilla, Colombia.
- Alltransport Inc.—NVOCC FMC-2**  
From: U.S. North Atlantic Ports.  
To: Ports in United Kingdom.  
Date of Last Revision: 9-30-74.  
300 S. Wacker Drive, Chicago, Illinois 60606.
- Amber Maritime Corp.—FMC-1**  
From: U.S. Atlantic and Gulf.  
To: Middle Eastern Ports, West of Karachi and N.W. of Aden.  
Date of Last Revision: 8-11-75.  
260 Northern Boulevard, Great Neck, New York 11021.
- Amber Maritime Corp.—FMC-2**  
From: U.S. Atlantic and Gulf.  
To: Australia, New Zealand and New Caledonia.  
Date of Last Revision: 7-15-75.
- Amber Maritime Corp.—FMC-3**  
From: U.S. Atlantic and Gulf.  
To: All Ports (except Israeli ports) served on the Mediterranean Sea from Gibraltar to Port Said (including Adriatic, Black Sea, and Gulf of Taranto Ports) and from North African Ports in Morocco (including Atlantic West Coast Moroccan ports) to Port Said, inclusive.  
Date of Last Revision: 3-2-73.
- Amber Maritime Corp.—FMC-4**  
From: U.S. Atlantic and Gulf.  
To: Cambodia, Taiwan, Hong Kong, Indonesia, Japan, Malaysia, S. Korea, S. Vietnam, and Thailand.  
Date of Last Revision: 12-28-73.
- Amber Maritime Corp.—FMC-5**  
From: U.S. Atlantic and Gulf Ports.  
To: Continental Europe; Bayonne, France; Hamburg, Germany Range (including all French Atlantic and German North Sea Ports and all ports in Belgium and Holland).  
Date of Last Revision: 12-21-72.
- Amber Maritime Corp.—FMC-8**  
From: U.S. Atlantic and Gulf.  
To: West African Ports.  
Date of Last Revision: 12-11-72.
- Amber Maritime Corp.—FMC-9**  
From: Atlantic and Gulf.  
To: Bangladesh, Pakistan, India, Ceylon, Burma.  
Date of Last Revision: 7-18-75.
- Amber Maritime Corp.—FMC-11**  
From: U.S. Great Lakes.  
To: Taiwan, Hong Kong, Indonesia, Japan, Malaysia, Philippines, Singapore, South Korea, South Vietnam, Thailand.  
Date of Last Revision: 5-4-73.
- Amber Maritime Corp.—FMC-13**  
From: U.S. Atlantic and Gulf.  
To: Southwest, South, and East Africa.  
Date of Last Revision: 8-15-75.
- American Export Isbrandtsen Lines, Inc.—FMC-13**  
From: Atlantic and Gulf.  
To: Indonesia, Portuguese, Timor and W. Irian.  
Date of Last Revision: 10-1-75.  
17 Battery Place, New York, New York 10004.
- American Export Isbrandtsen Lines, Inc.—FMC-86**  
From: Atlantic and Gulf.  
To: Singapore, Malaya, Thailand, Sarawak, Borneo, Lubon, and Brunei.  
Date of Last Revision: 12-11-68.
- American Export Isbrandtsen Lines, Inc.—FMC-88**  
From: Japan, Korea, Okinawa.  
To: U.S. Atlantic.  
Date of Last Revision: 10-11-74.
- American Export Lines, Inc.—FMC-92**  
From: U.S. Atlantic.  
To: Saipan and Guam.  
Date of Last Revision: 10-01-74.
- American Export Lines, Inc.—FMC-112**  
Between: U.S. North Atlantic.  
And: Azores.  
Date of Last Revision: 09-28-75.
- American Export Lines, Inc.—FMC-113**  
From: Singapore, Malaysia, Saigon, Vietnam.  
To: U.S. Atlantic.  
Date of Last Revision: 07-11-74.
- American Export Lines, Inc.—FMC-114**  
From: East Coast of Sumatra.  
To: U.S. Atlantic.  
Date of Last Revision: 10-01-74.
- American Export Lines, Inc.—FMC-120**  
From: Russian Ports of Archangel, Khabarovsk, Leningrad, Murmansk, Riga, and Ventspils.  
To: U.S. South Atlantic and Gulf of Mexico Ports (from Cape Hatteras, N.C., to Brownsville, Texas).  
Date of Last Revision: 12-20-74.
- American Export Lines, Inc.—FMC-142**  
From: Russian Black Sea Ports.  
To: Atlantic and Gulf of Mexico ports in the U.S. in the Eastport, Maine, Brownsville, Texas Range.  
Date of Last Revision: 02-22-74.
- American President Lines, Ltd.—FMC-22**  
From: Japan, Korea, Hong Kong, Taiwan, Vietnam, Cambodia, Thailand, Singapore, Malaysia, Indonesia, India, Ceylon.  
To: Puerto Rico, and Virgin Islands.  
Date of Last Revision: 03-01-74.  
1950 Franklin Street, Oakland, California 94612.
- American President Lines, Ltd.—FMC-23**  
From: Vietnam, Cambodia, Red Sea, Gulf of Aden.  
To: U.S. Atlantic Coast.  
Date of Last Revision: 05-28-75.
- American Traller Express—NVOCC FMC-1**  
Between: U.S. Ports.  
And: Panama.  
Date of Last Revision: 09-21-72.
- A Division of Puerto Rican Freight Co., Inc., P.O. Box 146 I.A.B., Miami, Florida 33148.**
- American Traller Express—NVOCC FMC-2**  
Between: U.S. Ports.  
And: Costa Rica.  
Date of Last Revision: 09-21-72.
- Antilean Marine Shipping Corp.—FMC-3**  
Between: Ports in Florida.  
And: Montego Bay and Kingston, Jamaica.  
Date of Last Revision: 12-18-72.  
3050-3080 N.W. North River Drive, P.O. Box 52-342, Miami, Florida 33152.
- Arabian Mediterranean Line—FMC-1**  
From: U.S. Gulf and South Atlantic Ports.  
To: All Ports (except Spanish Mediterranean and Israeli Ports) served on the Mediterranean Sea from Gibraltar to Port Said, including Adriatic, Black Sea, and Gulf of Taranto Ports, and from Casablanca to Port Said, inclusive.  
Date of Last Revision: 02-06-70.  
c/o Trans-Orient Marine Corp., 11 Broadway, New York, New York 10004.
- Argentine Lines—FMC-17**  
From: Venezuela, Columbia, Central America, East Coast of Mexico.  
To: U.S. Atlantic, Gulf and Puerto Rico.  
Date of Last Revision: 08-21-74.  
c/o Cosmopolitan Shipping Co., Inc., One World Trade Center, New York, New York 10048.
- Argentine Lines—FMC-23**  
From: U.S. Gulf Ports.  
To: East Coast Mexican Ports.  
Date of Last Revision: 07-16-73.
- Argentine Lines—FMC-24**  
From: Montevideo, Uruguay, Bahia Blanca/Santa Fe—Argentina.  
To: Puerto Rico.  
Date of Last Revision: 10-09-74.
- Argentine Lines—FMC-25**  
Between: U.S. Great Lakes Ports.  
And: Ports in Argentina, Brazil, Paraguay, and Uruguay.  
Date of Last Revision: 07-11-73.
- Armadora Costarricense, S.A.—FMC-1**  
Between: U.S. Atlantic, Gulf, and Puerto Rico Ports.  
And: East Coast of Mexico, North and East Coasts of South America, Caribbean, West Indies, and Gulf of Mexico Islands.  
Date of Last Revision: 10-18-74.  
c/o Universal Shipping Corp., 141 N.E. Third Avenue, Miami, Florida 33132.
- Armadora Maritima Guatemalteca, S.A.—FMC-9**  
From: Atlantic Ports of Mexico and Central America.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 09-08-75.  
c/o Jan C. Uiterwyk Co., Inc., 715 E. Bird Street, P.O. Box 8066, Tampa, Florida 33604.
- Armadora Maritima Guatemalteca, S.A.—FMC-4**  
From: Atlantic Ports of Central America.  
To: San Juan, Puerto Rico, and U.S. Gulf Ports.  
Date of Last Revision: 10-01-75.
- Arimura Sangyo Co., Ltd.—FMC-1**  
Between: Guam.  
And: Hong Kong, Philippines, Saipan, Taiwan, Tinian, Okinawa, and other Trust Territory Islands.  
Date of Last Revision: 11-06-71.  
2-213 Maejimacho, Naha, Okinawa.
- Astro Brillo C.N.S.A.—FMC-1**  
From: U.S. Great Lakes.  
To: Far East, Mediterranean, Red Sea, India, Pakistan, Ceylon and Burma.  
Date of Last Revision: 05-28-71.  
c/o Eagle Ocean Transport, Inc., 29 Broadway, New York, New York 10006.



- Atlantic Coast Carriers—FMC-1**  
From: U.S. South Atlantic and Gulf Ports.  
To: All Ports in Continental Europe, including North French Atlantic and Baltic Ports of Discharge. From Le Havre, France to and including Gdynia, Poland.  
Date of Last Revision: 12-15-73.  
c/o Atlantic Coast Agencies, Inc., 17 Battery Place, North, New York, New York 10004.
- Atlantic Coast Carriers—FMC-2**  
From: Baltic Ports, all ports in Continental Europe to include North French Atlantic ports of lading from Gdynia, Poland up to and include Le Havre, France.  
To: All U.S. Atlantic and Gulf Ports of discharge, from Eastport, Maine to and including Brownsville, Texas.  
Date of Last Revision: 2-4-73.
- Atlantic Coast Carriers—FMC-4**  
From: U.S. Atlantic and Gulf Ports.  
To: Leeward and Windward Islands, Trinidad, Barbados, French Guiana, Venezuela.  
Date of Last Revision: 12-15-73.
- Atlantic Lines and Navigation, Inc.—FMC-1**  
From: U.S. Atlantic and Gulf.  
To: Middle East Ports West of Karachi and Northeast of Aden.  
Date of Last Revision: 6-20-75.  
1333 W. Loop South, Suite 1330, Houston, Texas 77027.
- Atlantic Lines and Navigation, Inc.—FMC-2**  
From: U.S. Atlantic and Gulf, Great Lakes.  
To: Japan, Korea, Taiwan, Hong Kong, P.I., Vietnam, Cambodia, Laos, China.  
Date of Last Revision: 07-27-75.
- Atlantic Lines and Navigation, Inc.—FMC-3**  
From: U.S. Atlantic, Gulf, and Great Lakes.  
To: Belawan, Deli, Cirebon, Djakarta, Samarang, Surabaya.  
Date of Last Revision: 07-25-75.
- Atlantic Lines and Navigation, Inc.—FMC-4**  
From: U.S. Atlantic, Gulf, and Great Lakes.  
To: Singapore, Malaya, Thailand, Sarawak, Borneo, Labuan, Brunei.  
Date of Last Revision: 07-25-75.
- Atlantic Lines, Ltd.—FMC-3**  
Between: Puerto Rico and Virgin Islands.  
And: Leeward and Windward Islands, Trinidad, Barbados, Guianas, Antilles, Bahamas, Bermuda, Haiti, Jamaica.  
Date of Last Revision: 11-20-73.  
c/o Chester, Blackburn & Roder, Inc., One Whitehall Street, New York, New York 10004.
- Atlantic Lines, Ltd.—FMC-9**  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in British Virgin Islands.  
Date of Last Revision: 11-18-75.
- Atlantic Lines, Ltd.—FMC-10**  
Between: U.S. Atlantic and Gulf Ports.  
And: Venezuela and Netherlands Antilles.  
Date of Last Revision: 11-20-75.
- Atlantic Lines, Ltd.—FMC-11**  
Between: U.S. Atlantic and Gulf Ports.  
And: Bermuda.  
Date of Last Revision: 11-20-73.
- Atlantic Lines, Ltd.—FMC-13**  
Between: U.S. Atlantic and Gulf Ports.  
And: Jamaica.  
Date of Last Revision: 11-20-73.
- Atlantic Lines, Ltd.—FMC-14**  
Between: U.S. Atlantic and Gulf Ports.  
And: Dominican Republic.  
Date of Last Revision: 07-10-73.
- Atlantic Marine Industries, Inc.—FMC-1**  
Between: Florida.  
And: All Ports in Bahamas except Nassau.  
Date of Last Revision: 10-01-70.  
P.O. Box 811, South Miami, Florida 33143.
- Atlantic Marine Industries, Inc.—FMC-2**  
Between: Florida.  
And: Nassau, Bahamas.  
Date of Last Revision: 10-01-70.
- Atlantic Reefer Line—FMC-2**  
From: Canadian Maritime Ports.  
To: Gloucester, Mass.
- Date of Last Revision: 02-01-66.**  
c/o Thor Dahl, Inc., 757 Third Avenue, New York, New York 10017.
- Atlantic Seaboard S.A.—FMC-1**  
Between: Canadian East Coast, North Atlantic Ports.  
And: U.S. North Atlantic Ports, except Philadelphia and New York.  
Date of Last Revision: 06-13-74.  
c/o Breton Agencies, Ltd., Suite 215, Duke Street Tower, Halifax, Nova Scotia, Canada.
- Atlantafra Express Service—FMC-10**  
From: Australia.  
To: U.S. Pacific.  
Date of Last Revision: 10-01-74.  
c/o Boise Griffith Steamship Co., One World Trade Center, Suite 3811, New York, New York 10048.
- Alcoa Steamship Co., Inc.—FMC-15**  
Between: Atlantic and Gulf.  
And: Haiti, Netherlands Antilles.  
Date of Last Revision: 1-12-76.  
Two Pennsylvania Plaza, New York, New York 10001.
- Amber Maritime Corp.—FMC-10**  
From: Great Lakes.  
To: Latin America.  
Date of Last Revision: 8-21-75.  
260 Northern Boulevard, Great Neck, New York 11021.
- Achille, Lauro, Armature—FMC-15**  
From: Puerto Rico.  
To: Central America.  
Date of Last Revision: 6-06-75.  
c/o International Tariff Services, 815 Fifteenth Street NW, Washington, D.C. 20005.
- Achille, Lauro, Armature (Flotta Lauro Naples)—FMC-19**  
From: Loading ports in Spain (Barcelona/Seville Range).  
To: U.S. North Atlantic ports (Boston, Mass./Cape Hatteras, N.C. Range).  
Date of Last Revision: 6-08-69.  
Via Cristoforo Colombo, 45, 80133 Naples, Italy.
- Balboa Navigation Lines, S/A—FMC-2**  
Between: Guam.  
And: Thailand, Tintan, Saipan, and other Trust Territories.  
Date of Last Revision: 2-25-74.  
702 Wing on Life Bldg., 2-2, Des Voeux Road Central, Hong Kong.
- Balboa Navigation Lines, S/A—FMC-3**  
Between: Guam.  
And: Japan and Korea.  
Date of Last Revision: 5-18-74.
- Balboa Navigation Lines, S/A—FMC-4**  
Between: Guam.  
And: Hong Kong.  
Date of Last Revision: 2-23-75.
- Balboa Navigation Lines, S/A—FMC-5**  
Between: Guam.  
And: Taiwan.  
Date of Last Revision: 3-31-74.
- Balboa Navigation Lines, S/A—FMC-6**  
Between: Guam.  
And: Philippines.  
Date of Last Revision: 8-18-74.
- Baltic Shipping Company—FMC-3**  
Between: South Atlantic and Gulf.  
And: Caribbean, West Indies, North Coast of South American, East Coast Central America, and Mexico.  
Date of Last Revision: 9-26-75.  
c/o Texas Transport & Terminal Co., Twenty-Second Floor, International Trade Mart, New Orleans, Louisiana 70130.
- Bangladesh Shipping Corp.—FMC-1**  
From: Atlantic and Gulf.  
To: Bangladesh, India, Ceylon and Burma.  
Date of Last Revision: 4-05-74.  
c/o Norton, Lilly & Co., 90 West Street, New York, New York 10006.
- Bangladesh Shipping Corp.—FMC-2**  
From: Great Lakes, Atlantic, and Gulf.  
To: East and West Africa and Persian Gulf.  
Date of Last Revision: 8-26-74.
- Bangladesh Shipping Corp.—FMC-3**  
From: Atlantic, Gulf, and Great Lakes.  
To: Malaysia, Indonesia.  
Date of Last Revision: 8-15-74.
- Barber Blue Sea Line—FMC-7**  
From: Sri Lanka, Ceylon, Colombo.  
To: Atlantic and Gulf.  
Date of Last Revision: 7-03-75.  
17 Battery Place, New York, New York 10004.
- Barber Blue Sea Line—FMC-23**  
From: Cristobal and Balboa, Panama Canal Zone.  
To: Atlantic Coast Ports.  
Date of Last Revision: 4-28-75.
- Barber Blue Sea Line—FMC-24**  
From: Gulf of Mexico, Caribbean Sea, West Coast of Mexico and West Coast Central America.  
To: U.S. Atlantic, Gulf and Ports in Puerto Rico and Virgin Islands.
- Barberlines—FMC-28**  
From: Atlantic and Gulf.  
To: Southwest and Southeast Africa.  
Date of Last Revision: 2-10-75.  
17 Battery Place, New York, New York 10004.
- Barberlines—FMC-35**  
From: Puerto Rico.  
To: Gulf of Aden, Caspetown, Suez, Chittagong, East Africa, Red Sea.  
Date of Last Revision: 5-04-72.
- Barberlines—FMC-38**  
From: Southwest and Southeast Africa.  
To: Atlantic and Gulf.  
Date of Last Revision: 4-15-75.
- Belfraunline Ltd.—FMC-7**  
From: North Continent, Scandinavia, UK, Erie, Spanish, and French Atlantic Ports.  
To: San Juan, Ponce, and Mayaguez, Puerto Rico, and St. Croix, St. Thomas, Virgin Islands.  
Date of Last Revision: 1-15-73.  
Meir 24, Antwerp, Belgium.
- Belgo-American Steamship Co., S.A.—FMC-1**  
From: Ports in the Bordeaux Port and Le Havre-Hamburg Range.  
To: Ports in the Wilmington (N.C.)-Miami, Florida Range and Ports in the Tampa, Florida-Brownsville, Texas Range.  
Date of Last Revision: 10-1-68.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW, Washington, D.C. 20005.
- Bennett Sparrow Shipping Co.—FMC-1**  
Between: Ports in the U.K.  
And: U.S. Atlantic Coast Ports (Searsport, Maine/Hampton Roads Range).  
Date of Last Revision: 3-11-75.  
150 Southampton Row, Shropshire, W.E.M., London WC1B 5AT, England.
- Bennett Sparrow Shipping Co.—FMC-2**  
From: Ports in the U.K.  
To: U.S. Great Lakes and St. Lawrence River Ports.  
Date of Last Revision: 6-19-75.
- Bermuda Express Service—FMC-8**  
From: South Atlantic.  
To: Bermuda.  
Date of Last Revision: 1-30-75.  
c/o Norton, Lilly & Company, Inc., 90 West Street, New York, New York 10006.
- Black Sea Canada Lines—FMC-1**  
From: Great Lakes.  
To: East Africa, Red Sea, Gulf of Aden, Persian Gulf.  
Date of Last Revision: 11-07-75.  
c/o Nordship Agencies, One East Wacker Drive, Chicago, Illinois 60601.
- Blue Peter Steamship Ltd.—FMC-5**  
From: Gloucester, Massachusetts.  
To: St. John's, Newfoundland.  
Date of Last Revision: 6-15-75.  
P.O. Box 9030, St. John's, Newfoundland.



- Blue Peter Steamship Ltd.—FMC-6**  
From: Newfoundland Ports.  
To: Gloucester, Massachusetts.  
Date of Last Revision: 5-13-75.
- Blue Ridge Line—FMC-1**  
From: Pacific.  
To: Indonesia, Japan, Malaysia, Thailand, Vietnam, Philippines, Singapore, Korea, and Taiwan.  
Date of Last Revision: 7-10-69.  
225 Kearney Street, San Francisco, California 94108.
- Blue Star Line, Ltd.—FMC-5**  
Between: British Columbia, Canada.  
And: U.S. Pacific Coast Ports.  
Date of Last Revision: 6-15-74.  
650 California Street, San Francisco, California.
- Booth/Lampport/Linea Amazonica—FMC-11**  
From: Iquitos, Peru, and Leticia, Colombia.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 4-22-72.  
c/o Dover Shipping Agency, Inc., 21 West Street, New York, New York 10006.
- A. Bottacchi S.A. De Navegacion C.F.I. El.—FMC-1**  
From: Group 1—Central America, including Mexico and Caribbean.  
To: U.S. Gulf Ports, Puerto Rico and Virgin Islands.  
From: Group 2—All ports Central America, including Mexico and Caribbean.  
To: U.S. Atlantic and Great Lakes Ports.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW, Washington, D.C. 20005.
- Bristol City Line Ltd.—FMC-1**  
From: U.K. and Erie Ports.  
To: U.S. Great Lakes.  
Date of Last Revision: 4-17-72.  
129 Cumberland Road, Bristol BS1 6UY, England.
- British M.V. "Dram Buoy"—FMC-1**  
Between: Palm Beach, Florida.  
And: Bahama Islands.  
Date of Last Revision: 4-21-72.  
c/o Palm Beach Steamship Agency, Inc., 130 East Port Road, Riviera Beach, Florida 33404.
- British M.V. "Fendo"—FMC-3**  
Between: Palm Beach, Florida.  
And: The Bahama Islands.  
Date of Last Revision: 4-10-71.  
c/o Palm Beach Steamship Agency, Inc., 130 E. Port Road, Riviera Beach, Florida 33404.
- British M.V. "Mary Ann Kate"—FMC-2**  
Between: Palm Beach, Florida.  
And: The Bahama Islands.  
Date of Last Revision: 3-6-66.  
c/o Palm Beach Steamship Agency, Inc., 130 E. Port Road, Riviera Beach, Florida 33404.
- British M.V. "Primavera"—FMC-1**  
Between: Palm Beach, Florida.  
And: The Bahamas.  
Date of Last Revision: 7-26-69.  
c/o Palm Beach Steamship Agency, Inc., 130 East Port Road, Riviera Beach, Florida 33404.
- British M.V. "Tulsa"—FMC-1**  
Between: Ports in Florida.  
And: The Bahama Islands.  
Date of Last Revision: 8-15-69.  
c/o Abaco Shipping, 741 NE. 36th Street, Boca Raton, Florida 33432.
- British M/V "Wilson Flyer"—FMC-1**  
Between: Palm Beach, Florida.  
And: Bahama Islands.  
Date of Last Revision: 8-27-69.  
c/o Palm Beach Steamship Agency, Inc., 130 East Port Road, Riviera Beach, Florida 33404.
- Buffex—FMC-3**  
From: Buffalo, New York.  
To: Ports in U.K. and European Continent.  
Date of Last Revision: 8-21-75.  
c/o Frontier Distribution Line, Inc., 1285 William Street, Buffalo, New York 14206.
- Buques Mercantes Del Caribe, C.A.—FMC-1**  
Between: U.S. South Atlantic and Gulf Ports.  
And: All Caribbean Ports.  
Date of Last Revision: 5-16-73.  
Av. Aviacion K. 4, Merida, Yucatan, Mexico.  
C. A. Venezolana De Navegacion (Venezulean Line)—FMC-1  
From: Italy.  
To: Virgin Islands.  
Date of Last Revision: 4-11-73.  
Prins Hendrikade 108, P.O. Box 209, Amsterdam, Holland.
- C. A. Venezolana De Navegacion (Venezulean Line)—FMC-2**  
From: Spain.  
To: Virgin Islands.  
Date of Last Revision: 4-11-73.
- C. A. Venezolana De Navegacion (Venezulean Line)—FMC-3**  
From: Portugal.  
To: Virgin Islands.  
Date of Last Revision: 4-11-73.
- C. A. Venezolana De Navegacion (Venezulean Line)—FMC-4**  
From: Marseilles, France.  
To: Virgin Islands.  
Date of Last Revision: 4-11-73.
- C & P Line—FMC-1**  
Between: Florida.  
And: Mexico.  
Date of Last Revision: 12-15-75.  
c/o Yucatan Shipping Co., Inc., 3000 Biscayne Blvd., Suite 200, Miami, Florida 33137.
- Canadian National Railways—FMC-13**  
Between: Prince Rupert, B.C.  
And: Whittier, Alaska.  
Date of Last Revision: 7-20-70.  
259 CNR Station, Winnipeg 1, Manitoba.
- Canadian National Railways—FMC-14**  
Between: Prince Rupert, B.C.  
And: Whittier, Alaska.  
Date of Last Revision: 7-20-70.
- Canadian National Railways—FMC-16**  
From: Prince Rupert, B.C.  
To: Sitka, Alaska.  
Date of Last Revision: 4-20-73.  
c/o F. W. Milne, 123 Main Street, Winnipeg, Manitoba R3C2P8.
- Cargo Lines Ltd.—FMC-2**  
From: Atlantic Coast Ports.  
To: Hamburg/Bordeaux Range.  
Date of Last Revision: 6-12-76. (However, it is a known fact that this carrier is out of business.)  
P.O. Box 06454, 6830 Chiasso, Switzerland.
- Cargo Lines Ltd.—FMC-4**  
From: Atlantic and Gulf Ports.  
To: All Ports of Call in England, Scotland, Wales, Northern Ireland, and Republic of Ireland.  
Date of Last Revision: 8-30-76. (However, it is a known fact that this carrier is out of business.)
- Cargo Lines Ltd.—FMC-6**  
From: Boston/Hampton Roads Range.  
To: San Sebastian/La Couena Range.  
Date of Last Revision: 6-21-75. (No changes since tariff became effective.)
- Caribbean Atlantic Marine Co.—FMC-1**  
Between: Atlantic and Gulf.  
And: Central America, South America, and Caribbean.  
Date of Last Revision: 8-4-74.  
c/o Lone Star Shipping, Inc., 1318 Texas Avenue, Houston, Texas 77002.
- Caribbean Line—FMC-3**  
From: Atlantic and Gulf.  
To: East Coast Central America.  
Date of Last Revision: 12-20-75.  
c/o Transportation Tariff Publishers, 2311 University Boulevard, West Wheaton, Maryland 20902.
- Caribbean Line—FMC-4**  
From: Ports on the East Coast of Central America.
- To: U.S. Atlantic and Gulf Ports.**  
Date of Last Revision: 12-20-75.
- Cartainer Line N.V.—FMC-2**  
From: U.S. South Atlantic.  
To: North Continental Ports. Also from U.S. Great Lakes to North Continental Ports.  
Date of Last Revision: 5-16-72.  
150 Mechelse Steenweg, Antwerp, Belgium.
- Cartainer Line, N.V.—FMC-3**  
From: North Continental Ports between Gdansk and Le Havre both inclusive and U.K. Ports.  
To: U.S. Ports in the range between Cape Canaveral, Florida, and Brownsville, Texas, also to U.S. South Atlantic Coast between Cape Hatteras and Cape Canaveral, Florida, both inclusive, also to New York, Baltimore, and Norfolk.  
Date of Last Revision: 10-1-75.
- Cartainer Line N.V.—FMC-5**  
From: Ports in Continental Europe in the Bordeaux/Hamburg Range.  
To: South Atlantic Ports of the U.S. in the Cape Canaveral, Florida/Cape Hatteras Range.  
Date of Last Revision: 2-8-75.
- Cayman Seatrailer Corporation Ltd.—FMC-1**  
Between: Atlantic.  
And: British West Indies.  
Date of Last Revision: 8-11-75.  
P.O. Box 309, Georgetown, Grand Cayman, B.W.I.
- Central Gulf Contramar Line (Eurogulf)—FMC-25**  
From: Ports in Great Britain and Northern Ireland and Erie including inland points and places on inland waterways ranging from South of Cape Hatteras, N.C., up to but not including Key West, Florida.  
Date of Last Revision: 8-15-73.  
c/o Central Gulf Lines, Inc., One Whitehall Street, New York, New York 10004.
- Central Gulf Lines—FMC-12**  
From: Red Sea and Gulf of Aden.  
To: Atlantic and Gulf.  
Date of Last Revision: 9-16-75.  
P.O. Box 53366, New Orleans, Louisiana 70150.
- Central Gulf Lines—FMC-14**  
From: Persian Gulf.  
To: Atlantic and Gulf.  
Date of Last Revision: 6-6-75.
- Central Gulf Steamship Corp.—FMC-11**  
From: Ports in the Mediterranean (including Spanish Atlantic and Mediterranean Ports and Ports in Portugal) from Gibraltar to Port Said, including Adriatic and Black Sea, Gulf of Taranto Ports and from Casablanca to Port Said and including all Italian Ports from Ventimiglia to the Yugoslav border including islands, Sicilian and Sardinian Ports and Ports on the Adriatic and French Mediterranean Ports.  
To: North, South Atlantic, and Gulf Ports.  
Date of Last Revision: 6-6-75.
- Central Gulf Lines, Inc., One Whitehall Street, New York, New York 10004.**
- Cerrahogullari Line—FMC-1**  
From: U.S. Gulf and Atlantic Ports.  
To: Turkish Mediterranean and Black Sea Ports and other Mediterranean Ports, including Black Sea except Ports of Iskenderun, Mersin, Izmir, and Istanbul.  
Date of Last Revision: 8-22-68.  
Posta Kutusu 411, Taksim, Istanbul, Turkey.
- Cheun Cheong Enterprises, Ltd.—FMC-1**  
Between: Guam.  
And: Formosa, Hong Kong, Taiwan, Philippines, Thailand.  
Date of Last Revision: 7-23-71.  
12th Floor, Man Cheong Bldg., 32-36 Des Voeux Road W., Hong Kong.



- Chicago Container Service, Inc.—NVOCC FMC-3  
From: U.S. North Atlantic Ports.  
To: Antwerp, Bremen, Hamburg, Rotterdam, and Le Havre.  
Date of Last Revision: 12-10-75.  
c/o Gene Sutterfield, 1300 S. Plymouth Court, Chicago, Illinois 60605.
- Chilean Line, Inc.—FMC-8  
From: Chile and Peru.  
To: Puerto Rico.  
Date of Last Revision: 8-2-71.  
29 Broadway, New York, New York 10006.
- China Merchants Steam Navigation Co.—FMC-5  
From: Korea.  
To: Atlantic and Gulf.  
Date of Last Revision: 12-16-73.  
One World Trade Center, New York, New York 10048.
- China Navigation Co., Ltd.—FMC-3  
From: Korea, Japan.  
To: Guam.  
Date of Last Revision: 3-1-74.  
c/o Furness, Withy & Co., Ltd., Five World Trade Center, New York, New York 10048.
- China Navigation Company, Ltd.—FMC-4  
Between: Hong Kong and Taiwan.  
And: U.S. Samoa.  
Date of Last Revision: 6-23-74.
- China Overseas Shipping Ltd.—FMC-1  
From: Hong Kong, Singapore, Malaysia and Taiwan.  
To: Atlantic and Gulf.  
Date of Last Revision: 8-28-72.  
c/o Luckenbach Steamship Co., Inc., 120 Wall Street, New York, New York 10005.
- China Union Lines, Ltd.—FMC-2  
From: Hong Kong.  
To: Atlantic and Gulf.  
Date of Last Revision: 7-8-74.  
46 Kwantien Road, Taipei, (c.c.) Taiwan, Republic of China.
- China Union Lines, Ltd.—FMC-3  
From: Taiwan.  
To: Atlantic, Gulf, and Pacific.  
Date of Last Revision: 2-3-75.
- China Union Lines, Ltd.—FMC-4  
From: Japan.  
To: Atlantic and Gulf.  
Date of Last Revision: 2-1-75.
- China Union Lines, Ltd.—FMC-5  
From: Atlantic, Gulf, and Pacific.  
To: Philippines, Taiwan, Japan, Korea, and Hong Kong.  
Date of Last Revision: 2-20-75.
- China Union Lines, Ltd.—FMC-8  
From: Korea.  
To: Atlantic and Gulf.  
Date of Last Revision: 6-15-72.
- Citadelle Line, S.A.—FMC-1  
From: South Atlantic and Gulf.  
To: Bahama, Cayman Islands and Calcos, Providenciales and Turks.  
Date of Last Revision: 11-25-74.  
1400 Winston Plaza, Melrose Park, Illinois 60160.
- Clipper Express Company—NVOCC FMC-1  
From: U.S. Atlantic Ports.  
To: Antwerp, Bremen, Hamburg, Amsterdam, and Rotterdam.  
Date of Last Revision: 12-14-72.  
3401 West Pershing Road, Chicago, Illinois 60632.
- Cobelfret Lines SPRL—FMC-5  
From: North Continental ports between Gdansk and Le Havre, both inclusive and U.K. Ports.  
To: U.S. South Atlantic Coast between Cape Hatteras and Cape Canaveral, Florida, both inclusive; and U.S. Ports in the Range between Cape Canaveral and Brownsville, also to New York, Baltimore, and Norfolk.  
Date of Last Revision: 10-1-75.  
150 Mechelse Steenweg, Antwerp, Belgium.
- Cobelfret Lines SPRL—FMC-7  
From: Ports in Continental Europe in the Bordeaux/Hamburg Range.  
To: South Atlantic Ports in U.S. in the Cape Canaveral, Florida/Cape Hatteras Range.  
Date of Last Revision: 2-8-75.
- Columbia Transatlantic Container Lines, Ltd.—FMC-1  
From: Amsterdam, Antwerp, Rotterdam, Hamburg, Bremen, and U.K.  
To: New York, Hampton Roads, Baltimore, and Philadelphia.  
Date of Last Revision: 6-1-72.  
Reed Street, Hamilton, Bermuda.
- Columbia Transatlantic Container Lines, Ltd.—FMC-2  
From: New York, Hampton Roads, Baltimore, Philadelphia.  
To: Amsterdam, Antwerp, Rotterdam, Hamburg, Bremen, and U.K.  
Date of Last Revision: 5-31-72.
- Columbus Line—FMC-15  
From: Pacific.  
To: South Sea Islands.  
Date of Last Revision: 2-22-73.  
c/o Bakke Steamship Corp., 650 California Street, San Francisco, California 94108.
- Commodore Mia-Mex Line—FMC-1  
Between: U.S. Atlantic and Gulf Ports (Except New York and Philadelphia).  
And: Mexican Ports.  
Date of Last Revision: 2-20-74.  
c/o K. Nielsen Shipping and Trading Co., Inc., 903 South American Way, Dodge Island, Miami, Florida 33132.
- Companhia De Navegacao Lloyd Brasileiro—FMC-3  
From: Port of Spain, Brighton, Trinidad.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 9-03-67.  
17 Battery Place, New York, New York 10004.
- Companhia Nacional de Navegacao—FMC-3  
From: Spain only.  
To: U.S. South Atlantic and Gulf Ports.  
Date of Last Revision: 5-14-74.  
c/o East Coast Overseas Corp., 80 Broad Street, New York, New York 10004.
- Companhia Nacional de Navegacao—FMC-4  
From: Azores and Madeira Islands.  
To: U.S. East Coast and Gulf Ports.  
Date of Last Revision: 6-15-72.
- Companhia Nacional de Navegacao S.A.R.L.—FMC-6  
From: South Atlantic and Gulf.  
To: Spain only.  
Date of Last Revision: 05-14-73.  
Rua do Comercio 85, Lisbon, Portugal.
- Companhia Nacional de Navegacao S.A.R.L.—FMC-7  
From: U.S. East Coast and Gulf.  
To: Azores and Madeira Islands.  
Date of Last Revision: 06-15-72 (No changes since tariff became effective).
- Companhia Nacional de Navegacao—FMC-8  
From: Portugal.  
To: U.S. Gulf Ports.  
Date of Last Revision: 01-04-74.  
c/o East Coast Overseas Corp., 80 Broad Street, New York, New York 10004.
- Companhia Nacional de Navegacao—FMC-9  
From: North Atlantic Ports.  
To: Spain.  
Date of Last Revision: 06-13-75.  
Rua do Comercio 85, Lisbon, Portugal.
- Companhia Portuguesa de Transportes Maritimos—FMC-1  
From: South Atlantic and Gulf Ports.  
To: Ports in Portugal and Morocco.  
Date of Last Revision: 05-22-74.
- Portuguese Line C.T.M., Avenida 24 De Julho 132, Lisbon, Portugal.
- Companhia Portuguesa de Transportes Maritimos—FM-2  
From: North Atlantic Ports.  
To: All Ports in the Mediterranean Sea from Gibraltar to Port Said, including Adriatic Sea Ports and all Black Sea Ports from Casablanca to Port Said with the exception of Israeli and Spanish Mediterranean Ports.  
Date of Last Revision: 05-22-74.
- Companhia Portuguesa de Transportes Maritimos—FMC-8  
From: Ports of Morocco.  
To: North Atlantic Ports in U.S. in the Hampton Roads/Eastport Range.  
Date of Last Revision: 05-22-74.
- Compania Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar)—FMC-2  
From: Colombia.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 10-01-70.  
c/o Atlantic Shipping Co., 1150 S.W. 1st Street, Miami, Florida 33130.
- Compania Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar)—FMC-3  
From: River Plate (Argentina-Uruguay).  
To: San Juan, Puerto Rico.  
Date of Last Revision: 10-11-70.
- Compania Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar)—FMC-4  
From: Brazilian Ports.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 12-17-70.
- Compania Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar)—FMC-5  
From: Venezuela.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 12-16-70.
- Compania de Navegacao Loide Brasileiro—FMC-9  
Between: Georgetown, Guyana.  
And: Puerto Rico.  
Date of Last Revision: 9-6-74.  
Rva do Rosario, 1/17, Rio de Janeiro, Brazil.
- Compania de Navegacao Loide Brasileiro—FMC-12  
Between: Paramaribo, Surinam.  
And: Puerto Rico.  
Date of Last Revision: 9-19-74.
- Compania de Navegacao Maritime Netumar (Netumar Lines)—FMC-14  
From: Atlantic and Great Lakes.  
To: Iquitos, Peru.  
Date of Last Revision: 7-20-75.  
67 Broad Street, New York, New York 10004.
- Compania Maritima Del Nervion, S.A. (Nervion Line)—FMC-6  
From: Ports in Spain, Portugal and Canary Islands.  
To: U.S. Gulf of Mexico and South Atlantic ports from and including Brownsville, Texas to and including all ports South of Cape Hatteras, N.C.  
Date of Last Revision: 12-26-75.  
c/o Kerr Steamship Company, 428 Canal Street, New Orleans, Louisiana 70130.
- Compania Maritima Del Nervion S.A. (Nervion Line)—FMC-7  
From: U.S. Gulf Ports.  
To: All Ports of call in the Bordeaux/Hamburg Range.  
Date of Last Revision: 10-2-74.
- Compania Maritima Del Nervion S.A. (Nervion Line)—FMC-8  
From: U.S. Atlantic Ports North of Cape Hatteras.  
To: All Ports served on the Mediterranean Sea from Gibraltar to Port Said (including Adriatic, Black Sea and Gulf of Taranto Ports) and from North African Ports in Morocco (including West Coast Moroccan Ports) to Port Said inclusive, also Spanish Atlantic and Portuguese Ports.  
Date of Last Revision: 9-30-74.



- Compania Nacional De Navigacion, S.A.—  
FMC-3  
Between: Puerto Rico.  
And: Atlantic and Pacific Ports of Colombia.  
Date of Last Revision: 3-25-74.  
c/o Fred Imbert, Inc., P.O. Box 4424, San Juan, Puerto Rico 00905.
- Compania Nacional De Navigacion, S.A.—  
FMC-4  
From: San Juan, Puerto Rico.  
To: Dominican Republic, Jamaica, Venezuela.  
Date of Last Revision: 3-25-74.
- Compania Naviera Agulla S.A. (Conasa Line)  
—FMC-1  
Bill of Lading, Rules and Regulation  
Tariff.  
Date of Last Revision: 6-22-73.  
c/o Eagle, Inc., P.O. Box 3022, Miami, Florida 33101.
- Compania Naviera Agulla S.A. (Conasa Line)  
—FMC-2  
Between: U.S. Atlantic and Gulf Ports.  
And: West Coast of Central America and Ports in the Caribbean.  
Date of Last Revision: 7-18-73.
- Compania Naviera Agulla S.A. (Conasa Line)  
—FMC-3  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Central America and Netherlands Antilles.  
Date of Last Revisions: 11-15-74.
- Compania Naviera Agulla S.A. (Conasa Line)  
—FMC-4  
From: U.S. Atlantic and Gulf Ports.  
To: Ports in Central America.  
Date of Last Revision: 1-23-75.
- Compania Peruana De Vapores—FMC-11  
From: U.S. Atlantic and Gulf.  
To: Ports in Peru.  
Date of Last Revision: 6-18-75.  
c/o Tilton Roberts Corp., 17 Battery Place, New York, New York 10004.
- Compania Sud Americana De Vapores S.A.—  
FMC-6  
From: Puerto Nuevo (Guayaquil) Ecuador or Puerto Bolivar, Ecuador.  
To: Jacksonville or Baltimore or New York.  
Date of Last Revision: 6-23-75.  
No. 1 World Trade Center, New York, New York 10048.
- Compania Sud Americana de Vapores—  
FMC-7  
From: San Juan, Ponce and Mayaguez, Puerto Rico.  
To: Europe.  
Date of Last Revision: 2-25-72.  
c/o Chilean Line, 29 Broadway, New York, New York 10006.
- Compania Transatlantica Espanola, S.A.—  
FMC-11  
From: Vera Cruz and Tampico (Mexico) and other Mexico Gulf ports.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 4-22-75.  
c/o Transportation Tariff Publishers, 2311 University Blvd. West, Wheaton, Maryland 20902.
- Compania Transatlantica Espanola, S.A.—  
FMC-25  
From: La Guaira, Venezuela and other Venezuelan Ports and Colombia.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 4-25-75.
- Compania Transatlantica Espanola, S.A.—  
FMC-27  
From: Curacao, Netherlands Antilles.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 12-24-75.
- Compania Transatlantica Espanola, S.A. (Spanish Line)—FMC-38  
From: Ports in Puerto Rico.  
To: Ports in Spain and Italy.  
Date of Last Revision: 5-1-75.
- Concordia Line—FMC-1  
From: Atlantic and Gulf.  
To: India, Pakistan, Ceylon and Burma.  
Date of Last Revision: 11-10-75.  
c/o Bolse, Griffin Steamship Co., Inc. One World Trade Center, New York, New York 10048.
- Concordia Line—FMC-12  
From: U. S. and Gulf Ports.  
To: Portuguese Ports.  
Date of Last Increase: 11-10-75.
- Concordia Line—FMC-14  
From: Eastern Mediterranean Ports.  
To: U.S. Gulf Ports.  
Date of Last Revision: 11-10-75.
- Concordia Line—FMC-16  
From: Atlantic and Gulf.  
To: South and East Africa.  
Date of Last Revision: 11-10-75.
- Concordia Line—FMC-17  
From: S.W., South and East Africa, Islands of Madagascar.  
To: Atlantic and Gulf.  
Date of Last Revision: 11-10-75.
- Concordia Line—FMC-20  
From: Morocco, Algeria, Tunisia and Libya Ports.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 11-10-75.
- Concordia Line—FMC-21  
From: Sri Lanka.  
To: Atlantic and Gulf.  
Date of Last Revision: 11-10-75.
- Consat Line Ltd.—FMC-1  
From: Antwerp, Belgium.  
To: U.S. South Atlantic.  
Date of Last Revision: 1-30-71.
- Consat Line, Ltd., Nassau, Bahamas.  
Consolidated Express, Inc.—NVOCC FMC-1  
Between: Baltimore, Maryland and New York, New York.  
And: Ports in the Antwerp, Rotterdam, and Amsterdam, Range.  
Date of Last Revision: 2-16-75.  
60 Kellogg Street, Jersey City, New Jersey 07305.
- Consolidators, Inc.—FMC-1  
Between: Miami.  
And: Jamaica.  
Date of Last Revision: 12-20-73.  
c/o Chester, Blackburn & Roder, 1040 Biscayne Blvd., Miami, Florida.
- Consortium Maritime Transport Line—FMC-2  
From: U.S. Atlantic Ports.  
To: Bordeaux/Hamburg Range.  
Date of Last Revision: 4-10-69.  
c/o Nedlloyd Line, Five World Trade Center, Suite 617, New York, New York 10048.
- Consortium Maritime Transport—FMC-3  
From: Bordeaux/Hamburg Range.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 4-9-73.  
c/o Ruys & C.S.A. Antwerp, 23/25 Britselei, B-2000 Antwerp, Belgium.
- Constellation Line—FMC-22  
From: Pacific.  
To: Red Sea, Indonesia, Malaysia, Thailand, Persian Gulf and South and West Africa.  
Date of Last Revision: 6-21-74.  
c/o Constellation Navigation, Inc., 223 Broadway, New York, New York 10007.
- Container Express Corporation—NVOCC FMC-1  
Between: U.S. North and South Atlantic Ports.  
And: European Ports.  
Date of Last Revision: 10-31-75.  
P.O. Box 2249, Newark, New Jersey 07114.
- Container-Lloyd—NVOCC FMC-4  
From: Scandinavia, Bourdeaux/Hamburg Range, U.K., Erie.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 12-15-74.  
110 South Dearborn Street, Chicago, Illinois 60603.
- Container-Lloyd—NVOCC FMC-6  
From: Scandinavia, Bourdeaux/Hamburg Range, U.K., Erie.  
To: U.S. Gulf Ports.  
Date of Last Revision: 63-10-72.
- Container-Lloyd—NVOCC FMC-9  
From: U.S. Atlantic and Gulf Ports.  
To: Caribbean and South American Ports.  
Date of Last Revision: 05-08-75.
- Container-Lloyd—NVOCC FMC-10  
From: Atlantic, Gulf and Great Lakes.  
To: Brazil, Uruguay, Argentina and South America.  
Date of Last Revision: 07-25-75.
- Container-Lloyd—NVOCC FMC-17  
From: Atlantic and Gulf.  
To: Bahamas, Jamaica, Dominican Republic, West Indies, Guatemala, Venezuela, Nicaragua, Costa Rica, Panama, Colombia, Ecuador.  
Date of Last Revision: 05-08-75.
- Contramar S.A.—FMC-4  
From: Bourdeaux Port and Le Havre—Hamburg Range Ports, Ports in U.K., Erie, Scandinavia and Baltic Ports and Ports in the Iberian Atlantic Coast.  
To: All U.S. ports on the St. Lawrence and Great Lakes located in the states of New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin and Minnesota.  
Date of Last Revision: 03-10-69.  
c/o Jan C. Ulterwyk Co., Inc., 190 W. J. F. Kennedy Blvd., Tampa, Florida 33601.
- Contramar Line S.A.—FMC-125  
From: Scandinavia, North Continental, U.K. Irish and French, Spanish (Atlantic) Ports.  
To: Ports in Puerto Rico.  
Date of Last Revision: 8-01-75.  
Klipperstraat, 15, 2030 Antwerpen, Belgium.
- Costa Line—FMC-16  
From: U.S. North Atlantic Ports.  
To: Portugal.  
Date of Last Revision: 6-27-75.  
P.O. Box 492, Via G. Diannozio, Z, 16121 Genova, Italy.
- Cutlass Steamship Corp.—FMC-8  
From: Pacific.  
To: Manila, Bangkok, Indonesia, Hong Kong, Singapore.  
Date of Last Revision: 9-15-75.  
680 Beach Street, San Francisco, California 94109.
- Dae Jin Shipping Co., Ltd.—FMC-1  
From: Gulf and Pacific.  
To: Japan, Korea, Hong Kong, Taiwan.  
Date of Last Revision: 4-12-71.  
Two Pine Street, San Francisco, California 94111.
- D'Amico Line—FMC-1  
From: Mexico.  
To: U.S. Gulf.  
Date of Last Revision: 12-16-67.  
c/o Hansen & Tidemann, Inc., P.O. Box 52620, Houston, Texas.
- D'Amico Mediterranean Pacific Line—FMC-1  
From: Pacific.  
To: Mid East Ports including Red Sea and Gulf of Aden.  
Date of Last Revision: 10-06-75.  
417 Montgomery Street, San Francisco, California 94111.
- D'Amico Soc. di Navigazione S.p.A.—FMC-4  
Between: Yugoslavian Ports.  
And: Puerto Rico.  
Date of Last Revision: 2-24-74.  
Via A. Cantore 8H/34, 16149 Genova, Sampierdarena.
- D'Amico Soc. di Navigazione S.p.A.—FMC-5  
Between: Spanish Atlantic Ports.  
And: Puerto Rico.  
Date of Last Revision: 5-26-71 (No changes since tariff became effective)



- Daiwa Navigation Co., Ltd.—FMC-6**  
Between: Japan, Korea, Taiwan.  
And: Atlantic, Gulf and Great Lakes.  
Date of Last Revision: 5-16-73.  
45-2Chome, Awazaminami-Dori, Nishi-Ku, Osaka, Japan.
- Dart Container Line—FMC-11**  
From: U.S. North Atlantic Ports.  
To: All Ports of call in the U.K. and Eire.  
Date of Last Revision: 6-16-72.  
Five World Trade Center, Northeast, Plaza Building, New York, New York 10048.
- Deep Sea Mediterranean Line—FMC-1**  
From: U.S. South Atlantic and Gulf Ports.  
To: Portuguese Ports.  
Date of Last Revision: 8-08-71.  
c/o Texas Transport & Terminal Co., Inc., 22nd Floor, International Trade Mart Bldg., New Orleans, Louisiana 70130.
- Delta Steamship Lines, Inc.—FMC-8**  
From: U.S. Gulf Ports.  
To: Iquitos, Peru and Leticia, Colombia.  
Date of Last Revision: 5-29-73.  
1700 International Trade Mart, New Orleans, Louisiana 70150.
- Delta Steamship Lines, Inc.—FMC-12**  
From: Puerto Rico.  
To: West Africa.  
Date of Last Revision: 3-19-75.
- Delta Steamship Lines, Inc.—FMC-16**  
From: West Africa.  
To: Puerto Rico.  
Date of Last Revision: 4-14-75.
- Delta Steamship Lines, Inc.—FMC-24**  
From: U.S. Gulf Ports.  
To: Bermuda.  
Date of Last Revision: 10-24-73.
- Delta Steamship Lines, Inc.—FMC-25**  
Between: Ports on East Coast of Mexico.  
And: Ports in Puerto Rico.  
Date of Last Revision: 7-09-73.
- Delta Steamship Lines, Inc.—FMC-26**  
From: Gulf.  
To: Haiti.  
Date of Last Revision: 6-09-75.
- Delta Steamship Lines, Inc.—FMC-27**  
From: Haitian Ports.  
To: U.S. Gulf Ports.  
Date of Last Revision: 11-25-74.
- Delta Steamship Lines, Inc.—FMC-32**  
From: Jamaica.  
To: U.S. Gulf Ports.  
Date of Last Revision: 11-25-74.
- Delta Steamship Lines, Inc.—FMC-33**  
From: Dominican Republic.  
To: U.S. Gulf.  
Date of Last Revision: 11-25-74.
- Delta Steamship Lines, Inc.—FMC-39**  
From: Gulf.  
To: East Coast Nicaragua.  
Date of Last Revision: 10-2-75.
- Deppe Line—FMC-6**  
From: U.S. Gulf Ports.  
To: U.K. Ports of London, Southampton, Manchester, Liverpool and Great Yarmouth.  
Date of Last Revision: 5-15-74.  
Armement Deppe, S.A., c/o Hansen & Tide-mann, Inc., 442 Canal Street, New Orleans, Louisiana 70130.
- Deppe Line—FMC-20**  
From: Charleston/Miami Range.  
To: All Ports of call in the Le Havre/Hamburg Range.  
Date of Last Revision: 1-6-76.
- Deppe Line—FMC-32**  
From: Vera Cruz, Tampico and Contzacoalco (Puerto Mexico).  
To: U.S. Gulf of Mexico Ports in the Brownsville, Texas/Tampa, Florida.  
Date of Last Revision: 1-15-75.
- Deppe Line—FMC-33**  
From: San Juan, Puerto Rico.  
To: All Ports of call in the Le Havre/Hamburg Range/Scandinavia and United Kingdom.
- Date of Last Revision: 11-7-75.**  
Armement Deppe, S.A., Meir, 11, B-2000 Antwerp, Belgium.
- Deugro International Transport, Inc.—NVOCC FMC-1**  
Between: U.S. Atlantic, Gulf, Pacific and Great Lakes Ports.  
And: Worldwide Destinations.  
Date of Last Revision: 8-1-73.  
9687 Allen Avenue, Rosemont, Illinois 60018.
- Dominion International Transport, Inc.—NVOCC FMC-1**  
Between: U.S. North Atlantic Ports.  
And: Worldwide Destinations.  
Date of Last Revision: 4-20-74.  
4538 W. Fillmore Street, Chicago, Illinois 60624.
- Dundas Shipping & Trading Co., Ltd.—NVOCC FMC-1**  
From: U.S. Atlantic and Gulf.  
To: Continental Europe and United Kingdom.  
Date of Last Revision: 3-1-72.  
1 Westmont Square, Montreal, Quebec, Canada.
- Dyviships—FMC-1**  
From: U.S. Atlantic and Gulf Ports.  
To: Ports in Europe and the United Kingdom.  
Date of Last Revision: 3-8-71.  
c/o E. J. Maher, Inc., 19 Rector Street, New York, New York 10006.
- The East Asiatic Company, Ltd.—FMC-7**  
Between: British Columbia, Canada.  
And: U.S. Pacific Coast.  
Date of Last Revision: 6-15-74.  
650 California Street, San Francisco, California.
- East Coast Bermuda Line—FMC-1**  
Between: U.S. Atlantic Ports.  
And: Bermuda.  
Date of Last Revision: 4-12-72.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW., Washington, D.C. 20005.
- Econoline, Inc.—NVOCC FMC-3**  
From: Port Everglades and Miami, Florida.  
To: Republic of Panama.  
Date of Last Revision: 10-1-70.  
2929 N.W. 73rd Street, Miami, Florida 33147.
- Eddie Line—FMC-1**  
From: Atlantic and Gulf.  
To: Yokohama, Kobe and Taiwan.  
Date of Last Revision: 10-1-67.  
25 Broadway, New York, New York.
- Eddie Line—FMC-2**  
From: Taiwan, Republic of China.  
To: Atlantic, Gulf and Pacific.  
Date of Last Revision: 9-12-67.
- Ellerman & Bucknall North America Service—FMC-1**  
From: Vera Cruz, Mexico.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 10-16-70.  
c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.
- El Seis de Mayo Express, Inc.—NVOCC FMC-1**  
From: New York.  
To: Caribbean, South and Central America.  
Date of Last Revision: 11-2-72.  
765 East 149th Street, Bronx, New York 10455.
- El Viejo San Juan Moving & Shipping, Inc.—NVOCC FMC-1**  
Between: U.S. Atlantic and Gulf Ports.  
And: Dominican Republic.  
Date of Last Revision: 8-20-72.  
862 Southern Blvd., Bronx, New York 10459.
- Empresa Naviera Santa S.R. Ltda.—FMC-1**  
From: U.S. Atlantic and Gulf Ports.  
To: Ecuador, Peru and West Coast Ports of Colombia.  
Date of Last Revision: 3-23-73.  
Casilla 5246, Lima, Peru.
- Empresa Maritima Internacional S.A. (Emisa Lines)—FMC-1**  
Between: Florida.  
And: Bahamas and Caribbean.  
Date of Last Revision: 6-1-75.  
3163 NW. South River Drive, Miami, Florida 33142.
- Fabre Line—FMC-2**  
From: San Juan, Puerto Rico—U.S. South Atlantic and Gulf Ports.  
To: All Ports served on the Portuguese Coast.  
Date of Last Revision: 1-27-69.  
Compagnie Fabre-Societe Generale de Transports, Maritimes, 70-72 Rue de la Republique, Marseilles 2, France.
- Fabre Line—FMC-3**  
From: San Juan, Puerto Rico.  
To: Spanish Atlantic and all Mediterranean Sea Ports from Gibraltar including Moroccan Atlantic Ports to Port Said inclusive.  
Date of Last Revision: 10-27-69.
- Fabre Line—FMC-24**  
From: North Atlantic French Ports.  
To: U.S. Ports in the Hampton Roads/Portland, Maine Range and U.S. ports in the Great Lakes.  
Date of Last Revision: 6-08-70.
- Fabre Line—FMC-25**  
From: North Atlantic Ports.  
To: Bordeaux, France.  
Date of Last Revision: 7-15-71.
- Fahren Sud Line—FMC-2**  
Between: U.S. Atlantic and Gulf Ports.  
And: Caribbean and East Coast of Central America and Mexico.  
Date of Last Revision: 5-01-72.  
Robert J. Fearon, P.O. Box 983, Tampa, Florida 33601.
- Falmouth Steamships, Inc.—FMC-1**  
From: Atlantic and Gulf Ports.  
To: Ports in U.K., Northern Ireland, Republic of Eire and Continental Europe.  
Date of Last Revision: 2-13-73.  
Apartado 6307, Panama 4, Republic of Panama.
- Far Eastern Marine Transport Co., Ltd.—FMC-1**  
From: U.S. Pacific, Atlantic, and Gulf.  
To: Japan, Hong Kong, Korea, and Taiwan.  
Date of Last Revision: 6-10-71.  
Nine First Street, San Francisco, California 94105.
- Farrell Lines, Incorporated—FMC-31**  
From: New Zealand.  
To: Guam, M.I.  
Date of Last Revision: 1-28-76.  
One Whitehall Street, New York, New York 10004.
- Farrell Lines, Incorporated—FMC-32**  
From: Australia and New Guinea.  
To: Guam, M.I.  
Date of Last Revision: 2-18-76.
- Farrell Lines, Incorporated—FMC-27**  
From: Southwest Africa, South Africa and East Africa.  
To: Puerto Rico.  
Date of Last Revision: 11-4-75.
- Fassio Line—FMC-6**  
From: Portugal.  
To: U.S. Atlantic Coast Ports in the Portland, Maine/Miami, Florida Range.  
Date of Last Revision: 2-15-69.  
c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.
- Fassio Line—FMC-7**  
From: Mediterranean Ports (except Spanish, French, Italian and Israeli ports) from Gibraltar to Port Said and from Casablanca to Port Said, inclusive.  
To: U.S. Miami, Florida/Portland, Maine Range.  
Date of Last Revision: 8-7-69.
- Fassio Line—FMC-13**  
From: North Atlantic Ports.  
To: Portugal.  
Date of Last Revision: 8-10-71.



- Passio Line—FMC-15**  
From: North Atlantic Ports.  
To: Mediterranean Ports of France.  
Date of Last Revision: 8-13-71.
- Passio Line—FMC-16**  
From: North Atlantic Ports.  
To: All Ports (except Spanish, French, Israeli and Syrian ports) served on the Mediterranean Sea from Gibraltar to Port Said, including Adriatic ports and from Casablanca to Port Said inclusive.  
Date of Last Revision: 8-17-71.
- Federal Commerce and Navigation Company Limited—FMC-21**  
From: U.S. Gulf.  
To: East and South Africa.  
Date of Last Revision: 9-25-75.  
Stock Exchange Tower, Victoria Square, Montreal 3, Canada.
- Ferrarios Lines—FMC-2**  
From: U.S. Atlantic and Gulf Ports.  
To: West Coast Ports of Colombia, Ports in Ecuador, Peru and Chile.  
Date of Last Revision: 10-30-70.  
Aparato No. 2 Y213, Callao, Peru.
- L. Figueiredo Navegacao S.A.—FMC-7**  
From: Dominican Republic.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 12-02-75.  
c/o Dover Shipping Agency, Inc., 21 West Street, New York, New York 10006.
- Financiera Maritima De Panama, S.A.—FMC-1**  
From: U.S. Gulf Ports.  
To: Caribbean, Central and South American Ports.  
Date of Last Revision: 9-01-69.  
Captain A. Prieto, Pres., Apartado 850, Panama 1, Republic of Panama.
- Flo-Carib Corporation—FMC-2**  
Between: Atlantic and Gulf.  
And: Caribbean, East Coast Central America & North Coast of South America.  
Date of Last Revision: 3-29-74.  
2829 Bird Avenue, Miami, Florida 33133.
- Flo-Carib Corporation—FMC-3**  
From: Barranquilla, Cartagena and Santa Marta, Colombia.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 10-24-75.
- Flomerca Line—FMC-8**  
From: East Coast of Mexico.  
To: U.S. Gulf Ports.  
Date of Last Revision: 2-21-73.  
c/o Lone Star Shipping, Inc., 1318 Texas Avenue, Houston, Texas 77002.
- Flomerca Line—FMC-9**  
From: East Coast of Mexico.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 2-21-73.
- Flomerca Line—FMC-10**  
From: Miami.  
To: Guatemala, Honduras.  
Date of Last Revision: 1-17-75.
- Flomerca Line—FMC-11**  
From: East Coast Central America.  
To: Miami, Florida.  
Date of Last Revision: 2-21-73.
- Flomerca Line—FMC-16**  
Between: U.S. Atlantic and Gulf.  
And: Ports in Mexico, Central America, South America and Caribbean.  
Date of Last Revision: 4-16-73.
- Florida Lines, Ltd.—FMC-4**  
Between: U.S. Gulf and South Atlantic Ports.  
And: Venezuela and Netherland Antilles.  
Date of Last Revision: 7-31-73.  
154 N.E. 9th Street, Miami, Florida.
- Florida Lines, Ltd.—FMC-5**  
Between: Port Pierce, Miami and Tampa, Florida.  
And: Haiti.  
Date of Last Revision: 12-18-72.
- Florida Lines, Ltd.—FMC-8**  
Between: U.S. South Atlantic and Gulf Ports.  
And: Tortola, British Virgin Islands.  
Date of Last Revision: 12-18-72.
- Florida Lines, Ltd.—FMC-11**  
Between: U.S. Atlantic and Gulf Ports.  
And: Leeward and Windward Islands, Trinidad, Barbados; British, French and Netherlands Guianas.  
Date of Last Revision: 4-17-71.
- Florida Lines, Ltd.—FMC-12**  
Between: U.S. Gulf Ports (except Tampa).  
And: Haiti.  
Date of Last Revision: 10-31-73.
- Flota Mercante Grancolombiana, S.A.—FMC-14**  
From: Italy.  
To: Ports in the Virgin Islands.  
Date of Last Revision: 6-01-73.  
c/o Grancolombiana (New York), Inc., One World Trade Center, Suite 1667, New York, New York 10048.
- Flota Mercante Grancolombiana, S.A.—FMC-15**  
From: Marseilles, France.  
To: Ports in the Virgin Islands.  
Date of Last Revision: 6-01-73.
- Flota Mercante Grancolombiana, S.A.—FMC-16**  
From: Spain.  
To: U.S. Virgin Islands.  
Date of Last Revision: 6-01-73.
- Flota Mercante Grancolombiana, S.A.—FMC-19**  
From: Portugal.  
To: U.S. Virgin Islands.  
Date of Last Revision: 6-01-73.
- Flotia Lauro Naples—FMC-10**  
From: LaGualra, Venezuela, and Cristobal, Panama.  
To: Puerto Rico and U.S. Gulf Ports.  
Date of Last Revision: 9-5-70.  
Cristoforo Colombo, 45, 80133 Naples, Italy.
- Flotia Lauro Naples—FMC-12**  
From: Gulf and Puerto Rico.  
To: South America and Panama.  
Date of Last Revision: 6-27-75.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW, Washington, D.C. 20005.
- Flotia Lauro Naples—FMC-16**  
From: Mexican Gulf Ports.  
To: U.S. Gulf Ports.  
Date of Last Revision: 10-17-70.  
Cristoforo Colombo, 45, 80133 Naples, Italy.
- Flotia Lauro Naples—FMC-17**  
From: U.S. Gulf, South Atlantic, and Puerto Rico.  
To: Portuguese, Spanish, Mediterranean, and Black Sea Ports.  
Date of Last Revision: 9-5-74.
- Flotia Lauro Naples—FMC-20**  
Between: Ports in Yugoslavia.  
And: Ports in Puerto Rico.  
Date of Last Revision: 3-22-74.
- Flotia Lauro Naples—FMC-21**  
Between: Spanish Atlantic Ports.  
And: Puerto Rico.  
Date of Last Revision: 1-31-72.
- Forest Lines—FMC-3**  
From: U.S. Atlantic and Gulf.  
To: Australia.  
Date of Last Revision: 4-1-75.  
c/o International Navigation Limited, P.O. Box 4608—Suite 308, Austin T. Levy Building, East Bay Street, Nassau, Bahamas.
- Forest Lines—FMC-6**  
From: Africa.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 4-15-74.
- Forest Lines—FMC-7**  
From: U.S. Atlantic and Gulf.  
To: Japan, Korea, Taiwan, Hong Kong, Philippines, Viet Nam, Cambodia, China.  
Date of Last Revision: 4-20-74.
- Fort Nassau, Inc.—FMC-2**  
Between: Florida.  
And: Ecuador.  
Date of Last Revision: 11-18-75.
- c/o Chester, Blackburn & Roder, Inc., P.O. Box 1470, Miami, Florida 33101.**  
**Foursome Shipping Corporation—FMC-1**  
Between: U.S. Atlantic, Gulf, Great Lakes, and Pacific.  
And: Japan, South Korea, Taiwan, Hong Kong, South Vietnam, Philippines, Malaysia, Thailand, Indonesia, East Pakistan, and East Coast of India.  
Date of Last Revision: 2-1-70.  
80 Broad Street, Monrovia, Liberia.
- Freight & Chartering Co., Ltd.—FMC-1**  
Between: Puerto Rico, Virgin Islands.  
And: Dominican Republic, Colombia, Venezuela, Caribbean Islands.  
Date of Last Revision: 3-16-75.  
Box 5824, San Juan, Puerto Rico 00906.
- French Line—FMC-9**  
From: Peru and Chile.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 9-30-74.  
Compagnie General Transatlantique, 555 Fifth Avenue, New York, New York 10017.
- French Line—FMC-14**  
From: Puerto Rico, St. Thomas, and St. Croix.  
To: European Ports.  
Date of Last Revision: 7-21-75.  
6 Rue Amber, Paris, France.
- French Line—FMC-15**  
From: U.S. Pacific Coast Ports.  
To: Bermuda.  
Date of Last Revision: 10-1-72.  
Compagnie General Transatlantique, 555 Fifth Avenue, New York, New York 10017.
- French Line—FMC-16**  
Between: Ports in California and Oregon.  
And: Victoria and Vancouver, Canada.  
Date of Last Revision: 3-8-74.
- French Line—FMC-20**  
From: San Juan, Puerto Rico.  
To: Martinique, Guadeloupe, Dominican Republic, Haiti, Jamaica, Honduras, Guatemala.  
Date of Last Revision: 4-16-74.
- French Line—FMC-21**  
From: Puerto Rico and Virgin Islands.  
To: Atlantic Ports of Colombia, Canal Zone, and West Coast of South America.  
Date of Last Revision: 5-20-74.
- French Line—FMC-18**  
From: British Columbia, Canada.  
To: Hawaii.  
Date of Last Revision: 6-14-72.
- Ira Furman—NVOCC FMC-1**  
From: U.S. Atlantic and Gulf Ports.  
To: Bordeaux/Hamburg Range, Copenhagen, Piraeus, London-Southampton Range, Oslo, Stockholm, Savona-Naples Range.  
Date of Last Revision: 6-29-74.  
120-65 168th Street, Jamaica, New York 11434.
- Furness Warren Lines—FMC-2**  
From: U.S. Atlantic Ports.  
To: Bermuda and Nassau.  
Date of Last Revision: 7-1-74.  
c/o Furness Withy Agencies (USA), Five World Trade Center, Suite 7411, New York, New York 10048.
- Furness Warren Lines—FMC-3**  
From: Halifax, N.S.  
To: Boston, Massachusetts.  
Date of Last Revision: 6-15-71.  
c/o Furness Withy & Co., Ltd., Wheelwright House, 157 Regent Road, Liverpool L5 9YP, England.
- Furness Warren Lines—FMC-3**  
From: U.S. Atlantic Ports.  
To: Ports in England, Scotland, Wales, and Ireland.  
Date of Last Revision: 4-11-74.
- Furness Warren Line—FMC-18**  
From: St. John's, New Foundland.  
To: Boston, Massachusetts.  
Date of Last Revision: 6-15-71.
- G.A.T.P. Maritime Transport Limited—FMC-1**



- Between: South Atlantic, Gulf.  
And: Caribbean, Central America, and South America.  
Date of Last Revision: 5-2-75.  
3251 West Okeechobee Road, Hialeah, Florida 33012.
- General Shipping Co., Inc.—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports of Guatemala, Honduras, British Honduras.  
Date of Last Revision: 1-17-74.  
P.O. Box 2538, Tampa, Florida.
- Gerard Pierre Shipping Line, Inc.—FMC-1  
Bill of Lading, Rules, and Regulations Tariff.  
Date of Last Revision: 5-71-72.  
c/o Mr. Raymond T. Greene, V.P., Miami Ship Services, Inc., 615 S.W. 2nd Avenue, Miami, Florida 33130.
- Gerard Pierre Shipping Line, Inc.—FMC-2  
Between: Ports in Florida.  
And: Ports in Dominican Republic and Haiti.  
Date of Last Revision: 5-21-72.
- Geruella Shipping Company, Ltd.—FMC-1  
Between: Ports in Florida.  
And: Ports in Cayman Islands, Jamaica, Turks Islands.  
Date of Last Revision: 3-7-71.  
c/o Chester, Blackburn & Roder, Inc., 1040 Biscayne Blvd., Miami, Florida 33132.
- Golden Cross Lakes Line, Ltd.—FMC-3  
From: U.K. and Continental European Ports.  
To: U.S. Great Lakes and St. Lawrence River Ports.  
Date of Last Revision: 5-5-74.  
c/o Furness Withy & Co., Ltd., Five World Trade Center, Suite 7411, New York, New York 10048.
- Golden Cross Lakes Line, Ltd.—FMC-4  
From: U.S. Great Lakes and St. Lawrence River Ports.  
To: Ports in the U.K. and Continental European Ports.  
Date of Last Revision: 4-14-74.
- Grancolombiana Line—FMC-7  
From: Puerto Cortez, Honduras.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 12-29-85.
- Grancolombiana (New York) Inc., One World Trade Center, Suite 1667, New York, New York 10048.
- Grancolombiana Line—FMC-13  
From: Ecuador.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 5-25-86.
- Grancolombiana Line—FMC-21  
From: East Coast of Costa Rica.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 11-20-73.
- Grand Trans-Pacific Corporation—FMC-2  
Between: Guam.  
And: Japan, Korea, Okinawa, and other Trust Territory Ports.  
Date of Last Revision: 12-15-74.  
c/o International Tariff Services, Inc., 815 15th Street NW., Suite 538, Washington, D.C. 20005.
- Great Eastern Line—FMC-2  
From: U.S. Pacific.  
To: Far East.  
Date of Last Revision: 6-12-68.  
c/o General Steamship Corporation Ltd., One Bush Street, San Francisco, California 94104.
- Gulf Navigation Corporation—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: Haiti, Dominican Republic, Jamaica, and other Caribbean Ports.  
Date of Last Revision: 4-1-72.  
Apartado 850, Panama 1, Panama.
- Harbrow Maritime International, Inc.—FMC-1  
Between: Miami, Florida.  
And: The Bahama Islands.  
Date of Last Revision: 6-16-74.  
P.O. Box 014454, Miami, Florida 33101.
- Hansa Line—FMC-17  
From: U.S. Great Lakes.  
To: Persian Gulf.  
Date of Last Revision: 11-1-72.  
c/o F. W. Hartmann & Co., Inc., 17 Battery Place.  
New York, New York 10004.
- Hanseatic-Vanasa Line—FMC-1  
From: British Columbia, Canada.  
To: Hawaii, U.S.A.  
Date of Last Revision: 4-12-75.  
c/o Williams, Dimond & Co., 215 Market Street, San Francisco, California 94105.
- Hapag-Lloyd AG—FMC-43  
From: Spain, Portugal, Mediterranean Ports, East Africa, Canary Islands, and Southwest Africa.  
To: San Juan and Mayaguez, Puerto Rico.  
Date of Last Revision: 3-30-75.  
Aktiengesellschaft AG, Ballindamm 25, 2 Hamburg 1, Germany.
- Hapag-Lloyd AG—FMC-24  
From: Miami and Port Everglades, Florida.  
To: Antwerp, Ghent, Rotterdam, Amsterdam, Bremen, Bremerhaven, and Hamburg.  
Date of Last Revision: 3-3-71.
- Hapag-Lloyd AG—FMC-78  
From: East Africa.  
To: U.S. Great Lakes.  
Date of Last Revision: 9-1-70.
- Hapag-Lloyd AG—FMC-80  
From: Georgetown, South Carolina.  
To: Hamburg.  
Date of Last Revision: 9-1-70.
- Hapag-Lloyd AG—FMC-88  
From: India and Thailand.  
To: Puerto Rico.  
Date of Last Revision: 12-17-73.
- Hapag-Lloyd AG—FMC-101  
From: U.S. Pacific Coast Ports.  
To: Bermuda.  
Date of Last Revision: 10-01-72.
- Hapag-Lloyd AG—FMC-102  
Between: California and Oregon.  
And: Victoria and Vancouver, B.C. Canada.  
Date of Last Revision: 04-29-74.
- Hapag-Lloyd AG—FMC-104  
From: British Columbia, Canada.  
To: Hawaii.  
Date of Last Revision: 06-14-72.
- Harrison Line—FMC-4  
From: Gulf.  
To: Nassau, Bahamas.  
Date of Last Revision: 08-04-75.  
c/o Phillips—Pan Inc., 1642 International Trade Mart, New Orleans, Louisiana 70130.
- Harrison Line—FMC-7  
From: U.S. Gulf Ports.  
To: Continental European Ports in the Bordeaux/Hamburg and Scandinavia/Baltic Ranges.  
Date of Last Revision: 11-20-75.  
Mersey Chambers, Liverpool 2, England.
- Thos. & Jas. Harrison, Ltd.—FMC-1  
From: Tampico, Veracruz, and Coatzacoalcas, Mexico.  
To: U.S. Gulf Ports, Brownsville, Texas to Tampa, Florida.  
Date of Last Revision: 08-04-75.
- c/o Phillips—Pan Inc., 1642 International Trade Mart, New Orleans, Louisiana 70130.
- Thos. & Jas. Harrison, Ltd.—FMC-2  
From: Belize, British Honduras.  
To: U.S. Gulf Ports, Brownsville, Texas to Tampa, Florida.  
Date of Last Revision: 08-04-75.
- Thos. & Jas. Harrison, Ltd.—FMC-3  
From: Puerto Barrios and Santo Tomas, Guatemala.  
To: U.S. Gulf Ports, Brownsville, Texas to Tampa, Florida.  
Date of Last Revision: 08-04-75.
- Thos. & Jas. Harrison, Ltd.—FMC-6  
From: Barranquilla and Cartagena, Colombia.  
To: U.S. Gulf Ports, Brownsville, Texas to Tampa, Florida.  
Date of Last Revision: 08-04-75.
- Haylock Shipping Co., Ltd.—FMC-1  
From: Atlantic and Gulf.  
To: East Coast Central America.  
Date of Last Revision: 11-13-75.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW., Washington, D.C. 20005.
- Hellenic Lines Limited—FMC-3  
From: U.S. Great Lakes and St. Lawrence Seaway.  
To: India, Pakistan, Ceylon, and Burma.  
Date of Last Revision: 12-01-74.  
39 Broadway, New York, New York 10006.
- Hellenic Lines Limited—FMC-8  
From: U.S. Great Lakes and St. Lawrence Seaway.  
To: Persian Gulf.  
Date of Last Revision: 06-13-73.
- Hellenic Lines Limited—FMC-9  
From: U.S. Great Lakes and St. Lawrence Seaway.  
To: Red Sea and Gulf of Aden.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-10  
From: West Coast of India and Pakistan.  
To: U.S. Great Lakes and St. Lawrence River.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-11  
From: U.S. Great Lakes and St. Lawrence Seaway Ports.  
To: Mediterranean Ports of Europe, Africa, and Asia (including Black Sea Ports) and Atlantic Coast Ports including but not South of Casablanca.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-12  
From: U.S. Pacific.  
To: India, Pakistan, Ceylon, Greece, Italy, Mediterranean, Egypt, Lebanon, and Romania.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-13  
From: East Coast of India and Bangladesh.  
To: U.S. Great Lakes and St. Lawrence River.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-18  
From: Canneto Lipari, Italy.  
To: North Atlantic Ports of the U.S. in the Hampton Roads/Portland, Maine Range except Boston.  
Date of Last Revision: 12-1-74.
- Hellenic Lines Limited—FMC-23  
From: West Coast of India and Pakistan.  
To: Puerto Rico.  
Date of Last Revision: 6-13-73.
- Hoegh Lines—FMC-10  
From: U.S. Atlantic, Gulf, and Great Lakes.  
To: Red Sea and Gulf of Aden.  
Date of Last Revision: 8-15-73.  
Five World Trade Center, Suite 617, New York, New York 10048.
- Hoegh Lines—FMC-11  
From: U.S. Atlantic, Gulf, and Great Lakes.  
To: India, Pakistan, Ceylon, and Burma.  
Date of Last Revision: 3-12-75.
- Hoegh Lines—FMC-13  
From: South and East Africa including the offshore Islands.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 8-15-73.
- Hoegh Lines—FMC-15  
From: Thailand.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 4-7-74.
- Hoegh Lines—FMC-16  
From: West Coast of India.  
To: U.S. Great Lakes.  
Date of Last Revision: 8-15-73.
- Hoegh Lines—FMC-17  
From: Ceylon.



- To: U.S. Great Lakes.  
Date of Last Revision: 8-15-73.  
Hoegh Lines—FMC-18  
From: Singapore and Malaysia.  
To: U.S. Great Lakes.  
Date of Last Revision: 4-7-74.  
Hoegh Lines—FMC-19  
From: Thailand.  
To: U.S. Great Lakes.  
Date of Last Revision: 4-7-74.  
Hoegh Lines—FMC-20  
From: Indonesia.  
To: U.S. Great Lakes.  
Date of Last Revision: 4-7-74.  
Horn Line—FMC-4  
From: San Juan, Puerto Rico.  
To: Aruba, Curacao, Trinidad, Jamaica, Venezuela, and Atlantic Colombian Ports.  
Date of Last Revision: 9-25-70.  
Baumali 3, 2 Hamburg 11, Germany.  
Horst Lines, Inc.—NVOCC FMC-1  
Between: Miami, Florida.  
And: Costa Rica, Guatemala, Nicaragua, El Salvador, and Honduras.  
Date of Last Revision: 8-15-68.  
c/o Harold C. Breuel, 1206 Alfred I. DuPont Building, Miami, Florida 33131.  
Hycar Lines, S.A.—FMC-18  
From: All Mediterranean, Spanish and Portuguese Ports.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 2-1-74.  
Kahn Scheepvaart B.V., Haringvliet 100, Rotterdam, The Netherlands.  
Hycar Lines, S.A.—FMC-24  
From: U.S. Great Lakes, and St. Lawrence River Ports.  
To: Ports of the Antwerp/Hamburg Range, United Kingdom, France, Atlantic Ports of the Iberian Peninsula inclusive Portugal and Spain Scandinavian and Baltic Ports inclusive Denmark, Norway, Sweden Finland.  
Date of Last Revision: 2-15-74.  
Independent Continental Service, 27 Rue de Petillot, Geneva, Switzerland.  
Hycar Lines, S.A.—FMC-25  
From: Swedish, Danish, Finnish, and Norwegian Ports.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 6-5-74.  
Kahn Scheepvaart B.V., Haringvliet 100, Rotterdam, The Netherlands.  
Hycar Lines, S.A.—FMC-26  
From: Ports in the Bordeaux/Hamburg Range.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 6-5-74.  
Hyundai International, Inc. (Korea Atlas Lines)—FMC-1  
Between: U.S. Atlantic, Gulf, and Pacific.  
And: Japan, Hong Kong, Korea, Taiwan, and South Vietnam.  
Date of Last Revision: 6-6-69.  
c/o C. R. Nickerson, Agent, 450 Mission Street, San Francisco, California 94105.  
Iberusa Line—FMC-2  
From: U.S. Atlantic Ports.  
To: Western Mediterranean Ports.  
Date of Last Revision: 8-14-75.  
Ayda, Generalissimo 73-A, 8, Madrid, Spain.  
Iberusa Line—FMC-3  
From: Western Mediterranean and European Atlantic Ports.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 8-7-75.  
Iberusa Line—FMC-4  
From: Atlantic Ports of the U.S.  
To: European Atlantic Ports in the Bordeaux, France/Cadiz, Spain Range, and the Canary Islands.  
Date of Last Revision: 8-25-75.  
Iberusa Line—FMC-5  
From: Atlantic Ports of the U.S.  
To: Northern European Ports and the U.K.  
Date of Last Revision: 8-24-75.  
Iceland Steamship Co., Ltd.—FMC-7  
Between: The Port of New York.  
And: Ports in Iceland.  
Date of Last Revision: 7-29-74.  
c/o A. L. Burbank & Co., Ltd., Suite 622, Law Building, Norfolk, Virginia 23510.  
Incan Ships Limited—FMC-1  
Between: Argentina, Newfoundland, and Halifax, Nova Scotia.  
And: Boston and Gloucester, Massachusetts.  
Date of Last Revision: 2-6-75.  
3, Place Ville Marie, Suite 622, Montreal, Quebec, Canada H3B 2E3.  
Independent Gulf Lines—FMC-21  
From: Continental Europe in the Le Havre/Hamburg Range.  
To: U.S. South Atlantic Ports between Cape Hatteras and Key West, Florida with the exception of Port Everglades and Miami.  
Date of Last Revision: 9-1-73.  
c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.  
Independent Gulf Lines—FMC-22  
From: Continental Ports in the Le Havre/Hamburg Range.  
To: U.S. Gulf Ports including Port Everglades and Miami, Florida.  
Date of Last Revision: 10-13-73.  
Independent Gulf Lines—FMC-23  
From: Great Britain and Northern Ireland, Erie.  
To: Gulf of Mexico Ports of the U.S. ranging from Key West, Florida to Brownsville, Texas.  
Date of Last Revision: 7-1-72.  
Inco Lines, Ltd.—FMC-3  
From: U.S. Atlantic and Gulf Ports.  
To: East and West Coasts Central America, Colombia, Islands of Atlantic, East and West South America, Venezuela and Netherlands Antilles.  
Date of Last Revision: 3-23-73.  
420 Lexington Avenue, New York, New York 10017.  
Inter-American Lines, Inc.—FMC-8  
From: Mexican Gulf Ports.  
To: U.S. Gulf and South Atlantic.  
Date of Last Revision: 4-7-71.  
240 NE. 2d Avenue, Miami, Florida 33132.  
Inter-American Lines, Inc.—FMC-9  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Colombia.  
Date of Last Revision: 9-2-71.  
Inter-American Lines, Inc.—FMC-11  
Between: U.S. Atlantic and Gulf Ports.  
And: East Coast Ports of Costa Rica.  
Date of Last Revision: 11-10-72.  
Inter-American Lines, Inc.—FMC-12  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Honduras, Guatemala, British Honduras.  
Date of Last Revision: 1-8-73.  
Inter-American Lines, Inc.—FMC-14  
Between: U.S. Atlantic and Gulf Ports.  
And: San Andres Isla, Colombia.  
Date of Last Revision: 2-15-73.  
Inter-American Lines, Inc.—FMC-16  
Between: Miami.  
And: Panama.  
Date of Last Revision: 11-1-75.  
c/o Inter-American Shipping Corp., International Trade Mart Building, New Orleans, Louisiana, 70130.  
Inter-American Lines, Inc.—FMC-17  
Between: U.S. Atlantic and Gulf Ports (except Miami, Florida).  
And: Republic of Panama.  
Date of Last Revision: 10-18-74.  
240 NE. 2d Avenue, Miami, Florida, 33132.  
Inter-American Lines, Inc.—FMC-18  
Between: U.S. Atlantic and Gulf Ports (except Miami, Florida).  
And: Santo Domingo, D.R.  
Date of Last Revision: 11-5-74.  
Inter-American Lines, Inc.—FMC-19  
Between: U.S. Atlantic and Gulf Ports (except Miami, Florida).  
And: Port au Prince, Haiti.  
Date of Last Revision: 11-10-74.  
Inter-American Lines, Inc.—FMC-20  
Between: U.S. Atlantic and Gulf Ports (except Miami, Florida).  
And: Kingston, Jamaica.  
Date of Last Revision: 11-28-74.  
Inter-American Shipping Corporation—FMC-2  
Between: U.S. Florida Ports.  
And: Ports in Guatemala, Honduras, British Honduras.  
Date of Last Revision: 3-11-70.  
1001 Port Boulevard, Miami, Florida 33132.  
Inter-American Shipping Corporation—FMC-5  
From: U.S. Atlantic and Gulf Ports.  
To: San Andres Islas, Colombia.  
Date of Last Revision: 3-11-70.  
Inter-American Shipping Corporation—FMC-6  
Between: U.S. Atlantic and Gulf Ports.  
And: Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, Mexico.  
Date of Last Revision: 3-11-70.  
Inter-American Shipping Corporation—FMC-7  
Between: U.S. Florida Ports.  
And: Cayman Islands, Turks Islands, Cocos Islands.  
Date of Last Revision: 10-16-68.  
Inter-American Shipping Corporation—FMC-10  
Between: Galveston, Houston, New Orleans, Baton Rouge.  
And: Republic of Panama.  
Date of Last Revision: 2-26-71.  
Inter-American Shipping Corporation—FMC-11  
From: Costa Rica and Nicaragua.  
To: U.S. Atlantic, Gulf and Puerto Rican Ports.  
Date of Last Revision: 4-9-73.  
Interasia Lines, Ltd.—FMC-6  
From: U.S. Gulf R.R. Terminals (via U.S. Pacific Ports).  
To: Singapore and Malaysia.  
Date of Last Revision: 8-2-75.  
c/o Pacific Coast Tariff Bureau, Agent, 450 Mission Street, San Francisco, California 94105.  
Intercontinental Trading Corp.—FMC-3  
Between: U.S. Pacific and Hawaii.  
And: Trust Territory of the Pacific.  
Date of Last Revision: 9-13-74.  
c/o Windom L. Havens, President, P.O. Box 716, Lake Oswego, Oregon 97034.  
Intercontinental Transport (ICT) B.V.—FMC-6  
From: South Atlantic.  
To: Vera Cruz and Coahuila, Mexico.  
Date of Last Revision: 6-13-75.  
c/o Biehl and Company, 416 Common Street, New Orleans, Louisiana 70130.  
Intercontinental Transport (ICT) B.V.—FMC-19  
From: Vera Cruz, Tampico and Coahuila (Puerto Mexico), Mexico.  
To: South Atlantic Ports in U.S. Wilmington, North Carolina to Savannah, Georgia.  
Date of Last Revision: 6-13-75.  
Intercontinental Transport (ICT) B.V.—FMC-20  
From: Hamilton, Bermuda.  
To: U.S. Gulf of Mexico and South Atlantic in the Brownsville, Texas/Charleston, South Carolina Range.  
Date of Last Revision: 6-13-75.  
International Export Packers, Inc.—NOVOCC FMC-7  
From: U.S. East and Gulf Coast Ports.  
To: East Coast of South America.  
Date of Last Revision: 12-1-75.



- 5360 Eisenhower Avenue, Alexandria, Virginia 22304.  
International Trailerline Inc.—NVOCC FMC-1  
Between: Miami, Florida; New York, New York.  
And: Ports in the Caribbean, Central and South America.  
Date of Last Revision: 1-22-73.  
One World Trade Center, Suite 1029, New York, New York 10048.  
Interocean International Service Corp.—FMC-1 (NVOCC)  
From: U.S. North and South Atlantic and Gulf Ports.  
To: Various European Ports.  
Date of Last Revision: 6-6-74.  
P.O. Box 185, Uptown Station, Hoboken, New Jersey 07030.  
Iran Express Lines—FMC-3  
From: Red Sea, Persian Gulf and Gulf of Aden.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 8-27-75.  
c/o Ulterwyk Corporation, 3105 West Waters Avenue, Tampa, Florida 33614.  
Iran Express Lines—FMC-4  
From: Ceylon.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 11-23-74.  
Ivan Lines—FMC-4  
From: U.S. Great Lakes Ports.  
To: Brazil, Argentina, Uruguay and Paraguay.  
Date of Last Revision: 10-27-70.  
c/o United States Navigation, Inc., 17 Battery Place, New York, New York 10004.  
Ivan Lines—FMC-5  
From: Haiti.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 5-27-72.  
Ivan Lines—FMC-6  
From: Atlantic and Gulf.  
To: Leeward and Windward Islands, Trinidad, Barbados, Guianas.  
Date of Last Revision: 5-27-75.  
Jackson's Enterprises—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: Caribbean and Gulf Ports of Mexico and Central America.  
Date of Last Revision: 7-1-63.  
French Harbour Roatan, Republic de Honduras, Central America.  
Japan Line, Ltd.—FMC-9  
From: Hong Kong.  
To: Puerto Rico and Virgin Islands.  
Date of Last Revision: 3-1-74.  
c/o Japan Line (New York) Services Ltd., One World Trade Center, Suite 2811, New York, New York 10048.  
Japan Reifer Carrier Co. Ltd.—FMC-1  
From: Japan.  
To: U.S. Pacific and Atlantic.  
Date of Last Revision: 2-7-74.  
c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.  
Jean Associates—FMC-1  
Between: Fraser-Surrey Terminal, Surrey, B.C. Canada.  
And: Points in Alaska.  
Date of Last Revision: 12-1-75.  
c/o Bruce Webb, 1135 West 8th Street, Suite 7, Anchorage, Alaska 99150.  
Jugoslavenska Oceanska Plovidba—FMC-39  
From: Moroccan, Tunisian Ports, and Marseilles, France.  
To: U.S. Ports North of Cape Hatteras.  
Date of Last Revision: 9-23-75.  
c/o Crossocean Shipping Co., Inc., One World Trade Center, New York, New York 10048.  
Jugoslavenska Oceanska Plovidba—FMC-5  
From: U.S. Great Lakes and St. Lawrence River Ports.  
To: All Ports served on the Mediterranean Sea from Gibraltar to Port Said, including Adriatic and Gulf of Taranto Ports and from Casablanca to Port Said, inclusive.  
Date of Last Revision: 6-08-70.  
Jugoslavenska Oceanska Plovidba, Kotor Jugoslavenska Line, c/o Gulf Coast Shipping Corp., 1426 International Trade Mart, New Orleans, Louisiana 70130.  
Jugoslavenska Oceanska Plovidba—FMC-6  
From: North Atlantic Ports.  
To: All Ports served on the Mediterranean Sea from Gibraltar to Port Said, including Adriatic and Gulf of Taranto Ports and from Casablanca to Port Said, inclusive.  
Date of Last Revision: 6-08-70.  
Jugoslavenska Oceanska Plovidba—FMC-10  
From: Yugoslav, Adriatic, East Mediterranean, Black Sea, and North Africa Ports.  
To: U.S. Gulf of Mexico and South Atlantic Ports, Ports on North Atlantic.  
c/o Gulf Coast Shipping Corp., 1900 ITM Building, New Orleans, Louisiana 70130.  
Kambara Kisen Co., Ltd.—FMC-2  
Between: Guam.  
And: Japan.  
Date of Last Revision: 8-01-74.  
Kambara Bldg. 2-9, Ichibancho, Chiyoda-ku, Tokyo, Japan.  
Kambara Kisen Co., Ltd.—FMC-3  
Between: Guam.  
And: Papua-New Guinea and Solomon Islands.  
Date of Last Revision: 9-01-74.  
Kaps Transport Ltd.—FMC-1  
Between: Hay River, NWT; Normar Wells, NWT.  
And: Arctic Coast of Alaska.  
Date of Last Revision: 7-25-75.  
9303-51 Ave., Edmonton, Alberta, Canada.  
Karlander Kangaroo Line—FMC-4  
From: South Sea Islands.  
To: U.S. Pacific and Hawaii.  
Date of Last Revision: 9-01-74.  
c/o Transpacific Transportation Company, 650 California Street, San Francisco, California 94108.  
Karlander Kangaroo Line—FMC-5  
From: New Zealand.  
To: U.S. Pacific and Hawaii.  
Date of Last Revision: 8-08-73.  
Karlander Kangaroo Line—FMC-7  
From: Australia.  
To: U.S. Pacific and Hawaii.  
Date of Last Revision: 8-08-74.  
"K" Line—FMC-20  
From: East Coast of Mexico, Guatemala, Honduras, British Honduras, Nicaragua, Costa Rica, and Panama.  
To: U.S. Atlantic.  
Date of Last Revision: 2-01-66.  
c/o "K" Line—Kerr Corporation, 90 Washington Street, New York, New York 10006.  
"K" Line—FMC-27  
From: Eastern and Great Lakes Canadian Ports.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 3-06-72.  
Kawasaki Kisen Kaisha, Ltd.—FMC-4  
From: Alaska.  
To: Japan, Korea, and Hong Kong.  
Date of Last Revision: 5-9-75.  
c/o K Line—Kerr Corporation, One California Street, San Francisco, California 94111.  
Kawasaki Kisen Kaisha, Ltd.—FMC-8  
From: Japan.  
To: Guam.  
Date of Last Revision: 8-31-71.  
c/o "K" Line New York, Inc., 90 Washington Street, New York, New York 10006.  
Kawasaki Kisen Kaisha, Ltd.—FMC-11  
From: Australia and New Guinea.  
To: U.S. Pacific and Hawaii.  
Date of Last Revision: 1-19-75.  
c/o K Line—Kerr Corporation, One California Street, San Francisco, California 94111.  
Kawasaki Kisen Kaisha, Ltd.—FMC-14  
From: Puerto Rico.  
To: Ports on West Coast of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Canal Zone, Panama, Caribbean Ports, and Venezuela.  
Date of Last Revision: 3-6-72.  
c/o Kerr Steamship Company, Inc., 90 Washington Street, New York, New York 10006.  
Kawasaki Kisen Kaisha, Ltd.—FMC-19  
From: Australia and New Guinea.  
To: U.S. Atlantic, Gulf, Great Lakes, Puerto Rico, and Virgin Islands.  
Date of Last Revision: 9-15-75.  
c/o "K" Line New York, Inc., 90 Washington Street, New York, New York 10006.  
Kawasaki Kisen Kaisha, Ltd.—FMC-25  
Between: Panama and Port-au-Prince.  
And: U.S. Atlantic, Gulf, and Great Lakes Ports.  
Date of Last Revision: 3-6-72.  
c/o Kerr Steamship Company, Inc., 90 Washington Street, New York, New York 10006.  
Kawasaki Kisen Kaisha, Ltd.—FMC-34  
From: Philippines.  
To: U.S. Great Lakes.  
Date of Last Revision: 8-28-71.  
c/o "K" Line New York, Inc., 90 Washington Street, New York, New York 10006.  
Kawasaki Kisen Kaisha, Ltd.—FMC-59  
From: Singapore and W. Malaysia.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 12-11-75.  
c/o K Line—Kerr Corporation, 90 Washington Street, New York, New York 10006.  
Kimberly Navigation Co., Ltd.—FMC-1  
Between: U.S. Great Lakes, Puerto Rico, Virgin Islands, Atlantic and Gulf Ports.  
And: Leeward and Windward Islands, Trinidad, Barbados, Netherlands, Guianas, and Brazilian Ports.  
Date of Last Revision: 4-4-72.  
c/o Kersten Shipping Agency, Inc., 52 Broadway, New York, New York 10004.  
Kimberly Navigation Co., Ltd.—FMC-2  
Between: U.S. Atlantic, Gulf, and Puerto Rico.  
And: Dominican Republic.  
Date of Last Revision: 7-22-70.  
Kimberly Navigation Co., Ltd.—FMC-3  
Between: U.S. Atlantic, and Gulf Ports.  
And: Nassau and Freeport, Bahama Islands.  
Date of Last Revision: 6-19-71.  
Kimberly Navigation Co., Ltd.—FMC-4  
Between: Halifax, Nova Scotia, and San Juan, Puerto Rico.  
Date of Last Revision: 10-9-70.  
Kirk Trader Co., Ltd.—FMC-3  
From: U.S. South Atlantic and Gulf Ports.  
To: Cayman Islands, British Honduras, Calcos Islands, Haiti, Honduras, Jamaica, Mexico (East Coast), Nicaragua (East Coast), Turks Islands.  
Date of Last Revision: 10-28-73.  
Cayman Brac, Grand Cayman, B.W.I.  
Kirkpride Shipping Co., Ltd.—FMC-1  
Between: Miami and Tampa.  
And: Cayman Islands and Turks and Caicos Islands, West Indies.  
Date of Last Revision: 2-26-75.  
c/o Kirkconnel Shipping Co., Inc., P.O. Box 7174, Tampa, Florida 33603.  
Kitagawa Sangyo Kaisha Co., Ltd.—FMC-1  
Between: Guam.  
And: Philippines, Hong Kong, Taiwan, and Okinawa.  
Date of Last Revision: 7-20-72.  
No. 601, Shizuka Building, 603-chome, Utsuboham-machi, Nishi-ku, Osaka, Japan.



Kintagawa Sangyo Kalun Co., Ltd.—FMC-2  
Between: Guam.  
And: Japan.  
Date of Last Revision: 7-20-72.

Klosters Rederi A/S—FMC-8  
Between: Florida.  
And: Caribbean Ports, East Coast of Central America, Mexico, Venezuela and East Coast Colombia.  
Date of Last Revision: 4-7-74.  
c/o International Tariff Services, Inc., 815 Fifteenth Street, NW., Suite 538, Bowen Building, Washington, D.C. 20005.

Koectug Line—FMC-2  
From: All Ports in the Mediterranean Sea (excluding Israel) on the Sea of Marmara, The Black Sea and on the Atlantic Coast of Morocco and Spain.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 08-31-72.  
Post Office Box 884—Karakoy, Istanbul, Turkey.

Koninklijke Nedlloyd—FMC-1  
From: Cristobal, Canal Zone.  
To: U.S. Atlantic and Gulf Coast.  
Date of Last Revision: 3-13-75.  
c/o Royal Netherlands Steamship Company, P.O. Box 5014, Cristobal, Canal Zone.

Kroninklijke Nedlloyd (Nedlloyd Inc.)—FMC-11  
From: Mexican Gulf Ports.  
To: U.S. Gulf Ports.  
Date of Last Revision: 11-30-75.  
c/o Nedlloyd Inc., Five World Trade Center, Suite 617, New York, New York 10048.

Koninklijke Nedlloyd B.V.—FMC-19  
From: Thailand.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 3-20-75.

Koninklijke Nedlloyd B.V.—FMC-53  
From: U.S. Atlantic and Gulf.  
To: Australia, New Zealand and South Sea Islands.  
Date of Last Revision: 5-25-73.

Korea United Lines, Inc.—FMC-1  
From: U.S. Gulf.  
To: Korea.  
Date of Last Revision: 2-25-76.  
c/o Gannett Freighting, Inc., 39 Broadway, New York, New York 10006.

Kyosel Kisen Kabushiki Kaisha (Kyosel Steamship Co., Ltd.)—FMC-1  
From: Japan and Korea.  
To: U.S. Pacific, Alaska and Hawaii.  
Date of Last Revision: 8-25-73.  
P.O. Box Kobe Part 614, Kobe 651-01, Japan.

Kyosel Kisen Kabushiki Kaisha—FMC-2  
From: Taiwan and Hong Kong.  
To: U.S. Pacific and Alaska.  
Date of Last Revision: 8-25-73.

Kyosel Kisen Kabushiki Kaisha—FMC-3  
From: Taiwan.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 9-7-73.

L & T Line—FMC-1  
Between: Hong Kong, Taiwan and Far Eastern Ports.  
And: Guam.  
Date of Last Revision: 1-5-75.  
P.O. Box 7892, Tamuning, Guam.

Lakes Shipping & Trading Corp.—FMC-1  
From: U.K., Germany, The Netherlands, Belgium and France.  
To: U.S. North Atlantic Ports.  
Date of Last Revision: 6-24-75.  
180 No. LaSalle Street, Suite 3300, Chicago, Illinois 60601.

Las Islas, The Islands Line—NVOCC FMC-2  
From: U.S. South Atlantic, Mississippi River and Gulf Ports.  
To: British Honduras, Guatemala, Dominican Republic, Haiti, Leeward Islands, Windward Islands and Netherland Antilles.

Date of Last Revision: 6-15-73.  
P.O. Box 510, Lake Charles, Louisiana 70601.

Las Islas, The Islands Line—NVOCC FMC-1  
From: Ports in Central and South America.  
To: U.S. South Atlantic, Mississippi River Ports and U.S. Gulf Ports.  
Date of Last Revision: 10-26-72.

Leecor, Inc.—FMC-1  
Between: East Coast Florida.  
And: Mexico, Caribbean, Northern South America, Eastern Central America.  
Date of Last Revision: 9-17-75.  
300 Biscayne Blvd., Suite 722, Miami, Florida 33131.

Leeward Islands Shipping Company—FMC-1  
Between: Puerto Rico, Virgin Islands.  
And: Dominican Republic, Colombia, Venezuela & Caribbean Islands.  
Date of Last Revision: 1-23-75.  
Battle & Cilsante Shipping Co., Ltd., G.P.O. Box 5126, San Juan, Puerto Rico 00906.

Leonard Cephas, Grand Cay Bahama—FMC-1  
Between: Palm Beach, Florida.  
And: The Bahamas Islands.  
Date of Last Revision: 12-23-73.  
c/o Palm Beach Steamship Agency, Inc., 130 East Port Road, Riviera Beach, Florida.

Lifschultz Fast Freight, Inc.—NVOCC FMC-1  
From: U.S. North Atlantic Ports.  
To: Antwerp, Bremen, Hamburg, Rotterdam.  
Date of Last Revision: 8-28-69.  
28 N. Franklin Street, Chicago, Illinois 60606.

Lifschultz Fast Freight, Inc.—NVOCC FMC-2  
From: Antwerp, Amsterdam, Rotterdam, Bremen, Hamburg.  
To: U.S. North Atlantic Ports.  
Date of Last Revision: 10-24-74.

Lifschultz Fast Freight, Inc.—NVOCC FMC-3  
From: U.S. North Atlantic Ports.  
To: Ports in U.K. and Ireland.  
Date of Last Revision: 8-18-71.

Lifschultz Fast Freight, Inc.—NVOCC FMC-5  
From: U.S. North Atlantic Ports.  
To: Mediterranean Ports of Israel.  
Date of Last Revision: 3-15-73.

Linca Line—FMC-2  
From: East Coast Central American Ports.  
To: U.S. South Atlantic and Gulf Ports.  
Date of Last Revision: 9-29-69.  
c/o Lukenbach Steamship Co., Inc., Foot of Franklin Street, P.O. Box 377, Tampa, Florida 33602.

Link Lines Limited—FMC-1  
Between: St. Thomas, Virgin Islands.  
And: Tortola, Virgin Gorda, St. Maarten and Antigua.  
Date of Last Revision: 11-26-72.  
c/o Charles E. Kaltenbach, Director, P.O. Box 2672, St. Thomas, Virgin Islands 00801.

Lykes Bros. Steamship Co., Inc.—FMC-27  
From: Gulf.  
To: Mexico.  
Date of Last Revision: 10-31-75.  
300 Poydras Street, New Orleans, Louisiana 70130.

Lykes Bros. Steamship Co., Inc.—FMC-60  
From: East Coast of Sumatra.  
To: Atlantic and Gulf of Mexico of the U.S. in the Brownsville, Texas/Eastport, Maine Range.  
Date of Last Revision: 10-22-69.

Lykes Bros. Steamship Co., Inc.—FMC-84  
From: Union of Soviet Socialist Republic Ports in the Klaipeda/Archangel Murmansk Range.  
To: U.S. Ports in the Eastport, Maine/Brownsville, Texas Range.  
Date of Last Revision: 12-26-75.

Mamenic Line—FMC-6  
From: Miami, Florida.  
To: Guatemala, Honduras, British Honduras.  
Date of Last Revision: 1-1-70.  
P.O. Box 805, Managua, Nicaragua.

Mamenic Line—FMC-11  
From: Canal Zone, West Coast of South America, Mexico, Panama.  
To: Puerto Rico.  
Date of Last Revision: 3-4-74.  
c/o U.S. Navigation, Inc., 17 Battery Place, New York, New York 10004.

Mamenic Line—FMC-14  
From: Buenaventura, Colombia.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 12-15-69.

Marcella Shipping Company, Ltd.—FMC-1  
Between: Miami.  
And: Bahamas.  
Date of Last Revision: 3-30-75.  
c/o International Tariff Services, Inc., 815 Fifteenth Street NW., Washington, D.C. 20005.

Mardina Lines—FMC-1  
From: All Ports Continent: Hamburg/Cadiz Range; all ports UK/Ireland; all ports Islands North Atlantic, North Sea, and Baltic Sea.  
To: All Ports U.S. Great Lakes, Gulf, and East Coast.  
Date of Last Revision: 1-23-74.  
c/o Maritime Shipping Agencies Inc., 1010 Dixie Highway, Chicago Heights, Illinois 60411.

Mardina Lines—FMC-2  
From: U.S. Great Lakes.  
To: All Ports Continent: Hamburg/Cadiz Range; all ports United Kingdom/Ireland; all ports Islands North Atlantic, North Sea, and Baltic Sea, all ports Mediterranean, all ports Atlantic Coast Africa North of Cape Palmas.  
Date of Last Revision: 9-17-73.

Mardina Lines—FMC-3  
From: Atlantic and Gulf Ports.  
To: All Ports North Sea, Baltic Sea, all Ports Continent: Hamburg/Cadiz Range, all ports United Kingdom/Ireland, all ports Mediterranean, East and West Africa, East and West Coast Central America.  
Date of Last Revision: 1-23-74.

Mardina Lines—FMC-4  
Between: U.S. Great Lakes Ports, East and Gulf Coasts.  
And: All Ports in Central, South America and West Indies.  
Date of Last Revision: 1-19-74.

Mardina Lines—FMC-5  
Between: U.S. East Coast, Gulf and West Coast.  
And: Australia, New Zealand, Japan, Hong Kong, and Indonesia. All Islands of the Pacific.  
Date of Last Revision: 11-9-73.

Mardina Lines—FMC-6  
Between: U.S. Great Lakes.  
And: Australia and Japan.  
Date of Last Revision: 5-7-72.

Marianas Maritime Corp.—FMC-2  
Between: Guam.  
And: Trust Territory of the Pacific Islands. Also between Ports in the Trust Territory of the Pacific Islands.  
Date of Last Revision: 8-13-74.

Marianas Maritime Corp., P.O. Box 1395, Agaña, Guam 96910.

Marianas Tinian Shipping Co.—FMC-1  
Between: Guam.  
And: Saipan, Rota, and Tinian.  
Date of Last Revision: 11-3-72.

Marianas Shipping Co., P.O. Box 9, Tinian, Mariana Islands 96950.

Maritima Del Caribe, S.A.—FMC-1  
Between: Atlantic and Gulf.  
And: Mexico.  
Date of Last Revision: 11-20-75.  
Merida, Yucatan, Mexico.

Maritima Santo Domingo, Inc.—FMC-1  
From: Puerto Rico.  
To: Dominican Republic.  
Date of Last Revision: 4-27-69.



- G.P.O. Box 3502, San Juan, Puerto Rico 00936.
- Maritime Company of the Philippines—FMC-4**  
From: U.S. Gulf Ports.  
To: Ports in Mexico, Central and South America.  
Date of Last Revision: 10-7-70.  
205 Juan Luna, Manila, Republic of the Philippines.
- Maritime Company of the Philippines—FMC-5**  
From: U.S. Atlantic Ports.  
To: Ports in Central and South America.  
Date of Last Revision: 10-7-70.
- Maritime Company of the Philippines—FMC-6**  
From: Hawaii.  
To: Japan, Hong Kong, and Philippines.  
Date of Last Revision: 8-9-75.
- Maritime Company of the Philippines—FMC-7**  
From: U.S. West Coast Ports.  
To: Ports in Central and South America.  
Date of Last Revision: 1-28-72.
- Maritime Company of the Philippines—FMC-10**  
From: Puerto Rico.  
To: Republic of the Philippines.  
Date of Last Revision: 2-5-70.
- Maritime Company of the Philippines—FMC-11**  
From: Sarawak, Malaysia.  
To: Pacific Coast Ports.  
Date of Last Revision: 5-18-73.
- Maritime Company of the Philippines—FMC-12**  
From: Ports in Sarawak, Malaysia.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 6-5-70.
- Maritime Company of the Philippines—FMC-14**  
From: Hong Kong and Taiwan.  
To: U.S. Atlantic and Gulf Coast Ports.  
Date of Last Revision: 7-3-75.
- Maritime Company of the Philippines—FMC-16**  
From: U.S. Atlantic and Gulf and U.S. Pacific.  
To: Ports in Indonesia.  
Date of Last Revision: 2-7-75.
- Maritime Fruit Carriers Co., Ltd.—FMC-8**  
Between: Atlantic, Great Lakes, Gulf, and Pacific Coast.  
And: Ports in the Mediterranean.  
Date of Last Revision: 4-7-69.  
53 Shderot Hameginim, P.O. Box 1501, Haifa, Israel.
- Maritime Line—FMC-1**  
From: All Ports Continent: Hamburg/Bordeaux Range; U.K./Ireland; North Sea and Baltic; West Indies, Caribbean Sea, Yucatan Channel, Bay of Campeche.  
To: U.S. Great Lakes, Atlantic and Gulf Ports.  
Date of Last Revision: 3-18-67.  
c/o Maritime Shipping Agencies, Inc., 1010 Dixie Highway, Chicago, Illinois 60411.
- Maritime Line—FMC-2**  
From: U.S. Great Lakes and U.S. West Coast Ports.  
To: All Ports Continent: Hamburg/Bordeaux Range, United Kingdom/Ireland, North Sea, and Baltic Sea, West Indies, Caribbean Sea, Yucatan Channel, Bay of Campeche, Iceland, Mediterranean.  
Date of Last Revision: 5-4-70.
- Maritime Line—FMC-3**  
From: U.S. Atlantic and Gulf Ports.  
To: All Ports North Sea, Baltic Sea, Continent: Hamburg/Cadiz Range, United Kingdom/Ireland, Mediterranean.  
Date of Last Revision: 9-21-70.
- Maritime Reefer Service (Bills of Lading, Rules and Regulations Tariff)—FMC-1**  
16201 SW. 95th Avenue, Miami, Florida 33157.
- Maritime Reefer Service—FMC-2**  
Between: Ports in Florida, U.S. Gulf and Puerto Rico.  
And: Jamaica, Central America, Venezuela and West Coast of South America.  
Date of Last Revision: 10-9-74.
- May & Caribbean Shipping Corp.—FMC-1**  
Between: U.S. Atlantic and Gulf of Mexico Ports.  
And: Red Sea and Persian Gulf Ports, including Arabian Sea.  
Date of Last Revision: 9-4-75.  
World Trade Center, Houston, Texas 77002.
- Mead Shipping Co., Inc.—FMC-1**  
Between: U.S. Atlantic and Gulf Ports.  
And: Far East Ports.  
Date of Last Revision: 10-15-72.  
c/o Transamerican Steamship Corp., 17 Battery Place, New York, New York 10004.
- MD Shipping Corporation—FMC-2**  
Between: Guam.  
And: Ports in Far East.  
Date of Last Revision: 2-7-74.  
305 El Hogar PII. Building, Juan Launa Street, Manila, Philippines.
- MD Shipping Corporation—FMC-3**  
Between: Guam and Trust Territory Ports.  
And: Ports in the Philippines.  
Date of Last Revision: 4-8-74.
- MD Shipping Corporation—FMC-4**  
Between: Guam and Trust Territory Ports.  
And: Hong Kong.  
Date of Last Revision: 1-10-74.
- MD Shipping Corporation—FMC-5**  
Between: Guam and Trust Territory Ports.  
And: Ports in Taiwan.  
Date of Last Revision: 2-8-74.
- Mexican Line—FMC-43**  
From: European Ports (including Scandinavia, UK, Ireland).  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 4-24-75.  
c/o Smith & Johnson Shipping, 39 Broadway, New York, New York 10006.
- Mexican Line—FMC-38**  
From: Atlantic and Gulf.  
To: U.K. and Scandinavian Ports and Ireland.  
Date of Last Revision: 9-5-75.
- Mexican Line—FMC-44**  
Between: Atlantic and Gulf.  
And: Atlantic Coast of Canada, Newfoundland, Canadian Ports, in the Great Lakes, and the Canadian St. Lawrence Seaway.  
Date of Last Revision: 5-21-75.
- Mexican Line—FMC-45**  
Between: East Coast Central America.  
And: Puerto Rico and Virgin Islands.  
Date of Last Revision: 10-17-75.
- Miami-Caribbean Shipping Co., Inc.—FMC-1**  
Between: U.S. Atlantic and Gulf Ports (except New York and Philadelphia).  
And: Jamaica, Bahamas, Haiti, Virgin Islands, Netherlands, Antilles, Republic of Panama.  
Date of Last Revision: 5-19-72.  
728 NE. Second Avenue, Miami, Florida.
- Missouri Pacific Intermodal Transport, Inc.—NVOC FMC-1**  
From: U.S. Gulf Coast.  
To: Ports in Europe.  
Date of Last Revision: 4-8-69.  
210 North 13th Street, St. Louis, Missouri 63103.
- Mitsui O.S.K. Lines, Ltd.—FMC-2**  
From: Argentina, Uruguay, Brazil, and Colombia.  
To: Honolulu, Hawaii.  
Date of Last Revision: 11-6-75.  
One World Trade Center, Suite 2211, New York, New York 10048.
- Mitsui O.S.K. Lines, Ltd.—FMC-5**  
From: East Africa namely Mombasa, Dar-es-Salaam, Mozambique, and Beira.  
To: U.S. Pacific and Vancouver, B.C., and Honolulu, Hawaii.  
Date of Last Revision: 7-3-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-12**  
From: U.S. Pacific and Honolulu, Hawaii.  
To: India, Sri Lanka, and Pakistan.  
Date of Last Revision: 2-25-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-13**  
From: Rangoon, Burma, and Bangkok, Thailand.  
To: U.S. North Atlantic, South Atlantic, and Gulf Ports.  
Date of Last Revision: 3-15-74.
- Mitsui O.S.K. Lines, Ltd.—FMC-17**  
From: Borneo Ports.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 7-16-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-23**  
From: Ceylon, India, and Pakistan.  
To: Vancouver, B.C., U.S. Pacific and Gulf.  
Date of Last Revision: 6-16-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-27**  
From: Tandjong Mani, Sarawak.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 7-16-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-29**  
From: U.S. West Coast.  
To: Port in New Guinea, Solomon Islands.  
Date of Last Revision: 2-8-74.
- Mitsui O.S.K. Lines, Ltd.—FMC-31**  
From: Khorramshahr, Iran.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 7-16-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-33**  
From: U.S. Atlantic and Gulf Ports.  
To: Ports in Sarawak and Bangkok, Thailand.  
Date of Last Revision: 8-27-23.
- Mitsui O.S.K. Lines, Ltd.—FMC-34**  
From: Singapore, Port Swettenham and Penang.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 7-17-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-35**  
From: New Guinea.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 3-20-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-36**  
From: New Guinea.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 3-20-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-37**  
From: Thailand, Bangkok.  
To: U.S. Great Lake Ports.  
Date of Last Revision: 7-31-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-41**  
From: Formosa, Hong Kong, Thailand, Singapore and Malaysia.  
To: Puerto Rico and Virgin Islands.  
Date of Last Revision: 2-8-74.
- Mitsui O.S.K. Lines, Ltd.—FMC-44**  
From: Indonesia.  
To: U.S. Great Lake Ports.  
Date of Last Revision: 2-20-71.
- Mitsui O.S.K. Lines, Ltd.—FMC-45**  
From: Ceylon.  
To: U.S. Great Lake Ports.  
Date of Last Revision: 10-01-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-48**  
From: Singapore, Port Swettenham, and Penang.  
To: Honolulu, Hawaii.  
Date of Last Revision: 10-01-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-51**  
From: Inchon, Pusan, and Kusan, Korea.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 09-12-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-55**  
From: U.S. Pacific Ports.  
To: New Zealand Ports.  
Date of Last Revision: 02-06-74.
- Mitsui O.S.K. Lines, Ltd.—FMC-59**  
From: Puerto Rico.  
To: West Coast of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Caribbean Ports, Venezuela.  
Date of Last Revision: 12-6-73.
- Mitsui O.S.K. Lines, Ltd.—FMC-62**  
From: San Juan, Ponce, and Mayaguez, Puerto Rico.  
To: Japan Base Ports—Okinawa, Korea.  
Date of Last Revision: 8-6-74.



- Mitsui O.S.K. Lines, Ltd.—FMC-67  
From: East Canadian Ports.  
To: Honolulu, Hawaii.  
Date of Last Revision: 11-6-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-68  
From: Gulf of Aden and Red Sea Ports.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 12-7-74.
- Mitsui O.S.K. Lines, Ltd.—FMC-70  
From: Singapore.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 8-8-75.
- Mitsui O.S.K. Lines, Ltd.—FMC-78  
From: West Coast Ports in Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala and Mexico.  
To: U.S. Gulf Ports.  
Date of Last Revision: 11-5-75.
- A. P. Moller-Maersk Line—FMC-20  
From: India, Pakistan, Ceylon.  
To: U.S. Pacific, Hawaii and Alaska.  
Date of Last Revision: 2-21-74.  
c/o Moller Steamship Co., Inc., One World Trade Center, Suite 3527, New York, New York 10048.
- A. P. Moller-Maersk Line—FMC-23  
From: Sabah and Sarawak.  
To: U.S. Pacific Ports.  
Date of Last Revision: 2-21-74.
- A. P. Moller-Maersk Line—FMC-25  
From: Montreal, Quebec, Three Rivers, Port Alfred, Halifax, St. John, Cornerbrook, Canada.  
To: Los Angeles, San Francisco and San Diego, California.  
Date of Last Revision: 2-21-74.
- A. P. Moller-Maersk Line—FMC-26  
From: Persian Gulf and Arabian Gulf.  
To: U.S. Pacific.  
Date of Last Revision: 10-1-74.
- A. P. Moller-Maersk Line—FMC-27  
From: Southwest Africa, Walvis Bay.  
To: U.S. Pacific Ports.  
Date of Last Revision: 10-1-74.
- A. P. Moller-Maersk Line—FMC-30  
From: Caribbean Island Ports.  
To: U.S. Pacific Coast Ports.  
Date of Last Revision: 2-21-74.
- A. P. Moller-Maersk Line—FMC-49  
From: Bangkok.  
To: Puerto Rico and Virgin Island Ports.  
Date of Last Revision: 1-3-74.
- A. P. Moller-Maersk Line—FMC-52  
From: Sabah and Sarawak.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 10-10-75.
- A. P. Moller-Maersk Line—FMC-59  
From: Ports in U.K., Germany, Holland, Belgium, and France.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 8-10-75.
- A. P. Moller-Maersk Line—FMC-67  
From: Red Sea and Gulf of Aden.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 12-12-75.
- A. P. Moller-Maersk Line—FMC-68  
From: India, Pakistan and Ceylon.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 12-17-75.
- A. P. Moller-Maersk Line—FMC-69  
From: U.S. Atlantic and Gulf Ports.  
To: Ports in India, Pakistan and Ceylon.  
Date of Last Revision: 12-28-75.
- Moore-McCormack Lines, Inc.—FMC-21  
From: U.S. Atlantic Ports.  
To: Yurimagus and Puralpa, Peru.  
Date of Last Revision: 3-17-70.  
Two Broadway, New York, New York 10004.
- Moore-McCormack Lines, Inc.—FMC-23  
From: U.S. Atlantic and Great Lakes Ports.  
To: Iquitos, Peru.  
Date of Last Revision: 3-30-71.
- Moore-McCormack Lines, Inc.—FMC-34  
From: Argentina and Uruguay.  
To: U.S. Great Lake Ports.  
Date of Last Revision: 12-1-68.
- Moore-McCormack Lines, Inc.—FMC-35  
From: Brazil.  
To: U.S. Great Lake Ports.  
Date of Last Revision: 4-1-71.
- Moore-McCormack Lines, Inc.—FMC-41  
From: U.S. Atlantic Ports.  
To: Canadian Atlantic, Great Lakes, St. Lawrence River Ports.  
Date of Last Revision: 2-15-71.
- Moore-McCormack Lines, Inc.—FMC-42  
From: Canadian Great Lakes, Atlantic and St. Lawrence River Ports.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 2-15-71.
- Moore-McCormack Lines, Inc.—FMC-48  
From: U.S. Atlantic Ports.  
To: Freeport, Grand Bahama.  
Date of Last Revision: 8-17-70.
- Moore-McCormack Lines, Inc.—FMC-58  
From: U.S. Great Lake Ports.  
To: Brazil, Uruguay, Argentina, Paraguay.  
Date of Last Revision: 8-19-74.
- Muhammadi Steamship Co., Ltd.—FMC-3  
From: U.S. Pacific and Vancouver, British Columbia.  
To: Pakistan, Ceylon, Singapore, Malaysia, Bangkok.  
Date of Last Revision: 6-10-71.  
c/o Crossocean Shipping Co., One World Trade Center, Suite 2045, New York, New York 10048.
- Muhammadi Steamship Co., Ltd.—FMC-4  
From: Southeast Asia Ports.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 4-15-73.
- Muhammadi Steamship Company, Ltd.—FMC-5  
From: Hong Kong.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 8-27-73.
- Muhammadi Steamship Company, Ltd.—FMC-6  
From: Taiwan.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 6-28-73.
- Muhammadi Steamship Company, Ltd.—FMC-7  
From: U.S. Atlantic and Gulf Ports.  
To: Colombo, Penang, Port Kelang, Singapore, Bangkok, Indonesia, Hong Kong, Taiwan.  
Date of Last Revision: 9-1-72.
- Myri Hyde—FMC-1  
Between: Florida.  
And: All Ports in the Caribbean and the East Coast of Central America.  
Date of Last Revision: 8-25-72.  
French Harbour (Roatan), Republica de Honduras, C.A.
- Nauticus Line—NVOCC FMC-1  
From: U.S. Atlantic Coast.  
To: Scandinavia, Bordeaux-Hamburg Range, U.K. and Erie.  
Date of Last Revision: 3-7-74.  
110 S. Dearborn Street, Chicago, Illinois.
- Navibel International Ltd.—FMC-2  
From: Antwerp, Belgium; Bremen, Germany and Dunkirk, France.  
To: U.S. Great Lakes.  
Date of Last Revision: 3-15-75.
- N. V. Euro American Agency, S.A., Eurama Theater Building, 122 Italielei, 2000 Antwerp, Belgium.
- Navibel International Ltd.—FMC-4  
From: Immingham Dock & Ports Middlesbrough, Great Britain.  
To: U.S. Great Lakes.  
Date of Last Revision: 6-15-74.
- Navibel International Ltd.—FMC-6  
From: North Atlantic Ports.  
To: Atlantic Ports of Call in Belgium, Holland, Germany, France.  
Date of Last Revision: 4-27-74.
- Navibel International Ltd.—FMC-7  
From: Continental Europe (Bordeaux/Hamburg Range).  
To: U.S. Atlantic Ports north of Cape Hatteras.  
Date of Last Revision: 5-16-74.
- Naviera Lagos S.A.—FMC-1  
From: U.S. Gulf Ports and U.S. Atlantic Coast Ports.  
To: Atlantic and Mediterranean Ports of France and Spain.  
Date of Last Revision: 5-7-71.  
c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.
- Naviera Salvadorena S.A. (El Salvador Line)—FMC-2  
From: West Coast of El Salvador, Guatemala, Costa Rica and Nicaragua.  
To: U.S. Gulf Ports.  
Date of Last Revision: 8-12-71.  
c/o Crescent Shipping Agency, Inc., 205 Sanlin Bldg., 442 Canal Street, New Orleans, Louisiana 70130.
- Navimex S.A.—FMC-1  
Between: Gulf, Atlantic.  
And: Mexico.  
Date of Last Revision: 5-27-75.  
c/o Olvind Lorentzen, Inc., 522 Fifth Avenue, New York, New York 10036.
- Navimex S.A.—FMC-3  
Between: Gulf, Atlantic.  
And: Central America.  
Date of Last Revision: 4-26-74.
- Navimex S.A.—FMC-4  
Between: Mexico.  
And: Puerto Rico.  
Date of Last Revision: 2-7-75.
- Nelson Line—FMC-1  
Between: Atlantic and Gulf.  
And: Ports in the U.K., Ireland, Continent, Scandinavia, Baltic, Mediterranean, Black Sea, Africa, Asia, Australia and New Zealand.  
Date of Last Revision: 2-2-72.  
c/o Chester, Blackburn & Roder, Inc., Suite 1035, One World Trade Center, New York, New York 10048.
- Neptune Line—FMC-1  
Between: U.S. Great Lakes & St. Lawrence River Ports.  
And: Ports in Eastern Canada, Venezuela, Netherlands Antilles.  
Date of Last Revision: 8-18-72.
- Neptune International Shipping Ltd., 300 St. Sacrement St., Montreal 125, Quebec, Canada.
- Neptune Line—FMC-2  
Between: U.S. Great Lakes & St. Lawrence River Ports.  
And: Ports in East Colombia.  
Date of Last Revision: 8-17-72.
- Neptune Line—FMC-3  
Between: U.S. Great Lakes & St. Lawrence River Ports.  
And: Barbados, Trinidad, British and Dutch Guianas.  
Date of Last Revision: 8-18-72.
- Neptune Line—FMC-4  
Between: U.S. Great Lakes and St. Lawrence River Ports.  
And: Ports in West Coast Colombia, Ecuador, Peru, and Chile.  
Date of Last Revision: 9-2-72.
- Neptune Line—FMC-5  
Between: U.S. Great Lakes, and St. Lawrence River Ports.  
And: Ports in British Honduras, Costa Rica, El Salvador, Guatemala, Honduras, Panama, Nicaragua and Mexico.  
Date of Last Revision: 9-9-72.
- Newfriend Transport Ltd.—FMC-1  
Between: Atlantic and Gulf.  
And: Caribbean, Central and South America.  
Date of Last Revision: 10-12-75.  
c/o Transportation Tariff Publishers, 2311 University Blvd., West, Wheaton, Maryland 20902.



M/V Night Train, Ltd.—FMC-1  
Between: Miami, Florida.  
And: Bahama Islands.  
Date of Last Revision: 1-16-74.  
615 SW. 2d Avenue, Miami, Florida 33130.

Nopal Line—FMC-14  
From: U.S. Atlantic and Gulf Ports.  
To: Ports in Chile, Colombia, Peru.  
Date of Last Revision: 9-15-66.  
c/o Olvind Lorentzen, Inc., 522 Fifth Avenue, New York, New York 10036.

Nopal Line—FMC-15  
From: Atlantic and Gulf Ports.  
To: Ports of Algeria, Tunisia, and Libya.  
Date of Last Revision: 11-26-71.

Nopal Line—FMC-20  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Peru.  
Date of Last Revision: 11-26-71.

Nopal Line—FMC-21  
Between: U.S. Gulf Ports.  
And: Ports in Continental Europe.  
Date of Last Revision: 11-23-71.

Nopal Line—FMC-22  
From: U.S. Great Lakes Ports.  
To: Ports in Brazil, Uruguay, and Argentina.  
Date of Last Revision: 11-26-71.

Nordship Reefer Express Line—FMC-1  
Between: Great Lakes Ports.  
And: Ports in U.K., Ireland, France, Belgium, the Netherlands and Germany.  
Date of Last Revision: 6-22-74.

c/o Nordship Agencies, Inc., One East Wacker Drive, Chicago, Illinois 60601.  
North Andros Wholesale Company—FMC-1  
Between: Florida.  
And: The Bahamas.

Date of Last Revision: 9-3-69.  
c/o Mr. Darrell Rolle, Lowe Sound, Andros, Bahamas.

Norwegian America Line—FMC-14  
From: U.S. Great Lakes Ports.  
To: Denmark, Finland, Iceland, Norway, Poland, Sweden, and to German Ports and Russian Ports via Baltic Sea.

Date of Last Revision: 6-30-73.  
Den Norske Amerikalinje, Jernbanetorget No. 2, Oslo, Norway.

N.Y.K. Line—FMC-8  
From: Barranquilla, Cartagena, and Santa Marta, Colombia.  
To: San Juan, Puerto Rico, U.S. Atlantic and Gulf Ports.

Date of Last Revision: 10-10-75.  
One World Trade Center, Suite 5031, New York, New York 10048.

N.Y.K. Line—FMC-9  
From: Netherlands Antilles.  
To: San Juan, Puerto Rico.  
Date of Last Revision: 1-1-66.

N.Y.K. Line—FMC-10  
From: West Coast of Mexico and Central American Ports.  
To: San Juan, U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 9-25-74.

N.Y.K. Line—FMC-12  
From: Paramaribo, Surinam.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 1-1-66.

N.Y.K. Line—FMC-13  
From: Dominican Republic.  
To: San Juan, U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 1-1-66.

N.Y.K. Line—FMC-14  
From: Kingston, Jamaica.  
To: San Juan, U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 1-1-66.

N.Y.K. Line—FMC-24  
From: Mexico Pacific Coast Ports.  
To: Puerto Rico.  
Date of Last Revision: 7-18-73.

N.Y.K. Line—FMC-39  
From: Puerto Au Prince, Haiti, Port of Spain, Trinidad and Georgetown, British Guiana.  
To: San Juan, Puerto Rico, U.S. Atlantic and Gulf Ports.

Date of Last Revision: 10-10-75.  
N.Y.K. Line—FMC-47  
From: Puerto Rico.  
To: Jamaica, Dominican Republic, Bahamas, Brazil, Colombia, Mexico, Argentina.

Date of Last Revision: 6-30-73.  
N.Y.K. Line—FMC-48  
From: Argentina and Brazil.  
To: Puerto Rico.

Date of Last Revision: 10-02-73.  
N.Y.K. Line—FMC-49  
From: Maracaibo, La Guaira, Puerto Cabello, Guanta (Puerto La Cruz) Venezuela.

To: Puerto Rico and U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 10-10-75.

N.Y.K. Line—FMC-61  
From: Balboa and Cristobal, Canal Zone.  
To: Puerto Rico and U.S. Atlantic and Gulf Ports.

Date of Last Revision: 10-10-75.  
Oceanic Ferry Express, Ltd., Inc.—FMC-1  
Between: San Juan, Puerto Rico.

And: Colombia, Venezuela, British West Indies.  
Date of Last Revision: 03-26-75.  
c/o Angel Ferrer, Pres., MI-3-410 Street, 4th Ext., Country Club, Rio Piedras, Puerto Rico 00724.

Orient Mid-East Lines, Inc.—FMC-17  
From: U.S. West Coast Ports.  
To: Ports on the Med Sea.

Date of Last Revision: 05-01-69.  
c/o Eagle Ocean Transport, Inc., 29 Broadway, New York, New York 10006.

Orient Mid-East Lines, Inc.—FMC-23  
From: U.S. Great Lakes, Atlantic and Gulf Ports.  
To: Jamaica.

Date of Last Revision: 11-14-69.  
Orient Mid-East Lines, Inc.—FMC-24  
From: U.S. Great Lakes.

To: Dominican Republic.  
Date of Last Revision: 05-01-69.  
Orient Mid-East Lines, Inc.—FMC-25  
From: U.S. Great Lakes.

To: Haiti.  
Date of Last Revision: 5-1-69.  
Orient Mid-East Lines, Inc.—FMC-26  
From: U.S. Great Lakes.

To: Colombia.  
Date of Last Revision: 2-28-66.  
Orient Mid-East Lines, Inc.—FMC-27  
From: U.S. Great Lakes.

To: Panama.  
Date of Last Revision: 5-1-69.  
Orient Mid-East Lines, Inc.—FMC-28  
From: U.S. Great Lakes.

To: Guatemala and El Salvador.  
Date of Last Revision: 5-5-69.  
Orient Mid-East Lines, Inc.—FMC-29  
From: U.S. Great Lakes.

To: Mexico.  
Date of Last Revision: 5-5-69.  
Orient Mid-East Lines, Inc.—FMC-32  
From: Great Lakes Ports.

To: Polish Ports of Gdynia and Gdansk.  
Date of Last Revision: 5-5-69.  
Orient Mid-East Lines, Inc.—FMC-37  
From: The Mediterranean Sea from Gibraltar to Port Said, including Adriatic and Black Sea Ports and from Casablanca to Port Said, inclusively.

To: U.S. Great Lakes, East and Gulf Ports.  
Date of Last Revision: 5-5-69.

Orient Mid-East Lines, Inc.—FMC-41  
From: U.S. East Coast and Gulf Ports.  
To: Ports of Gdynia and Gdansk.  
Date of Last Revision: 5-5-69.

Orient Mid-East Lines, Inc.—FMC-45  
From: North Atlantic Ports, South Atlantic and Gulf Ports.  
To: Mediterranean.

Date of Last Revision: 4-24-69.  
Orient Overseas Line—FMC-17  
From: U.K.

To: U.S. Atlantic and Gulf Ports and Hawaii.  
Date of Last Revision: 6-19-70.  
c/o Eckert Overseas Agency, Inc., 88 Pine Street, New York, New York 10005.

Orient Overseas Line—FMC-21  
From: Continental European ports (Bordeaux-Hamburg Range) and through traffic originating in Scandinavia, Upper Alsace, and Switzerland.

To: U.S. Atlantic and Gulf Ports and Hawaii.  
Date of Last Revision: 6-19-70.  
Orient Overseas Line—FMC-30  
From: Atlantic and Gulf.

To: Central America and Mexico.  
Date of Last Revision: 12-18-72.  
Ozen/Stinnes Lines—FMC-23  
From: Ports in the Bordeaux/Hamburg Range.

To: South Atlantic between Cape Hatteras and Key West, Florida, inclusive.  
Date of Last Revision: 6-14-74.  
c/o H. Schultdt, Ballindamm 8, Hamburg 1, Germany.

Ocean/Stinnes Lines—FMC-23  
From: Denmark, Finland, Norway, Sweden, and Baltic, U.K., Ireland, France, Spain, Portugal, and world ports.

To: U.S. Gulf in the Tampa/Brownsville Range and U.S. South Atlantic between Cape Hatteras and Key West Range.

Date of Last Revision: 2-1-72.  
Ocean/Stinnes Lines—FMC-24  
From: Cape Hatteras, N.C./Key West, Florida Range.

To: Ports of Call in the Antwerp/Hamburg Range.  
Date of Last Revision: 6-14-74.  
P & O Lines—FMC-5

From: Honolulu, Hawaii.  
To: Vancouver, British Columbia, Canada.  
Date of Last Revision: 8-1-70.

c/o P & O Lines (North America) Inc., 155 Post Street, San Francisco, California 94108.

P & O Lines—FMC-7  
From: Vancouver, British Columbia.  
To: Honolulu, Hawaii.

Date of Last Revision: 10-1-70.  
Pacific Far East Line, Inc.—FMC-20  
From: Honolulu, Hawaii.

To: Vancouver, Victoria, and New Westminster, Canada.  
Date of Last Revision: 3-15-71.  
One Embarcadero Center, San Francisco, California 94111.

Pacific Far East Line Inc.—FMC-57  
From: Pacific Coast Ports and Hawaii.  
To: Mediterranean Ports.

Date of Last Revision: 7-14-75.  
Pacific Terminals, Inc.—FMC-1  
Between: U.S. Atlantic and Gulf Ports.

And: Caribbean Ports, Guatemala, San Salvador, Honduras, Nicaragua, Costa Rica, Panama, Paraguay, Haiti, Venezuela.  
Date of Last Revision: 1-20-75.  
1260 NW. 57th Avenue, Miami, Florida 33126.

Pan American Mail Line—FMC-5  
Between: U.S. Atlantic and Gulf Ports.  
And: Bahamas, Bermuda, British Virgin



Islands, Jamaica, East Coast of Colombia.  
Date of Last Revision: 7-9-74.  
d.b.a. Pan Atlantic Lines, Apartado 4369,  
Panama 5, R.P.  
Pan American Mail Line—FMC-6  
Between: Florida.  
And: Ecuador and Dominican Republic.  
Date of Last Revision: 10-1-74.  
Pan Islamic Steamship Co., Ltd.—FMC-5  
From: Atlantic and Gulf Ports.  
To: Tunisia.  
Date of Last Revision: 9-25-70.  
c/o Ocean Services Agency, Inc., 866 United  
Nations Plaza, New York, New York  
10017.  
Francesco Parlat, Inc.—NVOCC FMC-1  
From: New York, New York.  
To: All Italian Ports.  
Date of Last Revision: 7-15-74.  
17 Battery Place, New York, New York  
10004.  
Polish Ocean Lines—FMC-7  
From: East Coast of Mexico.  
To: U.S. Gulf Ports.  
Date of Last Revision: 5-24-73.  
c/o Gdynia America Line, One World Trade  
Center, New York, New York 10048.  
Prudential Lines—FMC-6  
From: North Atlantic Ports.  
To: Ports of Lisbon—Lexion.  
Date of Last Revision: 10-18-70.  
One World Trade Center, Suite 3601, New  
York, New York 10048.  
Prudential Grace Lines, Inc.—FMC-10  
From: Kingston, Jamaica.  
To: New York, New York.  
Date of Last Revision: 10-1-70.  
Prudential Grace Lines, Inc.—FMC-11  
From: Pacific Coast of U.S. and Canada.  
To: Port of Spain, Trinidad.  
And: Between: California Ports and Van-  
couver, British Columbia.  
Date of Last Revision: 5-1-74.  
Prudential Grace Lines, Inc.—FMC-13  
From: Almirante, Panama and Puerto  
Cortes, Honduras.  
To: Charleston, South Carolina and Bal-  
timore, Maryland.  
Date of Last Revision: 10-1-70.  
Prudential Grace Lines, Inc.—FMC-15  
Between: Latin America.  
And: Honolulu, Hawaii.  
Date of Last Revision: 10-1-70.  
Prudential Grace Lines, Inc.—FMC-16  
From: Almirante, Panama.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 10-1-70.  
Prudential Lines—FMC-18  
From: Atlantic.  
To: Bermuda Islands.  
Date of Last Revision: 6-9-75.  
Prudential Grace Lines, Inc.—FMC-21  
From: Guadeloupe and Martinique.  
To: New York, Philadelphia and Baltimore.  
Date of Last Revision: 4-1-70.  
Prudential Grace Lines, Inc.—FMC-22  
From: Venezuela.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 3-9-71.  
Prudential Lines—FMC-19  
From: Bermuda.  
To: U.S. North and South Atlantic Ports.  
Date of Last Revision: 6-9-75.  
Prudential Grace Lines, Inc.—FMC-24  
From: Balboa, Canal Zone.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 1-15-73.  
Prudential Grace Lines, Inc.—FMC-25  
From: Santa Maria, Colombia.  
To: Baltimore, Maryland.  
Date of Last Revision: 4-01-70.  
Prudential Grace Lines, Inc.—FMC-26  
From: Rio Haina, Dominican Republic.  
To: New York, New York.  
Date of Last Revision: 4-01-70.  
Prudential Lines—FMC-27  
Between: Atlantic.

And: Guantanamo Bay, Cuba.  
Date of Last Revision: 11-19-71.  
Prudential Grace Lines, Inc.—FMC-33  
From: Buenaventura, Colombia.  
To: U.S. Atlantic Ports.  
Date of Last Revision: 11-15-73.  
Prudential Lines—FMC-35  
Between: Atlantic.  
And: Costa Rica via Balboa.  
Date of Last Revision: 8-15-74.  
Purchdel, Inc.—FMC-1  
Between: Atlantic and Gulf.  
And: Caribbean.  
Date of Last Revision: 6-13-75.  
100 Terminal Street, Fort Pierce, Florida  
33450.  
Puerto Rico-Caribbean Lines, Inc.—NVOCC  
FMC-1  
Between: Ports in Puerto Rico.  
And: Ports in the Caribbean.  
Date of Last Revision: 10-01-72.  
Calle San Agustin No. 321, San Juan, Puer-  
to Rico 00906.  
Rederiaktiebolaget Iris (Iris Line)—FMC-4  
From: Baltic Sea/Scandinavia/Continental  
Europe and U.K. Range.  
To: Ports of Call in North and South At-  
lantic.  
Date of Last Revision: 7-08-70.  
c/o Charles Thornburn New York Inc.,  
25 Broadway, New York, New York 10004.  
Reefer Express Lines (Bermuda) Ltd.—FMC-2  
Between: Pacific Coast Ports.  
And: Ports in the U.K., Ireland, Scandi-  
navia, Continental Europe, the Med Sea  
and Black Sea.  
Date of Last Revision: 7-19-74.  
P.O. Box 1554, Hamilton, Bermuda.  
Regent Line—FMC-7  
From: Continental Europe, U.K. and Scan-  
dinavia.  
To: U.S. Atlantic Ports in the Portland,  
Maine/Brownsville, Texas Range.  
Date of Last Revision: 9-19-75.  
c/o J.R. Shipping Co., Ltd., 54/62, Regent  
Street, London W1, England.  
Bernard W. Roberts—FMC-1  
Between: Palm Beach, Florida.  
And: Bahama Islands.  
Date of Last Revision: 3-29-74.  
c/o Palm Beach Steamship Agency, Inc.,  
130 East Port Road, Riviera Beach, Flor-  
ida 33404.  
Rodson Shipping Inc.—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: World Ports.  
Date of Last Revision: 9-26-74.  
1150 S.W. 1st Street, Miami, Florida 33130.  
Royal Netherlands Steamship Co.—FMC-9  
From: East Coast of Central America Ports.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 12-01-65.  
25 Broadway, New York, New York, 10004.  
Royal Netherlands Steamship Co.—FMC-11  
From: Eastern Canadian Ports.  
To: Virgin Islands.  
Date of Last Revision: 2-14-66.  
Royal Netherlands Steamship Co.—FMC-30  
From: Panama, Costa Rica, Nicaragua,  
Honduras, El Salvador, Guatemala and  
Mexico.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 8-28-73.  
Ruys Transport Group Inc.—FMC-1  
Between: U.S. Great Lakes, Atlantic, Gulf  
and Pacific Ports (including Hawaii).  
And: World Ports.  
Date of Last Revision: 9-9-73.  
Five World Trade Center, Suite 617, New  
York, New York 10048.  
Saint Georges Shipping Co., Ltd.—FMC-2  
Between: Florida.  
And: Bahama Islands.  
Date of Last Revision: 12-28-74.  
c/o Hemispheres, Incorporated, 841 Bis-  
cayne Blvd., Miami, Florida 33132.

Sandpiper International, Inc.—NVOCC FMC-1  
Between: U.S. Gulf and South Atlantic  
Ports.  
And: Ports in the Caribbean, Central and  
South America.  
Date of Last Revision: 4-13-75.  
P.O. Box 4042, Hialeah, Florida 33014.  
Sands Construction & Shipping Co., Inc.—  
FMC-1  
Between: Palm Beach, Florida.  
And: Bahama Islands.  
Date of Last Revision: 12-3-74.  
c/o Palm Beach Steamship Agency, Inc.,  
130 East Port Road, Riviera Beach,  
Florida 33404.  
Scandinavian American Line—FMC-6  
From: U.S. North Atlantic Ports.  
To: U.K. Ports.  
Date of Last Revision: 7-6-71.  
Sankt Annæ Plads 30, Copenhagen,  
Denmark.  
Scandinavian American Line—FMC-7  
From: South Atlantic Ports.  
To: Denmark, Norway, Poland, Sweden,  
Finland and to Continental and U.S.S.R.  
Ports served via the Baltic.  
Date of Last Revision: 7-8-71.  
Scandinavian American Line—FMC-11  
From: U.S. Gulf Ports.  
To: French Atlantic and Continental  
European Ports in the Bordeaux/Ham-  
burg Range.  
Date of Last Revision: 7-6-71.  
Scandinavian American Line—FMC-19  
From: Norwegian Ports in the Bergen/Oslo  
Range.  
To: U.S. South Atlantic and Gulf Ports in  
the Cape Hatteras/Brownsville Range.  
Date of Last Revision: 4-11-68.  
Scandinavian American Line—FMC-21  
From: U.K.  
To: U.S. Atlantic Ports in the Portland,  
Maine/Key West, Florida Range.  
Date of Last Revision: 7-6-71.  
Scandinavian Continental Line AB—FMC-3  
From: U.S. North and South Atlantic.  
To: Ports of Call in Eastern Canada.  
Date of Last Revision: 2-1-71.  
c/o Bluewater Shipping Co., Inc., 25 Broad-  
way, New York, New York 10004.  
S.C.L. Line—FMC-28  
From: Leeward and Windward Islands,  
Trinidad, Barbados, French Guiana,  
Surinam, Guyana and Jamaica.  
To: U.S. Atlantic and Gulf and Great  
Lakes.  
Date of Last Revision: 11-15-75.  
c/o Norton, Lilly & Co., Inc., 90 West Street,  
New York, New York 10006.  
Scindia Steam Navigation—FMC-15  
From: U.K. and Continental European  
Ports.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 9-15-66.  
c/o United States Navigation, 17 Battery  
Place, New York, New York 10004.  
Scindia Steam Navigation Co., Ltd.—FMC-38  
From: U.S. Gulf Ports.  
To: Ports in East Canada.  
Date of Last Revision: 4-4-73.  
Scindia Steam Navigation—FMC-42  
From: Alexandria and Port Said, Egypt.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 3-26-75.  
Seaboard Mercantile Trading Co., Inc.—FMC-4  
From: Bulgarian Ports.  
To: U.S. East, Gulf, Great Lakes and West  
Coast Ports.  
Date of Last Revision: 1-30-74.  
Calle Aquilino De La Guardia No. 8, Edificio  
Igra, Panama, Republic of Panama.  
Seaboard Mercantile Trading Co., Inc.—FMC-5  
From: Turkish Ports.  
To: U.S. East, Gulf, Great Lakes and West  
Coast Ports.



Date of Last Revision: 1-28-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-6  
From: Moroccan Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 3-2-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-7  
From: Yugoslavian Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 4-2-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-8  
From: Tunisian Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 1-31-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-9  
From: Portuguese Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 1-30-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-10  
From: Lebanese Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 1-31-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-11  
From: Spanish Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 1-28-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-12  
From: Greek Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 1-28-70.  
Seaboard Mercantile Trading Co., Inc.—FMC-13  
From: Italian Ports.  
To: U.S. East, Gulf, Great Lakes and West Coast Ports.  
Date of Last Revision: 2-1-70.  
Seaspan International Ltd.—FMC-1  
Between: North Vancouver Dock, B.C., Squamish Dock, B.C.  
And: Seattle, Washington.  
Date of Last Revision: 12-01-74.  
10 Pemberton Avenue, Vancouver, British Columbia, Canada.  
Seariders, Inc.—NVOCC FMC-2  
Between: Atlantic and Gulf Ports.  
And: Ports in the Caribbean, Central and South America.  
Date of Last Revision: 1-22-74.  
P.O. Box 474, Miami Springs, Florida 33166.  
Seariders, Inc.—NVOCC FMC-3  
From: Miami and Jacksonville, Florida and Charleston, South Carolina.  
To: U.K. and various European Ports.  
Date of Last Revision: 5-13-73.  
Seko International, Inc.—NVOCC FMC-1  
From: U.S. Atlantic and Gulf Ports.  
To: Jamaica, Haiti and Bahamas.  
Date of Last Revision: 6-7-72.  
P.O. Box 1102, Miami International Airport, Miami, Florida 33148.  
Shipcosmos Thrucontainers—NVOCC FMC-4  
From: New York, New York.  
To: Antwerp, Bremen, Hamburg, Bremerhaven and Rotterdam.  
Date of Last Revision: 2-19-75.  
1351 Brummel Avenue, Elk Grove Village, Illinois 60007.  
Shipcosmos Thrucontainers—NVOCC FMC-5  
From: New York, New York.  
To: Ports in the United Kingdom.  
Date of Last Revision: 2-20-75.  
The Shipping Corporation of India—FMC-30  
From: Libyan, Lebanese and Egyptian Ports.

To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 12-15-75.  
c/o Norton, Lilly & Co., 90 West Street, New York, New York 10006.  
S.I.C. Line—FMC-1  
Between: Atlantic and Gulf.  
And: U.K., Ireland, Continent, Scandinavia, Baltic, Med., Black Sea, Africa, Asia, Australia and New Zealand.  
Date of Last Revision: 2-01-72.  
c/o Chester, Blackburn & Roder, Inc., One World Trade Center, Suite 1035, New York, New York 10048.  
Sidarma Line—FMC-18  
From: Vigo Spain.  
To: Island of Puerto Rico.  
Date of Last Revision: 7-05-72.  
Societa Italiana De Armamento, Rialto Campo Della Fava, 5527, 30100 Venice, Italy.  
Skips A/S Viking Line—FMC-3  
From: U.S. Atlantic and Gulf Ports.  
To: Venezuela & Netherlands Antilles.  
Date of Last Revision: 5-06-75.  
c/o Eckert Overseas Agency, Inc., 88 Pine Street, New York, New York 10005.  
Skips A/S Viking Line—FMC-4  
From: U.S. Atlantic and Gulf Ports.  
To: Jamaica, Virgin Islands, Trinidad, Bermuda, Guyana, Dominican Republic.  
Date of Last Revision: 12-20-70.  
Skips A/S Viking Line—FMC-5  
From: Kingston, Jamaica; Hamilton and St. Georges, Bermuda; Santo Domingo, Dominican Republic.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 11-27-70.  
Skips A/S Viking Line—FMC-6  
From: Venezuela, Netherlands Antilles.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 8-17-70.  
Societa Italiana Di Armamento—FMC-10 (Sidarma Line.)  
Between: Gulf.  
And: Mexican Gulf.  
Date of Last Revision: 6-17-74.  
c/o Oceans International Corp., 204 Sanlin Bldg., 442 Canal Street, New Orleans, Louisiana 70130.  
South Atlantic Steamship Agency, Inc.—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: Bahamas, Cayman Island, Calcos and Turks Island.  
Date of Last Revision: 3-18-70.  
P.O. Box 13085, Port Everglades Station, Port Everglades, Florida 33316.  
South Coast Transport, Inc.—FMC-2  
Between: Mexican Gulf Ports.  
And: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 7-06-70.  
P.O. Box 802, Corpus Christi, Texas 77301.  
Southeast & Caribbean Shipping Co., Inc.—FMC-1  
Bill of Lading, Rules and Regulations Tariff.  
Date of Last Revision: 5-08-72.  
750 N.E. 7th Street, Dania, Florida 33004.  
Southeast & Caribbean Shipping Co., Inc.—FMC-2  
Between: Ports in Florida.  
And: Colombia, Nicaragua, Panama, Bahamas.  
Date of Last Revision: 6-18-72.  
Southeast & Caribbean Shipping Co., Inc.—FMC-3  
Between: Ports in Florida.  
And: Venezuela and Netherlands Antilles.  
Date of Last Revision: 6-13-72.  
Southeast & Caribbean Shipping Co., Inc.—FMC-4  
Between: Ports in Florida.  
And: The Bahamas.  
Date of Last Revision: 1-01-73.  
Spanish North America Line—FMC-1  
From: Spain, Portugal, South France and Morocco.

To: U.S. North Atlantic.  
Date of Last Revision: 9-03-69.  
P.O. Box 6001, Valencia 11, Spain.  
Star Marine Lines, S.A.—FMC-1  
Between: Ports in Florida.  
And: Dominican Republic, Haiti, Venezuela, Netherlands Antilles, Colombia.  
Date of Last Revision: 11-05-72.  
15 S.E. 5th Street, Miami, Florida 33131.  
Star Marine Lines, S.A.—FMC-2  
From: Ports in Florida.  
To: Ports in Colombia.  
Date of Last Revision: 11-17-72.  
Star Shipping A/S—FMC-6  
From: Continental Ports of the Bordeaux/Hamburg Range and Ports in the British Isles.  
To: U.S. Gulf Ports.  
Date of Last Revision: 12-01-71.  
Strandgaten 17, Bergen, Norway.  
Sterlines, Ltd.—FMC-1  
Between: Ports in Florida.  
And: Grand Cayman Islands and Ports in the Caribbean Sea.  
Date of Last Revision: 4-17-74.  
P.O. Box 692, Inter Bank House, Grand Cayman, Island.  
Stevenson Line—FMC-7  
Between: U.S. Great Lakes and Canadian Ports.  
And: Mediterranean Ports.  
Date of Last Revision: 6-10-72.  
c/o T. J. Stevenson Co., Inc., 80 Broad Street, New York, New York 10004.  
Stiles and Abrams Shipping Co., Limited—FMC-1  
Between: Miami, Florida.  
And: Ports in the Bahamas and British West Indies.  
Date of Last Revision: 6-12-70.  
P.O. Box 3604, Miami, Florida 33101.  
Sunrise Shipping Company—FMC-1  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in the Leeward and Windward Islands, Trinidad; Barbados; British, French and Netherlands Guianas.  
Date of Last Revision: 3-21-75.  
c/o Habbre Maritime Intl. Inc., 15 S.E. 5th Floor, Miami, Florida 33132.  
Surinam Navigation Company, Ltd.—FMC-3  
From: Puerto Rico.  
To: Dominican Republic, Haiti, Surinam.  
Date of Last Revision: 4-08-74.  
P.O. Box 1824, Paramaribo, Surinam.  
Ta Peng Lines—FMC-7  
From: Hamburg/Bordeaux Range, London, England.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 8-10-75.  
260 California Street, San Francisco, California 94111.  
Thal Mercantile Marine, Ltd.—FMC-12  
Between: U.S. Pacific Coast.  
And: Panama, East Coast of Central and South America, Mexico and All Ports of the Caribbean Sea.  
Date of Last Revision: 12-29-71.  
c/o F. W. Hartman & Co., Inc., 21 West Street, New York, New York 10006.  
T. I. Shipping Enterprises Ltd.—FMC-1  
Between: Miami, Florida.  
And: Turks Island, Haiti, Dominican Republic.  
Date of Last Revision: 1-3-74.  
P.O. Box 4454, Miami, Florida 33101.  
Torm Lines—FMC-23 (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Beyrouth.  
To: East, Gulf and Great Lakes Ports.  
Date of Last Revision: 11-8-75.  
Holmens Kanal 42, Copenhagen, Denmark.  
Torm Lines—FMC-25 (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Lattakia.  
To: East, Gulf Coast and Great Lakes.  
Date of Last Revision: 9-1-75.



**Form Lines—FMC-26** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Malta/Sicilian Ports including Brindisi.  
To: U.S. East, Gulf Coast and Great Lake Ports.  
Date of Last Revision: 9-1-75.

**Form Lines—FMC-27** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Morocco.  
To: U.S. East, Gulf and Great Lakes.  
Date of Last Revision: 11-08-75.

**Form Lines—FMC-33** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Portuguese Continental Ports.  
To: U.S. South Atlantic and Gulf Ports in Morehead City, N.C./Brownsville, Texas Range including Great Lakes ports but excluding North Carolina/Maine Range.  
Date of Last Revision: 1-15-74.

**Form Lines—FMC-34** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Tripoli (Libya).  
To: U.S. East, Gulf and Great Lakes.  
Date of Last Revision: 1-22-74.

**Form Lines—FMC-35** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Spanish Ports.  
To: U.S. South Atlantic and Gulf Ports in the South Carolina/Brownsville Texas Range also including Great Lakes.  
Date of Last Revision: 1-22-74.

**Form Lines—FMC-39** (Dampskibsselskabet TORM A/S, Copenhagen.)  
From: Italian Ports excluding Sicilian and Brindisi.  
To: U.S. East, Gulf and Great Lakes.  
Date of Last Revision: 11-08-75.

**Torrence Navigation Co.—FMC-1**  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Europe, Africa and Med. Sea.  
Date of Last Revision: 2-28-69.  
17 Battery Place, New York, New York 10004.

**Trans-Atlantic Steel Carriers, Inc.—FMC-1**  
From: U.S. Great Lakes, Atlantic and Gulf Ports.  
To: Mediterranean, Adriatic and Black Sea Ports.  
Date of Last Revision: 10-31-71.  
82 Wall Street, New York, New York 10005.

**Trans-Atlantic Steel Carriers, Inc.—FMC-3**  
From: Continental Ports of the Bordeaux/Hamburg Range and Ports in the U.K. and Ireland.  
To: U.S. East and Gulf Coast Ports.  
Date of Last Revision: 6-9-72.  
409 Tower Building, 222 East Baltimore Street, Baltimore, Maryland 21202.

**Trans Caribbean Lines—FMC-10**  
Between: Atlantic and Gulf.  
And: Bahamas, Cayman Islands and Caicos, Providenciales and Turks.  
Date of Last Revision: 8-30-74.  
3301 N.W. So. River Drive, Miami, Florida 33142.

**Trans Caribbean Lines—FMC-11**  
Between: Atlantic and Gulf.  
And: Venezuela and Netherland Antilles.  
Date of Last Revision: 12-1-75.

**Transmaritima Boliviana, S.A.—FMC-1**  
Between: U.S. Atlantic and Gulf Ports.  
And: West Coast Ports in Colombia and Ports in Ecuador, Peru and Chile.  
Date of Last Revision: 5-16-69.  
1021 International Trade Mart, New Orleans, Louisiana 70130.

**Trans Naviera Del Peru S.A.—FMC-2**  
From: West Coast of Chile and Peru.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 10-25-67.  
Edificio Pizarro Of. 71-72, Jiron Union No. 284, Lima, Peru.

**Transportation Maritime Hondurena, S.A. de C.V.—FMC-1**  
From: East Coast Honduras, Mexico, Guatemala.  
To: Puerto Rico and Virgin Islands.

Date of Last Revision: 6-2-75.  
c/o "K" Line, Kerr Corporation, 90 Washington Street, New York, New York 10006.

**Transstainer Systems, Inc.—NVOCC FMC-1**  
From: U.S. North Atlantic, Gulf and Great Lakes Ports.  
To: Antwerp, Rotterdam, Bremen.  
Date of Last Revision: 7-26-72.  
3250 South St. Louis Avenue, Chicago, Illinois 60623.

**Transstainer Systems, Inc.—NVOCC FMC-2**  
From: Antwerp, Rotterdam, and Bremen.  
To: U.S. Great Lakes, Gulf and North Atlantic Ports.  
Date of Last Revision: 1-1-73.

**Transytur Line—FMC-4**  
From: Venezuela.  
To: U.S. South Atlantic and Gulf Ports.  
Date of Last Revision: 6-1-71.  
Mr. Corrado Altomare, c/o C.A. Naviera de Transporte y Turismo, Avenida San Francisco, Maracaibo, Venezuela.

**Trans-World Shipping Service, Inc.—NVOCC FMC-1**  
From: U.S. Great Lakes and St. Lawrence River Ports.  
To: Antwerp, Amsterdam, Bremen, Hamburg, Rotterdam and French Atlantic Ports.  
Date of Last Revision: 2-22-73.  
P.O. Box 1597, Toledo, Ohio 43603.

**Triton International Carriers, Ltd.—FMC-2**  
From: Seaport, Maine/Brownsville, Texas Range.  
To: Ports of Call in the U.K., Continental Europe, Mediterranean Red Sea, East Africa and Persian Gulf.  
Date of Last Revision: 9-24-75.  
c/o Mercury Shipping (Houston) Ltd., Houston Center Two, Suite 610, Houston, Texas 77002.

**Troll Carriers—FMC-2**  
From: U.S. Gulf Ports.  
To: Ports in the U.K. and the Continent.  
Date of Last Revision: 10-26-71.  
c/o Strachan Shipping Co., P.O. Box 9667, Savannah, Georgia 31402.

**Tropical Shipping & Construction Co., Ltd.—FMC-11**  
Between: Atlantic and Gulf.  
And: Leeward and Windward Islands, Trinidad, Barbados and Guianas.  
Date of Last Revision: 12-30-74.  
821 Avenue "E", Riviera Beach, Florida 33404.

**Tropwood Lines—FMC-6**  
From: Brazil.  
To: U.S. Great Lakes and St. Lawrence River Ports.  
Date of Last Revision: 9-10-74.  
c/o Navicom, Inc., 1200 S. Lincoln Memorial Drive, Milwaukee, Wisconsin 53207.

**Unidas Refrigerated Services—FMC-1**  
From: U.S. Great Lakes Ports.  
To: Ports in Argentina, Uruguay and Paraguay.  
Date of Last Revision: 2-18-72.  
c/o Garcia & Diaz, Inc., 25 Broadway, New York, New York 10004.

**United States Line—FMC-45**  
Between: Ports in the U.K., Republic of Ireland (Eire) and the Continent of Europe.  
And: Puerto Rico.  
Date of Last Revision: 3-25-72.  
One Broadway, New York, New York 10004.

**United States Line—FMC-67**  
Between: Hawaiian Islands, Guam and Marianas Islands.  
And: Ports in the Union of Soviet Socialist Republics.  
Date of Last Revision: 1-30-74.

**United Yugoslav Lines—FMC-17**  
From: Mediterranean, Black Sea, Spanish and Portuguese Ports.

To: Puerto Rico.  
Zupanciceva 24, P.O. Box 1, Piran 66330, Yugoslavia.

**Universal Alco Ltd.—FMC-2**  
Between: Nassau, Bahamas.  
And: Ports in Florida.  
Date of Last Revision: 1-4-73.  
1001 Port Boulevard, Miami, Florida 33132.

**Virgin Islands Line, Ltd.—FMC-1**  
Between: U.S. South Atlantic and Gulf Ports.  
And: All Caribbean Ports.  
Date of Last Revision: 4-7-74.  
c/o Bernuth, Lembcke Co., Inc., 420 Lexington Avenue, New York, New York 10017.

**Virginia Line—FMC-1**  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in the U.K., Ireland, Continent, Scandinavia, Baltic, Med., Black Sea, Africa, Asia, Australia and New Zealand.  
Date of Last Revision: 11-16-72.  
c/o Chester, Blackburn & Roder, Inc., One World Trade Center, Suite 1035, New York, New York 10048.

**Valocean Line—FMC-2**  
Between: U.S. Atlantic and Gulf Ports.  
And: Ports in Mexico, Central America, South America and Caribbean.  
Date of Last Revision: 12-20-75.  
c/o Mid States Agency Inc., P.O. Box 013901, Miami, Florida 33101.

**Victoria Line—FMC-1**  
Between: Ports in Florida.  
And: Ports in Dominican Republic and Haiti.  
Date of Last Revision: 11-14-75.  
c/o International Tariff Services, Inc., 815 Fifteenth Street, N.W., Washington, D.C. 20005.

**Wallenius Line—FMC-1**  
Between: U.S. Great Lakes Ports.  
And: Ports in Iceland, Norway, Sweden, Finland, Denmark, Belgium, Holland, Germany and Atlantic France, also United Kingdom Ports.  
Date of Last Revision: 9-15-74.  
2 Suedenbergsatan, Stockholm, Sweden.

**Wallenius Line—FMC-5**  
From: Continental European, United Kingdom and Swedish Ports.  
To: U.S. Great Lakes.  
Date of Last Revision: 8-24-74.

**West India Industries, Inc.—FMC-2, d.b.a. West India Line**  
From: Palm Beach, Florida.  
To: Jamaica.  
Date of Last Revision: 1-12-74.  
c/o A. T. Bruce, Agent, P.O. Box 10355, West Palm Beach, Florida 33404.

**West India Industries, Inc.—FMC-3, d.b.a. West India Line**  
From: Palm Beach, Florida.  
To: East Coast Ports in Guatemala, Honduras, Nicaragua and Costa Rica.  
Date of Last Revision: 12-8-73.

**Westfal-Larsen & Co. A/S—FMC-3**  
From: Argentina, Uruguay, Brazil.  
To: Puerto Rico.  
Date of Last Revision: 3-26-73.  
c/o General Steamship Corporation, Ltd., One Bush Street, San Francisco, California 94104.

**Westwind Africa Line—FMC-14**  
From: Dominican Republic.  
To: U.S. Atlantic and Gulf Ports.  
Date of Last Revision: 5-2-75.  
c/o Southern Star Shipping Co., Inc., 29 Broadway, New York, New York 10006.

**World Transport Ltd.—FMC-1**  
From: U.S. Great Lakes, East Coast and Gulf and West Coast Ports.  
To: All Ports in the Mediterranean.  
Date of Last Revision: 2-10-70.  
80 Broad Street, Monrovia, Liberia.



World Transport Ltd.—FMC-4  
From: U.S. Great Lakes, East Coast and Gulf and West Coast Ports.  
To: All European Ports on the Baltic, North Sea and Atlantic Coast including all Ports in Great Britain and Ireland.  
Date of Last Revision: 6-28-68.

World Transport Ltd.—FMC-7  
From: Bulgarian Ports.  
To: U.S. West, East and Gulf Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-8  
From: Moroccan Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-9  
From: Greek Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-10  
From: Yugoslavian Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-11  
From: Tunisian Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-12  
From: Turkish Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-13  
From: Spanish Ports.  
To: U.S. East, Gulf, and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-14  
From: Italian Ports.  
To: U.S. East, Gulf, and West Coast Ports.  
Date of Last Revision: 5-14-70.

World Transport Ltd.—FMC-15  
From: Lebanese Ports.  
To: U.S. East, Gulf, and West Coast Ports.  
Date of Last Revision: 5-14-70.

Worldwide Carriers, Ltd.—FMC-16  
From: Portuguese Ports.  
To: U.S. East, Gulf and West Coast Ports.  
Date of Last Revision: 5-14-70.

Worldwide Carriers, Ltd.—FMC-4  
From: U.S. East Coast and Gulf Ports.  
To: All Ports in the Mediterranean, including Adriatic and Black Sea Ports.  
Date of Last Revision: 11-02-70.  
80 Broad Street, Monrovia, Liberia.

Worldwide Carriers, Ltd.—FMC-11  
From: The Mediterranean Sea.  
To: U.S. Great Lakes.  
Date of Last Revision: 10-07-68.

Worldwide Carriers, Ltd.—FMC-19  
From: U.S. Great Lakes Ports.  
To: All Ports in the Mediterranean.  
Date of Last Revision: 1-22-68.

Worldwide Carriers, Ltd.—FMC-23  
From: The Mediterranean Sea.  
To: U.S. East and Gulf Coast Ports.  
Date of Last Revision: 12-10-68.

Yamashita-Shinnihon Steamship Co., Ltd.—FMC-10  
From: Singapore, Malaysia and Brunel.  
To: U.S. Pacific Coast.  
Date of Last Revision: 12-09-69.  
6th Floor, Palace-Side Bldg., No. 1 Takehira-cho, Chiyoda-ku, Tokyo, Japan.

Yamashita-Shinnihon Steamship Co., Ltd.—FMC-11  
From: Singapore, Malaysia and Brunel.  
To: U.S. Atlantic and Gulf.  
Date of Last Revision: 3-10-70.

Yamashita-Chinnihon Steamship Co. Ltd.—FMC-17  
From: India.  
To: U.S. Pacific.  
Date of Last Revision: 7-20-71.

Zim Israel Navigation Co., Ltd.—FMC-4  
From: U.S. North, South Atlantic and Gulf Ports.  
To: Mexico.  
Date of Last Revision: 6-28-71.  
100 California Street, Suite 1080, San Francisco, California 94111.

Zim Israel Navigation Co., Ltd.—FMC-6  
From: U.S. North, South Atlantic and Gulf Ports.  
To: Venezuela.  
Date of Last Revision: 8-10-73.

Zim Israel Navigation Co., Ltd.—FMC-15  
From: Canadian and St. Lawrence River Ports.  
To: U.S. Great Lakes Ports.  
Date of Last Revision: 10-08-67.

Zim Israel Navigation Co., Ltd.—FMC-17  
From: Central and South American Ports.  
To: U.S. Atlantic, Pacific and Gulf Ports.  
Date of Last Revision: 9-30-74.

Zim Israel Navigation Co., Ltd.—FMC-22  
From: Vera Cruz and Tampico, Mexico.  
To: U.S. North Atlantic and Gulf Ports.  
Date of Last Revision: 8-10-73.

A. P. Moller-Maersk Line—FMC-34  
From: Japan.  
To: Puerto Rico and Virgin Island Ports.  
Date of Last Revision: 5-3-73.  
c/o Moller Steamship Co., Inc., One World Trade Center, Suite 3527, New York, New York 10048.

[FR Doc. 77-20522 Filed 7-15-77; 8:45 am]

## FEDERAL RESERVE SYSTEM

### COLUMBUS BANCSHARES, INC.

#### Formation of Bank Holding Company

Columbus Bancshares, Inc., Columbus, Kans., has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) to become a bank holding company through acquisition of 90.92 percent of the voting shares of The Columbus State Bank, Columbus, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 4, 1977.

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

RUTH A. REISTER,  
Assistant Secretary of the Board.

[FR Doc. 77-20472 Filed 7-15-77; 8:45 am]

## INTERNATIONAL BANK

### Determination of Control Over Financial General Bankshares, Inc.; Order Granting Motion for Extension of Time

On June 30, 1977 Board Counsel filed with the Administrative Law Judge a Motion for Extension of Time to Certify the Record to the Board of Governors. On July 1, 1977 the Administrative Law Judge filed an Order of Certification by which he transmitted Board Counsel's Motion to the Board for disposition.

In a previous Order dated May 20, 1977 the Board reopened the record in this matter for further proceedings and directed the Administrative Law Judge to recertify the record to the Board not later than July 15, 1977. It now appears that more time is needed for completion of these proceedings because certain witnesses called by Board Counsel were not available to testify at the times specified in the schedule established by the Administrative Law Judge pursuant to the Board's previous Order. In light of this development, and in consideration of the fact that all parties have consented to the granting of the Motion for Extension of Time, I have determined that the said Motion should be granted.

It is hereby ordered, That the Motion for Extension of Time to Certify the Record to the Board of Governors is hereby granted; and

It is further ordered, That the Administrative Law Judge shall set such schedules on this matter as shall allow him to certify the additional portions of the record to the Board not later than July 25, 1977.

By order of the Board of Governors, acting through its Secretary pursuant to delegated authority (12 CFR § 265.2(a) (15)), effective July 8, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 77-20473 Filed 7-15-77; 8:45 am]

## STANDARD FINANCIAL CORP.

### Formation of Bank Holding Company

Standard Financial Corporation, New York, New York, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) to become a bank holding company through acquisition of 99.4 percent of the voting shares of Sterling National Bank & Trust Company of New York, New York, New York. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Standard Prudential Corporation, New York, New York, the direct parent of Standard Financial Corporation, has also applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4 (b) (2)), for permission to acquire voting shares of Standard Financial Corporation. Standard Factors Corporation, Universal Finance Corporation, Atlas Leasing Company, Inc., and Security Industrial Loan Association, all of New York, New York. Notice of the application was published on June 9, 1977, in the New York Times, Los Angeles Times and The Richmond Times-Dispatch, newspapers circulated in New York, New York, Los Angeles, California, and Richmond, Virginia, respectively.

Applicant states that the proposed subsidiaries would engage in the activities



of making business, commercial finance, consumer mortgage, and mortgage loans and servicing. The subsidiaries would also engage in lease financing and factoring. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 8, 1977.

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

RUTH A. REISTER,  
Assistant  
Secretary of the Board.

[FR Doc. 77-20474 Filed 7-15-77; 8:45 am]

[Docket No. TOR 76-104]

#### WACHOVIA CORP.

#### Prior Certification Pursuant to Bank Holding Company Tax Act of 1976

The Wachovia Corporation, Winston-Salem, North Carolina ("Wachovia") has requested a prior certification pursuant to § 6158(a) of the Internal Revenue Code (the "Code"), as amended by § 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that its sale on April 30, 1976 of all the 20,000 issued and outstanding shares of common stock of Wachovia Insurance Agency, Inc., Winston-Salem, North Carolina ("Agency"), then held by Wachovia was necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. 1843) ("BHC Act"). The shares of Agency were sold by Wachovia to Alexander & Alexander, Inc., Baltimore, Maryland ("A&A"), in exchange for 130,000 shares of common stock of Alexander & Alexander Services, Inc. ("Services"), the parent company of A&A.<sup>1</sup>

<sup>1</sup> Pursuant to section 3(e)(2) of the Tax Act, in the case of any sale that takes place on or before December 31, 1976 (the 90th

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification:<sup>2</sup>

1. Wachovia is a corporation organized under the laws of the State of North Carolina in September 1968 to acquire and hold all the shares of Wachovia Bank and Trust Company, N.A. ("Bank").

2. On December 31, 1968, Wachovia acquired ownership and control of all of the outstanding voting shares (less directors' qualifying shares) of Bank.

3. Wachovia became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its ownership and control at that time of more than 25 per cent of the outstanding voting shares of Bank, and it registered as such with the Board on January 20, 1972. Wachovia would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its ownership and control on that date of more than 25 per cent of the voting shares of Bank. Wachovia presently owns and controls 100 percent (less directors' qualifying shares) of the outstanding voting shares of Bank.

4. Agency was organized in January 1969 as a wholly-owned subsidiary of Wachovia to engage in the business of acting as agent for the sale of all types of insurance, including fire, casualty and marine insurance, fidelity and surety bonds and group accident and health coverage. On April 30, 1976 Wachovia owned and controlled the 20,000 issued and outstanding shares of common stock of Agency, all of which it acquired before July 7, 1970.

5. Wachovia did not file an application with the Board, and did not otherwise obtain the Board's approval, pursuant to section 4(c)(8) of the BHC Act to retain the shares of Agency or engage in the activities carried on by Agency.<sup>3</sup>

day after the date of the enactment of the Tax Act), the certification described in § 6158(a) shall be treated as made before the sale, if application for such certification was made before the close of December 31, 1976. Wachovia's application for such certification was received by the Board on November 19, 1976.

<sup>2</sup> This information derives from Wachovia's correspondence with the Board concerning its request for this certification, Wachovia's Registration Statement filed with the Board pursuant to the BHC Act and other records of the Board.

<sup>3</sup> Although Wachovia did not seek Board approval to retain Agency, some or all of Agency's activities may be among those activities that the Board has previously determined to be closely related to banking, under section 4(c)(8). See 12 CFR §§ 225.4(a)(9) and 225.128; *Alabama Association for Insurance Agents et al. v. Board of Governors of the Federal Reserve System*, 544 F.2d 572 (1977). Under the Board's present procedures, however, the question whether, or to what extent, Wachovia would have been permitted to retain these activities would not have been determinable unless and until Wachovia filed an application for permission to retain the activities. In passing upon such an appli-

6. On April 30, 1976 Wachovia sold the shares of Agency to A&A in exchange for 130,000 shares of common stock of Services, which shares represented 2.4 per cent of the outstanding voting shares of Services. On August 2, 1976 Wachovia sold the Services shares and it presently holds no interest in Services or any subsidiary of Services.

On the basis of the foregoing information it is hereby certified that:

(A) On April 30, 1976 Wachovia was a qualified bank holding corporation, within the meaning of § 6158(f)(1) and subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection;

(B) the shares of Agency that were sold by Wachovia on April 30, 1976 were "prohibited property" within the meaning of §§ 6158(f)(2) and 1103(c) of the Code; and

(C) the sale of the shares of Agency was necessary or appropriate to effectuate section 4 of the BHC Act.

This certification is based upon the representations made to the Board by Wachovia and upon the facts set forth above. In the event the Board should hereafter determine the facts material to this certification are otherwise than as represented by Wachovia, or that Wachovia has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)), effective July 12, 1977.

RUTH A. REISTER,  
Assistant  
Secretary of the Board.

[FR Doc. 77-20533 Filed 7-15-77; 8:45 am]

#### WINNER BANSHARES, INC.

#### Order Approving Formation of Bank Holding Company

Winner Banshares, Inc., Winner, South Dakota, has applied for the Board's ap-

proval of the formation of a bank holding company. The Board would have been required to apply the second test set forth in section 4(c)(8) and to determine whether the performance of these activities by a subsidiary of Wachovia "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." In the absence of favorable action on such an application Wachovia would have had no authority for retaining Agency beyond December 31, 1980, if it continued to be a bank holding company beyond that date. The legislative history of the Tax Act does not indicate a Congressional intent that companies subject to such a divestiture requirement exhaust the possibilities for retaining the activity before being eligible for tax relief, and in view of the paramount purpose of section 4 of the BHC Act, that "banking and commerce should remain separate," S. Rep. No. 1084, 91st Cong., 2d Sess. 12 (1970), it would appear that the disposition of a potentially permissible activity, without first seeking approval for retention, is at least "appropriate" to effectuate section 4.



proval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) of formation of a one-bank holding company through acquisition of 94.4 percent of Farmers State Bank, Winner, South Dakota ("Bank"). Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating company formed for the purpose of becoming a bank holding company, presently owns 144.5 (2.9 percent) of the outstanding voting shares of Bank and proposes to acquire an additional 4,720.5 (94.4 percent) of the outstanding shares of Bank, thus increasing its ownership to 4,865 shares or 97.3 percent of the outstanding voting shares. Upon acquisition of these shares, Applicant will control the 14th largest banking organization in South Dakota with total deposits of approximately \$36.9 million,<sup>1</sup> representing 1.15 percent of total deposits held by commercial banks in the State. Within the relevant market,<sup>2</sup> Bank is the largest of three banking organizations, controlling 49 percent of market deposits.

Certain principals of Applicant are also involved as shareholders, directors and/or officers in other banks and one-bank holding companies located in Nebraska, Iowa and South Dakota. Inasmuch as this proposal represents the restructuring of the existing ownership of Bank, and since no other bank in which Applicant's principals are involved is located in the same market as Bank, it appears that consummation of the proposal would not have an adverse effect on existing or potential competition. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

As part of the present application, shareholders of Applicant have committed to contribute \$200,000 to be applied against the debt assumed. With this addition of capital, Applicant appears to be able to service the debt it would assume incident to this proposal over a twelve-year amortization period through dividends from the Bank including cash payments made by Bank to Applicant and retained by Applicant to the extent that they represent savings from filing consolidated tax returns. In light of Bank's past earnings and its anticipated growth, the projected earnings of Bank appear reasonable and would provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements and to maintain an adequate capital position for Bank. Therefore, based upon this analysis and in reliance upon the commitment made by Applicant's shareholders, the financial factors of Appli-

cant are satisfactory and consistent with approval. Both the managerial resources and the future prospects of Applicant and Bank are considered satisfactory and consistent with approval.

Although consummation of the proposal would have no immediate effect on services offered by Bank, considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, 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 Minneapolis pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective July 7, 1977.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.77-20534 Filed 7-15-77;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

##### Determination—Amendment

JUNE 8, 1977.

This notice is published in exercise of authority delegated by the Secretary of

Tribal entities recognized by the Federal Government and listed by State	To employ tribal police	To establish a tribal court	To adopt a tribal law and order code	To undertake correction functions	To undertake programs aimed at preventing adult crimes and juvenile delinquency	To undertake adult and juvenile rehabilitation programs
Wisconsin: Red Cliff Band of Chippewas.....	X	X	X	X	X	X

RAYMOND V. BUTLER,

Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-20482 Filed 7-15-77;8:45 am]

### Bureau of Land Management

#### JACK H. THOMPSON

##### Receipt of Application

##### Correction

In FR Doc. 77-19426 appearing at page 35228, on page 35229, the last paragraph should be corrected to read as follows:

Interested persons may comment on this application by submitting written data, views or arguments to the Manager, New Orleans OCS Office at his address above. All relevant comments received on or before August 8, 1977 will be considered.

### National Park Service

#### GREEN SPRINGS HISTORIC DISTRICT, LOUISA COUNTY, VIRGINIA

##### Public Hearing and Meeting

By notice in the FEDERAL REGISTER of June 21, 1977, it was announced that a public meeting would be held on July 27, 1977, in Louisa County to discuss and receive public comments on the environmental assessment and review prepared by the National Park Service with respect to the proposal to accept a donation of preservation easements for the Green Springs Historic District. By notice in the FEDERAL REGISTER of June 29, 1977, it was announced that the Secretary of the

<sup>1</sup> This figure is as of March 31, 1977. All other data are as of June, 1976.

<sup>2</sup> The relevant market is approximated by Tripp County.



Interior would reconsider the listing of the Green Springs Historic District on the National Register and its designation as a National Historic Landmark, and, as a part of these reconsiderations, a public hearing would be held on July 27, 1977, in Louisa County. By "reconsider," it is meant that the Secretary will determine anew, without any presumptions based on prior actions, the issues concerning the Green Springs Historic District mentioned in the notice of June 29, 1977. This notice is to establish the specific times and place of the public meeting and hearing and to describe related procedures.

The public hearing on the reconsideration of the listing of the Green Springs Historic District on the National Register and its designation as a National Historic Landmark will be from 8 a.m. to 12 p.m., July 27, 1977, at the Louisa County Junior High School Auditorium located at Mineral, Virginia. Each individual attending will be permitted to speak for a maximum of ten minutes unless time allows for additional comments. All persons wishing to speak will be asked to submit their names at the commencement of the hearing and the names will be called at random by lot. Persons arriving after the commencement of the hearing may submit their names to speak after the persons present at the commencement have been heard. In the event that four hours is not sufficient time to permit all interested persons to speak, the hearing will continue in the afternoon as necessary. Please note that the June 29, 1977 notice solicits both written and oral comments and that written comments received by July 29, 1977, will be given equal weight in the Secretary's consideration. Interested persons will be permitted to submit to the record any material they consider pertinent for the Secretary's consideration. A representative of the Secretary's Office and a representative of the National Park Service will hear the oral comments at the hearing. The June 29, 1977, notice provides additional information on the nature and scope of this hearing.

The public meeting to discuss the environment assessment is scheduled to take place from 1 to 4 p.m., July 27, 1977, at the school auditorium noted above. In the event that the morning hearing runs over to the afternoon, the meeting will take place at 7 p.m. and run to approximately 10 p.m. in the auditorium. If necessary, the meeting may be continued to July 28 so as to permit full comment at the public hearing. The speaking order at the public meeting will also be at random by lot with a maximum of ten minutes per person. Please note that the June 21, 1977, notice also solicits written comments on the environmental assessment and that written comments will be given equal weight in the decision-making process. Interested persons will be permitted to submit to the record any material they consider pertinent to the issues raised by the environmental assessment and review by July 29, 1977 (instead of July 27, 1977, as originally announced). The June 21, 1977 notice provides additional information about the nature and scope of this meet-

ing and the environmental assessment and review.

Copies of the environmental assessment and review, copies of the nomination of the Green Springs Historic District to the National Register, and copies of the landmark study leading to its designation as a National Historic Landmark are available from the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: July 8, 1977.

JERRY L. ROGERS,  
Chief, Office of Archeology  
and Historic Preservation.

[FR Doc. 77-20776 Filed 7-15-77; 10:13 am]

## INTERNATIONAL TRADE COMMISSION

[TA-201-27]

### BOLTS, NUTS, AND LARGE SCREWS OF IRON OR STEEL

#### Change of Date of Hearing

Notice is hereby given that the United States International Trade Commission has rescheduled to Thursday, September 29, 1977, the public hearing to be held in investigation No. TA-201-27, Nuts, Bolts, and Large Screws of Iron or Steel. The hearing will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. The hearing had formerly been set to begin on October 11.

Requests to appear at the hearing should be filed, in writing with the Secretary of the Commission at his Office in Washington, D.C. not later than noon, Monday, September 26, 1977.

Notice of the investigation and October 11 hearing date was published in the FEDERAL REGISTER of June 28, 1977 (42 FR 32852).

Issued: July 11, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 77-20485 Filed 7-15-77; 8:45 am]

[TA-201-28]

### HIGH-CARBON FERROCHROMIUM

#### Investigation and Hearing

Investigation instituted. Following receipt of a petition on July 1, 1977, filed by the Committee of Producers of High Carbon Ferrochrome, the United States International Trade Commission on July 11, 1977, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether ferrochromium, containing over 3 percent by weight of carbon, provided for in item 607.31 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

**Public hearing.** A public hearing in connection with this investigation will be held beginning on Tuesday, October 11, 1977, in Pittsburgh, Pennsylvania, at a location to be announced at a later date. Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington not later than noon, Friday, October 7, 1977.

**Investigation to be expedited.** It is the belief of the Commission that the investigation can be expedited and it is the intention of the Commission to report to the President by December 1, 1977, if possible.

**Inspection of the petition.** The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City Office of the United States International Trade Commission located at 6 World Trade Center.

Issued: July 12, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 77-20487 Filed 7-15-77; 8:45 am]

### LOW-CARBON FERROCHROMIUM

#### Report to the President

UNITED STATES INTERNATIONAL  
TRADE COMMISSION,  
July 11, 1977.

TO THE PRESIDENT: In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the U.S. International Trade Commission herein reports the results of an investigation made under section 201(b)(1) of that act, relating to low-carbon ferrochromium.

The investigation to which this report relates was undertaken to determine whether ferrochromium, not containing over 3 percent by weight of carbon, provided for in item 607.30 of the Tariff Schedules of the United States (TSUS), is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The investigation was instituted on January 21, 1977, upon receipt of a petition filed on January 10, 1977, by the Committee of Producers of Low-Carbon Ferrochrome.

Notice of the institution of the investigation was issued on January 28, 1977; notice was issued on March 8 that the public hearing would be held April 5 in Pittsburgh, Pa.; and on March 21 notice was issued that the public hearing would be held beginning at 10 a.m. April 5 in the hearing room of the Federal Building of that city. The notices were posted at the Commission's offices in Washington, D.C., and New York City, and were published in the FEDERAL REGISTER on February 2, March 11, and March 24, 1977, respectively (42 FR 6432, 13609, and 15979). The public hearing was duly held at the time and place announced. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from ques-



tionnaires sent to domestic manufacturers, importers, and distributors, and from the Commission's files, other Government agencies, and evidence presented at the hearing and in briefs filed by interested parties.

A transcript of the hearings and copies of briefs submitted by interested parties in connection with the investigation are attached.<sup>1</sup>

#### DETERMINATION OF THE COMMISSION

On the basis of its investigation, the Commission determines (Commissioner Moore dissenting<sup>2</sup> and Vice Chairman Parker not participating) that ferrochromium, not containing over 3 percent by weight of carbon, provided for in item 607.30 of the Tariff Schedules of the United States (TSUS), is not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Issued: July 11, 1977.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc.77-20486 Filed 7-15-77;8:45 am]

[TA-203-3]

#### STAINLESS STEEL AND ALLOY TOOL STEEL

##### Notice of Investigation and Hearing Correction

In FR Doc. 77-18019 appearing in the issue of Friday, June 24, 1977 on page 32323, the last paragraph, the first sentence should read as follows:

**Public hearing.** A public hearing in connection with this investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10 a.m., e.d.t., on Tuesday, August 23, 1977.

#### DEPARTMENT OF LABOR

##### Office of Pension and Welfare Benefit Programs

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### EMPLOYEE BENEFIT PLANS

##### Proposal To Adopt Additional Conditions With Respect to Prohibited Transaction Exemption 77-9

##### Correction

In FR Doc. 77-17987, appearing at page 32399 in the issue of Friday, June 24, 1977, the telephone number in the fifth line of the paragraph headed "FOR FURTHER INFORMATION" should have read "202-523-6856".

<sup>1</sup> Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for information submitted in confidence.

<sup>2</sup> Commissioner Moore determines in the affirmative, i.e., that the ferrochromium involved is being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### National Endowment for the Arts

##### ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

##### Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on August 1-5, 1977, from 9:00 a.m. to 5:30 p.m., in Room 1125 and 1130 Columbia Plaza Building, 2401 E Street, N.W., Wash., D.C. 20506.

This meeting is for the purpose of Panel review discussion evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: July 11, 1977.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, National  
Foundation on the Arts  
and the Humanities.

[FR Doc.77-20543 Filed 7-15-77;8:45 am]

#### VISUAL ARTS ADVISORY PANEL

##### Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Photographers' Fellowships) to the National Council on the Arts will be held on August 1-3, 1977, from 9:30 a.m. to 6:00 p.m., in Room 1115 Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr.

Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: July 11, 1977.

ROBERT M. SIMS,  
Administrative Officer, National  
Endowment for the Arts, National  
Foundation on the Arts  
and the Humanities.

[FR Doc.77-20542 Filed 7-15-77;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

##### ABNORMAL OCCURRENCE EVENT

##### Degraded Fuel Rod Incident

Section 208 of the Energy Reorganization Act of 1974, as amended, required the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (41 FR 10950). Appendix A (Example II, A, 2) of the Policy Statement notes that major degradation of fuel integrity can be considered an abnormal occurrence.

##### FUEL ROD FAILURES AT NUCLEAR POWER REACTOR

**Date and place.** On May 15, 1977, during refueling operations at Dairyland Power Cooperative's LaCrosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin, the licensee noted that 3 of the 72 fuel assemblies in the core had localized fuel rod failures with portions of the fuel rods within the assembly missing. A total of 26 of the 72 fuel assemblies exhibited some degree of fuel degradation.

**Nature and probable consequences.** The nuclear steam supply system of LACBWR, a 165 megawatt (thermal) plant, was provided by Allis Chalmers. The LACBWR is the only operating boiling water power reactor which utilizes fuel rods with stainless steel cladding. Each fuel rod consists of uranium-dioxide fuel pellets housed in a closed hollow tube of stainless steel about 0.4 inch in diameter and about 8 feet long. The tube, or fuel cladding, is one of the several barriers designed to contain the radioactive fission products produced during reactor operation. Failure of fuel cladding causes the release of radioactive fission products into the reactor coolant which generally results in an increase in environmental releases above normally expected levels. Fuel clad failures can vary in degree from small perforations in the clad material to fuel rod failures. Fuel rod failures are a safety concern due to the potential for affecting adjacent fuel rods or control rods and for affecting the course of events in postulated accidents. The limiting conditions for plant performance conservatively restrict operation prior to a safety problem developing or environmental releases being a safety concern.



For approximately a five-month period prior to reactor shutdown for the current refueling outage, the reactor was operated at reduced power levels in order to maintain radioactivity releases to the environs within the prescribed limits for reactor operation.

During refueling operations following reactor shutdown at the completion of Fuel Cycle No. 4, portions of fuel rods were found to be missing from three fuel assemblies (each assembly contains 100 fuel rods in a 10 x 10 array). Visual inspections resulted in the identification of failed fuel rods in six fuel rod assemblies with an average of 3 to 4 failed rods per assembly. An approximate total of 57 equivalent inches (length) of fuel rod was observed to be missing. Subsequently, several of the missing rod pieces were recovered from the top of adjacent fuel assemblies in the reactor core and another piece was recovered from the spent fuel storage pool. In addition to the 6 fuel assemblies which exhibited visual damage, 20 fuel assemblies were found to exhibit fission gas release rates above specified limits based on the results of fuel "sipping" examinations which measure fuel assembly radioactive releases to core cooling water.

The average exposure of the 26 damaged fuel assemblies is greater than 16,000 megawatt days per metric ton of uranium. This is the highest average exposure of discharged fuel in the history of LACBWR's operation.

Although this event is not the first incidence of fuel rod failures at LACBWR, the extent and degree of the previous failures were significantly less than for this occurrence.

The precise nature of the significance to public health of a major degradation of fuel integrity can vary from no effect to a health hazard.

The consequences of this event were a reduction in electrical generating capacity, increased radiation levels in the reactor coolant and various other areas at the plant, and a possible extended refueling outage to evaluate the extent of fuel damage and to recover missing pieces of fuel and cladding located within the reactor vessel. There were no personnel exposures to radiation and no radioactive releases to the environs in excess of regulatory limits as a result of this occurrence. No health hazards resulted, nor were any likely.

**Causes or causes.** Based on preliminary investigations, observed defects in the cladding of the damaged fuel rods are quite similar to the circumferential cracks observed in previous fuel inspections at LACBWR. However, the licensee believes that the failures evidenced in fuel rods of the six most severely affected fuel assemblies may have been the result of high internal fuel rod pressure such as could occur if a rod that had become water-logged as a result of a minor cladding crack were returned to power too rapidly after a long outage. (A rapid power rise could result in vaporization of the water in a water-logged fuel rod at a faster rate than the result-

ant internal fuel rod pressure can be relieved through a minor cladding crack). LACBWR experienced such a sustained outage (6 months) during the middle of the recently completed fuel cycle, just prior to the observed rise in primary coolant activity.

#### ACTIONS TAKEN TO PREVENT RECURRENCE

**Licensee.** The licensee is continuing to inspect the damaged fuel and to determine the cause of fuel rod failures. The specific actions to prevent recurrence will be determined based on the results of these investigations.

**NRC.** The NRC is reviewing the licensee's findings and will take actions appropriate to reduce the potential for fuel rod failures.

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

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-20319 Filed 7-15-77; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR STATION, UNITS 1 AND 2

##### Meeting

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Diablo Canyon Nuclear Power Station, Units 1 and 2, will hold a meeting on Aug. 2, 1977, at the Royal Court Inn, 1750 S. Elmhurst St., Chicago, IL 60618. The purpose of this meeting is to continue the review of the application of the Pacific Gas and Electric Company for a permit to operate this Station.

The agenda for subject meeting shall be as follows:

Tuesday, August 2, 1977, 8:30 a.m. until conclusion of business.

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the Pacific Gas and Electric Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff and the Pacific Gas and Electric Company

matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, involving provisions to carry over an incomplete open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply: (a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 26, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room 1717 H Street, NW., Wash., D.C. 20555, and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meet-



ing has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 1, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 9, and November 2, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the San Luis Obispo County Free Library, San Luis Obispo, CA 93406.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 77-20449 Filed 7-15-77; 8:45 am]

**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE SHEARON HARRIS NUCLEAR POWER PLANT**

**Meeting**

In accordance with the purposes of Sections 29 and 182b, of the Atomic En-

ergy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Shearon Harris Nuclear Power Plant, will hold a meeting on Aug. 6, 1977, at the Energy and Environmental Center of the Carolina Power and Light Company at New Hill, NC 27562. The purpose of this meeting is to continue the review of the application of the Carolina Power and Light Company for a permit to construct the Shearon Harris Nuclear Power Plant.

The agenda for subject meeting shall be as follows:

SATURDAY, AUGUST 6, 1977, 8:30 A.M. UNTIL  
CONCLUSION OF BUSINESS

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the Carolina Power and Light Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with representatives of the NRC Staff and the Pacific Gas and Electric Company matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552 b (c) (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 30, 1977 to Mr. Elpidio G. Igne, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Wash., D.C. 20555, and the Wake County Public Library, 104 Fayetteville St., Raleigh, N.C. 27601.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 5, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1920, Attn: Mr. Elpidio G. Igne) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or



projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 15 and November 7, 1977, respectively, at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Wake County Public Library, 104 Fayetteville St., Raleigh, NC 27601.

Copies may be obtained upon payment of appropriate charges.

Dated July 14, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 77-20673 Filed 7-15-77; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 6 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

##### Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 6 of the ACRS Subcommittee on Reactor Safety Research will hold an open meeting on August 4, 1977 in Room 1046, 1717 H St., NW., Washington, DC 20555. The purpose of this meeting is to review programs and plans for risk assessment research.

The agenda for subject meeting shall be as follows:

THURSDAY, AUGUST 4, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will meet to hear presentations by representatives of the NRC Staff and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Working Group may caucus to determine whether the matters identified in the initial session have been adequately covered.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 28, 1977 to Mr. Robert L. Wright, Jr., ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 3, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1919, Attn: Mr. Robert L. Wright, Jr.) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after August 11 and November 4, 1977, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated: July 12, 1977.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 77-20445 Filed 7-15-77; 8:45 am]

[Docket No. 50-348]

#### ALABAMA POWER CO., JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 1

##### Issuance of a Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF-2 to Alabama Power Company authorizing operation of the Joseph M. Farley Nuclear Plant, Unit 1 at steady state reactor core power levels not in excess of 2652 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Joseph M. Farley Nuclear Plant, Unit 1 is a pressurized water nuclear reactor located at the licensee's site on the Chattahoochee River in Houston County near the city of Dothan, Alabama.

However, the facility is temporarily restricted from operating at full rated power until certain tests and other items noted in the license conditions are completed to the written satisfaction of the Commission.

In accordance with the Commission's March 14, 1977 issuance of an effective interim rule regarding the environmental considerations of the uranium fuel cycle (42 FR 13804), the staff has examined the revised impact values contained in Table S-3 of 10 CFR Part 51 to determine the effect on the cost-benefit balance previously performed for this facility. This examination is set forth in the "Environmental Assessment, Joseph M. Farley Nuclear Plant, Unit 1, Fuel Cycle Considerations." The staff has concluded that the use of the revised values does not tilt the cost-benefit balance so as to change the staff's original conclusion to issue an operating license presented in the Final Environmental Statement related to operation of the Joseph M. Farley Nuclear Plant, Unit 1 (December 1974).

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The Commission has also made appropriate findings which are set forth in the license regarding the environmental impacts associated with operation of the facility. The license also includes the condition



that the license is subject to the outcome of the proceedings in *Natural Resource Defense Council v. NRC* (D. C. Circuit) (July 21, 1976), Nos. 74-1385 and 74-1586. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on August 16, 2012.

This action is in furtherance of the licensing action encompassed in the Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing published in the *FEDERAL REGISTER* on October 30, 1973 (38 FR 29907).

A copy of (1) Facility Operating License No. NPF-2 complete with Technical Specifications (Appendices A and B, Attachment 1) and Preoperational Tests, Startup Tests and Other Items Which Must be Completed Prior to Proceeding to Succeeding Operational Modes (Attachment 2); (2) the report of the Advisory Committee on Reactor Safeguards, dated June 12, 1975; (3) the Office on Nuclear Reactor Regulation's Safety Evaluation and Supplements 1, 2 and 3 dated May 2, 1975, October 3, 1975, October 15, 1975 and June 1977 respectively; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated July 18, 1973 and supplements thereto; (6) the Draft Environmental Statement dated July 29, 1974; (7) the Final Environmental Statement dated December 12, 1974; and (8) the Environmental Assessment on Fuel Cycle Considerations are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301.

A copy of the license and items (2) and (8) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation and Supplements 1, 2 and 3 (Document Nos. NUREG-75/034, NUREG-75/034, NUREG-0117 and NUREG-0117) may be purchased, at current costs, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 25th day of June 1977.

For the Nuclear Regulatory Commission,

JOHN F. STOLZ,  
Chief, Light Water Reactors  
Branch No. 1, Division of Project Management.

[FR Doc. 77-20325 Filed 7-15-77; 8:45 am]

[Docket Nos. 50-13, 50-99, etc.]

#### BABCOCK & WILCOX CO.

##### Request for Action

Notice is hereby given that by letter dated July 5, 1977, The Babcock and

Wilcox Company requested the Nuclear Regulatory Commission (the Commission), pursuant to 10 CFR 2.206 of the Commission's rules of practice, to take certain emergency action with respect to the announced intention of the United Technologies Corporation to acquire controlling shares of The Babcock and Wilcox (B&W) Company. B&W holds Facility License Nos. R-47 (Docket 50-99) and CX-10 (Docket 50-13); and Special Nuclear Material License Nos. SNM-778 (Docket 70-824), SNM-1168 (Docket 70-1201), SNM-145 (Docket 70-135), SNM-42 (Docket 70-27), SNM-414 (Docket 70-364) and Byproduct Material License Nos. 45-00105-04, 37-07031-01, 37-04456-01, 37-04456-03; and Source Material License No. SMB-502 (Docket 40-1193). The specific action requested of the Commission is that it:

Require that applications for transfer of the above referenced licenses be filed with the Commission by United Technologies Corporation and consent be granted by the Commission in accordance with Section 184 of the Atomic Energy Act of 1954, as amended, prior to the actual transfer of these licenses.

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.

Dated at Bethesda, Md., this 12th day of July 1977.

For the Nuclear Regulatory Commission,

EDSON G. CASE,  
Acting Director, Office of  
Nuclear Reactor Regulation.

[FR Doc. 77-20444 Filed 7-15-77; 8:45 am]

[Docket Nos. 50-373 and 50-374]

#### COMMONWEALTH EDISON CO.

##### 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:

#### COMMONWEALTH EDISON CO.

(LA SALLE COUNTY STATION, UNITS NO. 1 AND NO. 2)

This action is in reference to a notice published by the Commission on June 9, 1977, in the *FEDERAL REGISTER* (42 FR 29576) entitled "Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing."

The members of the Board are:

Marshall E. Miller, Esq., Chairman  
Dr. Oscar H. Paris, Member  
Mr. Frederick J. Shon, Member

The address of all the Board members is as follows:

Atomic Safety and Licensing Board Panel,  
U.S. Nuclear Regulatory Commission,  
Washington, D.C. 20555.

Dated at Bethesda, Maryland this 11th day of July 1977.

ATOMIC SAFETY AND LICENSING BOARD PANEL,  
JAMES R. YORE,  
Chairman.

[FR Doc. 77-20451 Filed 7-15-77; 8:45 am]

#### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

##### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-04, "Commissioning Procedures," has been developed. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Operation which met in May 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by September 1, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development,



U.S. Nuclear Regulatory Commission,  
Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 30th  
day of June 1977.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc.77-20452 Filed 7-15-77;8:45 am]

[Docket Nos. 50-387 and 50-388]

**PENNSYLVANIA POWER AND LIGHT CO.  
AND ALLEGHENY ELECTRIC COOPERATIVE,  
INC.**

**Receipt of Additional Antitrust Information;  
Time for Submission of Views on Anti-  
trust Matters**

Pennsylvania Power and Light Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on April 12, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Allegheny Electric Cooperative, Inc. as an owner of the Susquehanna Steam Electric Station, Units 1 and 2.

The information was filed by Pennsylvania Power and Light Company in connection with their application for construction permits and operating licenses for two boiling water nuclear reactors. The Pennsylvania Power and Light Company was issued two construction permits on November 2, 1973 for their Susquehanna Steam Electric Station, Units 1 and 2. Construction is underway on a site located in Salem Township, Luzerne County, Pennsylvania.

The original antitrust portion of the application was submitted on March 23, 1971 and Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters was published in the FEDERAL REGISTER on May 7, 1971 (36 FR 8529). The Notice of Hearing was published in the FEDERAL REGISTER on September 23, 1972 (37 FR 20090).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. ATTN: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Allegheny Electric Cooperative, Inc. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before August 23, 1977.

Dated at Bethesda, Maryland, this 16th  
day of June, 1977.

For the Nuclear Regulatory Commission,

ANTHONY BOURNIA,  
Acting Chief, Light Water Reactors  
Branch No. 3, Division  
of Project Management.

[FR Doc.77-20443 Filed 7-15-77;8:45 am]

[Docket Nos. STN 50-477, STN 50-478]

**PUBLIC SERVICE ELECTRIC AND GAS  
CO., ET AL.**

**Availability of Safety Evaluation Report for  
Atlantic Generating Station, Units 1 and 2**

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Atlantic Generating Station, Units 1 and 2 to be located 2.8 miles off the coast of New Jersey, adjacent to Little Egg Inlet. The application by Public Service Electric and Gas Company, Atlantic City Electric Company and Jersey Central Power and Light Company requests authorization to construct all necessary site related structures and to install two floating nuclear power plants. Notice of receipt of this application was published in the FEDERAL REGISTER on March 20, 1974, 39 FR 10471.

This application was submitted and accepted for review under the Commission's standardization policy, pursuant to 10 CFR Part 50, Appendix M. This application references the Offshore Power Systems application for Floating Nuclear Plants 1-8 (Docket No. STN 50-437).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Stockton State College Library, Pomona, New Jersey for inspection and copying. The report (Document No. NUREG-0293) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 7th day  
of July 1977.

For the Nuclear Regulatory Commission,

KARL KNIEL,  
Chief, Light Water Reactors  
Branch No. 2, Division of  
Project Management.

[FR Doc.77-20323 Filed 7-15-77;8:45 am]

[Docket No. 50-346]

**TOLEDO EDISON CO. AND CLEVELAND  
ELECTRIC ILLUMINATING CO., DAVIS-  
BESSE NUCLEAR POWER STATION,  
UNIT NO. 1**

**Issuance of Amendment to Facility  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment No. 3 to the Facility Operating License No. NPF-3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company, which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This license is amended by making the appropriate changes as listed above to the technical specifications on pages 3/4 3-28, 3/4 4-2, 3/4 5-4, 3/4 6-17, 3/4 6-20, 3/4 6-21, 3/4 6-22, and 3/4 6-30. This license is further amended by changing license conditions 2.3.(3)(j) of facility operating license No. NPF-3.

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 appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 3 to License No. NPF-3, (2) the Commission's related Safety Evaluation supporting Amendment No. 3 to License No. NPF-3. 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 Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 24 day of  
June 1977.

JOHN ANGELO,  
Acting Branch Chief, Light  
Water Reactors Branch No. 1,  
Division of Project Management.

[FR Doc.77-20324 Filed 7-15-77;8:45 am]

**DEPARTMENT OF THE TREASURY**

**Office of the Secretary**

[Public Debt Series—No. 16-17]

**TREASURY NOTES OF JULY 31, 1979**

**Series S-1979**

**JULY 14, 1977.**

**1. INVITATION FOR TENDERS:**

**1.1. The Secretary of the Treasury,  
under the authority of the Second**



Liberty Bond Act, as amended, invites tenders for approximately \$2,500,000,000 of United States securities, designated Treasury Notes of July 31, 1979, Series S-1979 (CUSIP No. 912827 GV 8). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

## 2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated August 1, 1977, and will bear interest from that date, payable on a semiannual basis on January 31, 1978, and each subsequent 6 months on July 31 and January 31 until the principal becomes payable. They will mature July 31, 1979, and will not be subject to call for redemption prior to maturity.

2.2 The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

## 3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, July 19, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, July 18, 1977.

3.2. Each tender must state the face amount of securities bid for. The mini-

mum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one non-competitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original is-

sue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of non-competitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

## 4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

## 5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Monday, August 1, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, July 28, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, July 26, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification



number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall at the discretion of the Secretary of the Treasury be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not already for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations gov-

erning the offering. Public announcement of such changes will be promptly provided.

W. MICHAEL BLUMENTHAL,  
Secretary of the Treasury.

[PR Doc. 77-20778 Filed 7-15-77; 10:25 am]

### INTERSTATE COMMERCE COMMISSION

[Notice No. 85]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

##### Correction

In PR Doc. 19084 appearing in the issue for Wednesday, July 6, 1977 appearing on page 34568. On page 34569, the middle column, 2nd paragraph should be corrected as follows:

No. MC 111729 (Sub-No. 705TA), filed June 7, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds, between Brattleboro, Vt., and W. Bridgewater, Massachusetts, for 180 days. Supporting shipper(s): Mammoth Mart, Inc., 321 Manley Street, W. Bridgewater, Massachusetts 02379. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 36 Federal Plaza, New York, N.Y. 10007.*

[Notice No. 88TA]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

July 12, 1977.

The following are notices of filing of applications for temporary authority under Section 210(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.

#### MOTORS CARRIERS OF PROPERTY

No. MC 63417 (Sub-No. 106TA), filed June 29, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polyethylene foam, forms, and shapes, from Coldwater, Mich., to points and places in Georgia, Illinois, Indiana, Kentucky, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Voltek, Inc., 17 Allen Drive, Coldwater, Mich. 39036. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.*

No. MC 104210 (Sub-No. 70TA), filed June 23, 1977. Applicant: THE TRANSPORT CO., INC., P.O. Box 4726, Corpus Christi, Tex. 78408. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions, in bulk, in tank vehicles, from the plantsite and storage facilities of Merichem Company at Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Oklahoma, for 180 days. Supporting shipper: Merichem Company, 1914 Haden Road, Houston, Tex. 77015. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango Blvd., San Antonio, Tex. 78206.*

No. MC 107403 (Sub-No. 1024TA), filed July 5, 1977. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid resin adhesives, in bulk, in tank vehicles, from Goodbee, La., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S & R Adhesive Company, Inc., P.O. Drawer 969, Covington, La. 70433. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.*



No. MC 107544 (Sub-No. 137TA), filed July 1, 1977. Applicant: LEMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from the plantsite of Tennessee Eastman Company, Kingsport, Tenn., to points in the United States, in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Tennessee Eastman Company, Division of Eastman Kodak Company, Kingsport, Tenn. 37662. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 109124 (Sub-No. 31TA), filed June 28, 1977. Applicant: SENTLE TRUCKING CORP., Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except commodities in bulk), from Gypsum, Ohio, to Indiana, Kentucky, Michigan, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Gypsum Company, 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 109443 (Sub-No. 26TA), filed July 1, 1977. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Litharge, dry*, in bulk, from Dunmore, Pa., to points in Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gould, Inc., Metals Division, Dunham Drive, Dunmore, Pa. 18512. 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 109595 (Sub-No. 18TA), filed June 28, 1977. Applicant: REX TRANSPORTATION CO., Suite 207 Clausen Building, 1520 N. Woodward Avenue, Bloomfield Hills, Mich. 48013. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic equipment, from the international boundary line, between the United States and Canada at Detroit, Mich., to the plantsite of the

Enrico Fermi Nuclear Generating Plant in Frenchtown Township, Monroe County, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Medusa Cement Company, C. N. Bakley, Traffic Manager, P.O. Box 5668, Cleveland, Ohio 44101. Send protests to: Interstate Commerce Commission, Bureau of Operations, 604 Federal Bldg. and U.S. Courthouse, 231 Lafayette Blvd., Detroit, Mich. 48226.

No. MC 110525 (Sub-No. 1199TA), filed July 5, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions*, in bulk, in tank vehicles, from the plantsite of Merichem Company and/or storage facilities of Merichem Company in Houston, Tex., to all points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and Oklahoma, for 180 days. Supporting shipper: Merichem Company, 1914 Haden Road, Houston, Tex. 77015. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110659 (Sub-No. 23TA), filed June 29, 1977. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street, West, Charleston, W. Va. 25302. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages in containers*, from the plant site of the Miller Brewing Company at Fulton, N.Y., to Charleston, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James Mazzei, President, Capitol Beverage Co., 500 Hunt Avenue, Charleston, W. Va. 25302. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 111170 (Sub-No. 238TA), filed June 23, 1977. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Ave., El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alkydimethylamine*, in bulk, from Magnolia, Ark., to Memphis, Tenn.; Janesville, Wis.; and Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ethyl Corporation, 451 Florida, Baton Rouge, La. 70801. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111401 (Sub-No. 492TA), filed July 5, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium salt solutions*, in bulk, in tank vehicles, from the plantsite and/or storage facilities of Merichem Co., in Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and Oklahoma, for 180 days. Supporting shipper: Merichem Co., 1914 Haden Road, Houston, Tex. 77015. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 709TA), filed June 23, 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: *Proofs, cuts, copy, art work, printed material and related items*, between Coldwater, Mich., on the one hand, and, on the other, points in Kentucky, Maryland, Missouri, New Jersey, New York, Pennsylvania, Tennessee and West Virginia. Restriction: Restricted against the transportation of packages or articles weighing more than 75 pounds each or 350 pounds in the aggregate, for 180 days. Supporting shipper: Eagle Printing Co., Inc., 419 East Chicago Street, Coldwater, Mich. 49036. Send protests to: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114896 (Sub-No. 54TA), filed June 27, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Rd., 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: *Money orders*, from Indianapolis, Ind. to Detroit, Mich. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: First Federal Savings & Loan Association of Detroit, 1001 Woodward Ave., Detroit, Mich. 48226. Send protests to: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115353 (Sub-No. 27TA), filed June 29, 1977. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products*, from the plant and warehouse sites of The Celotex Corporation at or near Jacksonville, Fla., to Virginia Beach, Va., under a continuing con-



tract, or contracts, with The Celotex Corporation of Tampa, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Celotex Corporation, 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 116077 (Sub-No. 383TA), filed June 28, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: John C. Browder (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium salt solution*, from the plantsite of Merichem Company and/or storage facilities of Merichem Company in Houston, Tex., to all points in Florida and Georgia and Alabama, for 180 days. Supporting shipper: Merichem Company, 1914 Haden Road, Houston, Tex. 77015. Send protests to: District Supervisor John F. Mensing, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 117589 (Sub-No. 40TA), filed June 30, 1977. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, Wash. 98108. Applicant's representative: Michael D. Duppenhaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen human blood plasma*, from Eugene, Oreg., to Los Angeles, Calif., for 180 days. Supporting shipper: Abbott Laboratories, 115 Prefontaine Pl. S., Seattle, Wash. 98104. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 119192 (Sub-No. 11TA), filed June 21, 1977. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Ave., Bridgeport, Conn. 06607. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, from Yonkers, N.Y., to points in New Jersey, Connecticut, and Westchester, Dutchess, Putnam, Rockland, Orange, Sullivan, Nassau, and Suffolk Counties, N.Y. Returned shipments in the reverse direction, under a continuing contract, or contracts, with John Wanamaker, Philadelphia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Wanamaker, Philadelphia, 13th and Market Street, Philadelphia, Pa. Send Protests to: J. D. Perry, Jr., Interstate Commerce Commission, 135 High Street—Room 324, Hartford, Conn. 06101.

No. MC 119726 (Sub-No. 100TA), filed June 23, 1977. Applicant: N.A.B.

TRUCKING CO., INC., 1644 W. Edge-wood Ave., Indianapolis, Ind. 46217. Applicant's representative: James L. Beat-ty, 130 E. Washington, St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Medical care products and materials, equipment and supplies*, from the plantsite of Baxter/Travenol Laboratories, Inc., located at or near Cleveland, Mississippi to the warehouse facilities of Baxter/Travenol Laboratories, Inc., located at or near Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baxter/Travenol Laboratories, Inc., 6301 Lincoln Ave. Morton Grove, Ill. 60053. Send protests to: Williams Ennis Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio St., Rm. 429 Indianapolis, Ind. 46204.

No. MC 119908 (Sub-No. 43TA), filed July 1, 1977. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Pearson and Eatonton, Ga., to points in Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Steel City Lumber Company, P.O. Box 20217, Birmingham, Ala. 35216. Send protests to: District Supervisor John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 124004 (Sub-No. 41TA), filed July 1, 1977. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fishmeal*, from Port Monmouth, N.J., to Gainesville, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Seacoast Products Inc., P.O. Box D, Port Monmouth, N.J. 07758. Send protests to: District Supervisor Joel Morris, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 124947 (Sub-No. 62TA), filed June 30, 1977. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass St., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: 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: *Lumber*, from Colorado to Texas, New Mexico and Oklahoma, for 180 days. Supporting shippers: Snow Mountain Lumber Co., P.O. Box 1179, Durango, Colo. 80301. Sage Brush Sales, P.O. Box

25606, Albuquerque, N. Mex. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 125777 (Sub-No. 194TA), filed June 29, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Woodstock, Tenn., to all points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chromium Mining and Smelting Corporation, P.O. Box 28538, Memphis, Tenn. 38128. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 126111 (Sub-No. 7TA), filed June 28, 1977. Applicant: LYLE W. SCHAEITZEL, doing business as SCHAEITZEL TRUCKING COMPANY, 520 Sullivan Drive, P.O. Box 1579, Fond du Lac, Wis. 54935. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Sweetened condensed milk*, in bulk, in tank vehicles, from the plantsite facilities of Galloway-West Company, a division of Borden Company, Inc., at Fond du Lac, Wis., to Elizabethtown, Pa., and Waco, Tex., under a continuing contract, or contracts, with Galloway-West Company, a division of Borden Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Galloway-West Company, a division of Borden Company, Inc., 325 Tompkins Street, Fond du Lac, Wis. 54935, (John Look). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 133689 (Sub-No. 134TA), filed June 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. 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, transporting: *Such merchandise as is dealt in by retail and wholesale department and hardware stores (except foodstuffs and commodities in bulk)*, from points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania to Brookings, S. Dak., restricted to the transportation of traffic destined to the facilities of Coast to Coast Stores



Central Organization located at or near Brookings, S. Dak., for 180 days. Supporting shipper: Coast to Coast Stores Central Organization, Inc., P.O. Box 80, Minneapolis, Minn. 55440. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134329 (Sub-No. 4TA), filed July 5, 1977. Applicant: FISCUS MOTOR FREIGHT, INC., Rt. 1, Box 201, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt composition roofing, asphalt shingles, asphalt roll roofing, and asphaltum*, except in bulk in tank vehicles, from Los Angeles, Calif., to Yakima, Wenatchee, Pasco, Kennewick, Richland, Walla Walla, Spokane, Tacoma, Seattle, Woodinville, Redmond, and Snohomish, Wash., under a continuing contract, or contracts, with Celotex Corporation, for 180 days. Supporting shipper: Celotex Corporation, P.O. Box 22602, Tampa, Fla. 33622. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 136531 (Sub-No. 7TA), filed July 5, 1977. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Highway No. 11, Milton-Freewater, Ore. 97862. Applicant's representative: Eugene Luisi, P.O. Box H, Milton-Freewater, Ore. 97862. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and return of empty beverage containers; (2) *malt beverages*, from Fairfield, Calif., to Nyssa, Pendleton, and La Grande, Ore.; (3) *empty containers*, from Nyssa, Pendleton, and La Grande, Ore., to Winters, Calif., under a continuing contract, or contracts, with La Grande Fruit Co., for 180 days. Supporting shipper: La Grande Fruit Co., P.O. Box 458, La Grande, Ore. 97850. Send protests to: R. V. Dubay, District Supervisor, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 141046 (Sub-No. 4TA), filed June 23, 1977. Applicant: MASON O. MITCHELL, doing business as M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, Ind. 46350. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Starch and dextrine*, in bags, boxes and drums, from the plantsite or warehouse facilities of A. E. Staley Manufacturing Co., at or near Houlton, Maine, to points in Arkansas, California, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Texas, Virginia, West Virginia and Wisconsin. Restricted to a continuing contract, or contracts,

with A. E. Staley Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62525. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 141804 (Sub-No. 69TA), filed June 22, 1977. Applicant: WESTERN EXPRESS, a Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail stores (except foodstuffs and commodities in bulk)*, from the facilities of Best Products Company, at or near Ashland, Va.; Hoboken, N.J.; and Arlington, Tex., to Sacramento, Calif., and Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Best Products Company, Inc., P.O. Box 26303, Richmond, Va. 23260. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142012 (Sub-No. 2TA), filed June 29, 1977. Applicant: OSBORNE WEST, LIMITED, 220 Erie St., Pomona, Calif. 91766. Applicant's representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities (except Class A and B explosives)*, in ocean containers having a prior or subsequent move by water, and (2) *empty containers*, chassis and trailers, between points in the state of California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately twenty-nine (29) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142918 (Sub-No. 1TA), filed June 15, 1977. Applicant: CHRISTIE TRANSFER, INC., 1431 Redford Street, North Abington, Mass. 02351. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses*

(except in bulk), from the facilities of The Procter & Gamble Manufacturing Company and The Procter & Gamble Distributing Company in Quincy, Mass., to the facilities of First National Stores, Inc., in Windsor Locks, Conn., under a continuing contract or contracts with The Procter & Gamble Manufacturing Company, The Procter & Gamble Distributing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Procter & Gamble Manufacturing Company, The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: District Supervisor, John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 143322 (Sub-No. 1TA), filed June 29, 1977. Applicant: M. T. KENNEDY, doing business as M. T. KENNEDY TRUCKING, P.O. Box 292, Kelley, Iowa 50134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and wood shavings*, from Princeton, Minn., to Ames, Iowa, for 180 days. Supporting shipper: College of Veterinary Medicine, Iowa State University, Laboratory Animal Resources, Ames, Iowa 50010. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 143395TA, filed June 16, 1977. Applicant: SANTOS RICO, JOHN NAVA AND ARTU RIOSECO, doing business as CALEXICO FREIGHT LINES, 465 West 2nd Street, Calexico, Calif. 92231. Applicant's representative: Santos Rico (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel automobile wheels or bumpers, unfinished*, from the United States border at Calexico, Calif., to Los Angeles, Calif., for the account of Cal Chrome. (2) *Rejected rolls of paper tissue or paper toweling and paper converting machinery, or parts thereof*: From Los Angeles and Orange, Calif., to the United States border at Calexico, Calif., for the account of Trebor, for 180 days. Supporting shippers: Trebor, 109 W. 9th Street, Los Angeles, Calif. 90015. Cal Chrome, 936 Atmahr Avenue, Wilmington, Calif. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143442 (Sub-No. 1TA), filed July 5, 1977. Applicant: CARL E. PARNELL, 418 W. 8th Street, Belvidere, Ill. 61008. Applicant's representative: Abraham A. Diamond, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt and ice cream mix*, in tank vehicles, from Chemung, Ill., to Madison, Portage, and Waukesha, Wis., for 180



days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Deans Food Co., Jack Pettigrew, Fleet Manager, 3600 N. River Road, Franklin Park, Ill. 60130. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 143454TA, filed July 5, 1977. Applicant: DONNA BARTOLI, doing business as DON BAR FREIGHT, 3859 W. 109th Place, Chicago, Ill. 60655. Applicant's representative: James R. Madler, 120 W. Madison Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, tubing and fittings*, from Chicago, Ill., to points in Iowa, Missouri, Minnesota, North Dakota, South Dakota and Wisconsin, for 180 days. Supporting shipper: Maneely-Illinois, Inc., Barry Start, Manager-Physical Distribution, 4435 S. Western Blvd., Chicago, Ill. 60609. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 77-20537 Filed 7-15-77; 8:45 am]

[Notice No. 198]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications 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 August 17, 1977. Failure seasonally 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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 28500. Filed June 14, 1977. Transferee: SENTRY HOUSEHOLD SHIPPING, INC., a Georgia corporation, 592 Ellis Road, Jacksonville, Florida 32205. Transferor: Sentry Household Shipping, Inc., a Florida corporation, 525 Stevens Street, Jacksonville, Florida 32205. Applicant's representative: Alan F. Wohlstetter, Esquire, 1700 K Street NW., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in freight forwarder Permit No. FF-372 issued October 19, 1972, as amended by Order of the Commission served October 9, 1975, as follows: (a) Used Household Goods, (b) Used Automobiles, and (c) Unaccompanied Baggage, between points in the United States including Hawaii but excluding Alaska, restricted in (b) to the transportation of export and import traffic.

No. MC-FC-77170, filed July 12, 1977. Transferee: Ronald L. Blackley doing

business as OVERLAND TOW SERVICE, P.O. Box 4260, Shawnee Mission, Kans. 66024. Transferor: John M. Stalter doing business as Lansing Standard and Wrecker Service, 200 N. Main, Lansing, Kans. 66043. Applicant's representative: Lawrence J. Kelly, Attorney-at-Law, 7134 West 80th St., Overland Park, Kans. 66204. Authority sought for purchase by transferee of the operating set forth in Certificate No. MC 11892, issued June 9, 1976, as follows: Wrecked or disabled motor vehicles, between points in Missouri within 150 miles of Lansing, Kans., on the one hand, and, on the other, points in Kansas within 150 miles of Lansing, Kans. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77190, filed June 28, 1977. Transferee: S.O.S. TRANSPORTATION CO., INC., 1420 Tonnelle Ave., North Bergen, N.J. 07047. Transferor: Morris R. Silverman and C. Nathan Silverman, A Partnership, doing business as S.O.S. TRANSPORTATION CO., 225 Golden St., Jersey City, N.J. 07302. Applicant's representative: C. Douglas Reina, Attorney at Law, 1550 Park Ave., South Plainfield, N.J. 07080. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in No. MC 36196 and (Sub-1), issued January 29, 1942 and August 19, 1954, respectively as follows: *General commodities*, with exceptions between points in Hudson, Bergen, Passaic, Essex and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. *Baggage*, with restrictions, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., and Hudson, Bergen, Essex, Union, and Passaic Counties, N.J., on the one hand, and, on the other, Camp Ecko Lark, Poyntelle, Pa. 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. 77-20536 Filed 7-15-77; 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

**CIVIL AERONAUTICS BOARD.**  
TIME AND DATE: 11 a.m., July 12, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Briefing by the Board's Bureau of International Affairs on U.S.-U.K. Talks recently held in London.

STATUS: Closed.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, (202-673-5068).

#### SUPPLEMENTARY INFORMATION:

Notice of change of meeting time. Ambassador Boyd is scheduled to brief the Board regarding the U.S.-U.K. talks on July 14, 1977. In order for the Board to have the benefit of its staff's views before Ambassador Boyd's briefing, the following Members have voted that agency business requires that the Board meet on less than seven days' notice.

Chairman Alfred E. Kahn  
Vice Chairman Richard J. O'Melia  
Member G. Joseph Minetti  
Member Lee R. West

Additionally, the following Members have voted that the meeting will be closed to public observation under 5 U.S.C. 552b(c) (9) (B) and 14 CFR 310b.5 (9) (B):

Chairman Alfred E. Kahn  
Vice Chairman Richard J. O'Melia  
Member G. Joseph Minetti  
Member Lee R. West

#### EXPLANATION OF THE CLOSING

This meeting will concern the U.S.-U.K. bilateral discussions recently held in London. The principles and main provision of a new air services bilateral were agreed to in London. Detailed drafting remains to be done. It is anticipated that the new agreement will be signed in Bermuda this month. Public disclosure

of the opinions, evaluations and strategies of the U.S. participants in the U.S.-U.K. talks could seriously compromise the ability of the U.S. delegation to successfully conclude the agreement in the best interests of the United States. Accordingly, the Board finds that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b (c) (9) (B) and 14 CFR 310b.5 (9) (B) and that the meeting will be closed to public observation.

#### PERSONS EXPECTED TO ATTEND

##### BOARD MEMBERS

Chairman Alfred E. Kahn  
Vice Chairman Richard J. O'Melia  
Member G. Joseph Minetti  
Member Lee R. West

##### ASSISTANTS TO BOARD MEMBERS

Mr. Dennis A. Rapp  
Mr. John R. Hancock  
Mr. Robert E. Cohn  
Mr. Elias C. Rodriguez  
Mr. Frederic D. Houghteling  
Mr. John T. Golden  
Mr. James L. Casey

##### OFFICE OF THE GENERAL COUNSEL

Mr. James C. Schultz  
Mr. Peter B. Schwarzkopf  
Ms. Carol Light

##### BUREAU OF INTERNATIONAL AFFAIRS

Mr. Rosario J. Scibilia  
Ms. Mary Irene Pett

##### BUREAU OF OPERATING RIGHTS

Ms. Barbara Clark

##### OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor  
Ms. Deborah A. Lee

##### OTHER

Ms. Rose Basiliko

##### GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b (c) (9) (B) and 14 CFR 310b.5 (9) (B).

JAMES C. SCHULTZ,  
General Counsel.

[S-904-77 Filed 7-13-77; 4:23 pm]

### 2

#### CIVIL AERONAUTICS BOARD.

NOTICE OF DELETION OF ITEM FROM JULY 15, 1977 MEETING AGENDA

##### REVISED AGENDA

TIME AND DATE: 10 a.m., July 15, 1977.

PLACE: Room 1027, 1824 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted by Notation<sup>1</sup> 2. Docket 28915.

<sup>1</sup> The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

Complaint of the City of Youngstown, Ohio, regarding adequacy of service provided by Allegheny Airlines, Inc., Docket 28944, Application of Allegheny Airlines to delete Youngstown, Ohio and Docket 29085, Application of Allegheny Airlines for temporary suspension of service at Youngstown, Ohio.

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202-673-5068).

**SUPPLEMENTARY INFORMATION:** Item 3 on the announced agenda for the July 15, 1977 Board meeting was Docket 30857, Application of Meridian Air Cargo, Inc. for an emergency exemption pursuant to § 416(b) of the Federal Aviation Act to operate two CV-600 aircraft in scheduled all cargo service between Memphis and both Chicago and Detroit. The Board's staff has informed the Board that it will have a revised draft order to the Board next week. A Board meeting to consider this subject now would be premature. Accordingly, the following members have voted that agency business requires that this item be deleted from the agenda of the July 15, 1977 Board meeting and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn  
Member G. Joseph Minetti  
Member Lee R. West

Vice Chairman Richard J. O'Melia was not present and did not vote.

[S-903-77 Filed 7-13-77; 4:23 pm]

### 3

#### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 19, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 29139, Reexamination of the Board's policies concerning deliberate overbooking and oversales.



STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202-673-5068).

[S-901-77 Filed 7-13-77;4:23 pm]

4

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 20, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral Argument, Docket 28115, Midwest Atlanta Competitive Service Case.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202-673-5068).

[S-902-77 Filed 7-13-77;4:23 pm]

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 9:30 a.m. (Open portion begins at 10 a.m.), July 19, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Part 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:

CME Application for Designation as a Contract Market for Platinum.

CFTC Overall Information System Design.

CBOT request to change Regulation 1.41.

Commission Calendar.

Portions closed to the public:

Enforcement Matters.

[S-905-77 Filed 7-13-77;4:23 pm]

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., July 22, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-906-77 Filed 7-13-77;4:23 pm]

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 3 p.m. (Eastern Time), Wednesday, July 20, 1977.

PLACE: Chairman's Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the 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) *Private Bar Program*.—The Commission will consider whether to continue funding existing legal organization and law school contracts.

(2) *Guidelines on Employee Selection Procedures*.—Modification of the subject Guidelines will be considered.

(3) *Directions and Priorities for Commission Programs*.

Portion closed to the public:

*Litigation Authorization; General Counsel Recommendations*.—Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations. (42 FR 13830, March 14, 1977)

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202-634-6748).

This Notice Issued July 13, 1977.

[S-900-77 Filed 7-14-77;10:23 am]

8

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, July 20, 1977 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

[S-893-77 Filed 7-13-77;2:23 pm]

9

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 132, Page 35726, Monday, July 11, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., July 13, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGES IN THE MEETING:

The following items have been added to the agenda for the open portion of the meeting:

Consideration of Petition for Reconsideration of Conditions Contained in Resolution No. 76-914 Re Merger of: Central City Federal Savings and Loan Association, Los Angeles, California with Home Federal Savings and Loan Association, San Diego, California.

The following item has been withdrawn from the agenda for the open portion of the meeting:

Application for Permission to Organize a Federal Savings and Loan Association—Idello Valdes, et al., Hialeah, Florida, No. 48, July 13, 1977.

[S-908-77 Filed 7-14-77;9:12 am]

10

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., July 19, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED:

Branch Office Application—California Federal Savings and Loan Association, Los Angeles, California.

Branch Office Application—First Federal Savings and Loan Association of Grand Rapids, Grand Rapids, Minnesota.

Limited Facility Branch Office Application—West Coast Federal Savings and Loan Association, San Mateo, California.

Limited Facility Application—Laguna Federal Savings and Loan Association, Laguna Beach, California.

Consideration of Travel Authorization.

Consideration of Amendment of Board Resolution No. 77-325, Dated May 18, 1977 Re: Assessments for the New Federal Home Loan Bank Board Building.

Consideration of Bylaw Amendments—Metropolitan Federal Savings and Loan Association of Bethesda, Bethesda, Maryland.

Application for Bank Membership and Insurance of Accounts—Shasta Savings and Loan Association, Redding, California (New Stock).

Consideration of Proposed Amendment Concerning Private Mortgage Insurance of Loans.

No. 47, July 13, 1977.

This announcement is being made at the earliest practicable time.

[S-907-77 Filed 7-14-77;9:12 am]



## 11

FEDERAL MARITIME COMMISSION.  
TIME AND DATE: 10 a.m., July 15, 1977.  
PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: 1. Docket No. 77-24—Financial Responsibility for Oil Pollution—Final Rules.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary  
(202-523-5727).

[S-898-77 Filed 7-13-77; 4:02 p.m.]

## 12

FEDERAL POWER COMMISSION.  
FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (42 F.R. 35728, July 11, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 13, 1977, 10:00 a.m.

CHANGE IN MEETING:

The following item has been added:

Item No., Docket No. and Company

M-4—Mobil Oil Corporation v. Lightcap, et al., Supreme Court No. 76-1694.

KENNETH F. PLUMB,  
Secretary.

[S-894 Filed 7-13-77; 2:40 pm]

## 13

FEDERAL POWER COMMISSION.  
NOTICE OF MEETING: July 13, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 8552B:

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: July 20, 1977, 10:00 a.m.

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, 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, 7651ST MEETING—JULY 20, 1977, REGULAR MEETING, PART I

P-1.—Docket Nos. ER77-411, ER77-416, Illinois Power Company.

P-2.—Docket No. ER77-402, Philadelphia Electric Company.  
P-3.—Docket No. E-9596, Wisconsin Electric Company, Wisconsin Michigan Electric Company.  
P-4.—Docket Nos. ER76-816 and ER77-375, Gulf States Utilities Company.  
P-5.—Docket No. ER77-427, Minnesota Power & Light Company.  
P-6.—Docket No. ER77-43, Pacific Power & Light Company.  
P-7.—Docket No. ER76-415, Virginia Electric and Power Company.  
P-8.—Docket No. ER77-175, Florida Power & Light Company.  
P-9.—Docket Nos. E-7631 and E-7633, City of Cleveland, Ohio v. Cleveland Electric Illuminating Company, Docket No. E-7713, City of Cleveland, Ohio.  
P-10.—Docket No. E-9571, Potomac Edison Company.

MISCELLANEOUS AGENDA, 7651ST MEETING, JULY 20, 1977, REGULAR MEETING, PART I

M-1.—Docket No. RM76-17, Research, Development and Demonstration; Accounting; Advance Approval of Rate Treatment.  
M-2.—Residential Electric Bill Data for United States Bureau of Labor Statistics FPC Form No. 3-P.

GAS AGENDA, 7651ST MEETING, JULY 20, 1977, REGULAR MEETING, PART I

G-1.—Docket No. RP74-52, Transwestern Pipeline Co.  
G-2.—Docket No. RP77-43, City of Tallahassee, Florida, Complainant v. Florida Gas Transmission Company, Respondent.  
G-3.—Docket No. RP76-4, National Fuel Gas Supply Corporation.  
G-4.—Docket No. RP76-158, North Penn Gas Company.  
G-5.—(A) Docket No. RI77-16, Texas Energies, Inc.; (B) Docket No. RI77-17, Texas Energies, Inc.; (C) Docket No. RI77-18, Texas Energies, Inc.; (D) Docket No. RI77-19, Texas Energies, Inc.  
G-6.—Docket No. RI77-51, Walter K. Arbuckle, et al.

G-7.—Louisiana Land and Exploration Company, FPC Gas Rate Schedule Nos. 7 and 10.

G-8.—Docket No. CI77-298, Tenneco Inc.  
G-9.—Docket No. CI76-704, Wise Oil Company.

G-10.—Docket No. CI77-372, Ecee, Inc.; Docket No. CI77-373, Pinto, Inc.; Docket No. CI77-409, TBP Offshore Company.

G-11.—Docket No. CP65-393, et al., Florida Gas Transmission Company, et al.

G-12.—Docket No. CP77-280, Transcontinental Gas Pipe Line Corporation.

POWER AGENDA, 7651ST MEETING—JULY 20, 1977, REGULAR MEETING—PART II

CP-1.—Docket No. ER77-486, PJM Agreement.

CP-2.—Docket No. ER77-475, Kansas City Power & Light Company.

CP-3.—Docket No. ER77-428, Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company.

CP-4.—Docket No. ID-1691, Paul J. Sullivan.

CP-5.—Docket No. ID-1630, Ralph H. Smith.

CP-6.—State Director, Bureau of Land Management, New Mexico (NM-29549).

CP-7.—State Director, Bureau of Land Management, Wyoming (W-51039).

CP-8.—Docket No. ER77-392, Southern California Edison Company.

CP-9.—Docket No. ER76-76, South Carolina Electric & Gas Company.

CP-10.—Docket No. ES77-41, Iowa Electric Light and Power Company.

CP-11.—Docket No. ES77-42, Idaho Power Company.

CP-12.—Docket No. E-9309, Interstate Power Company.

CP-13.—Docket No. ID-1634, Robert Hurstak.

CP-14.—Project No. 2331, Nevada Power Company.

MISCELLANEOUS AGENDA, 7651ST MEETING, JULY 20, 1977, REGULAR MEETING, PART II

CM-1.—Virginia Electric and Power Company.

GAS AGENDA, 7651ST MEETING, JULY 20, 1977, REGULAR MEETING, PART II

CG-1.—Docket No. RP73-8 (PGA No. 77-9B), North Penn Gas Company.

CG-2.—Docket No. RP77-105, Colorado Interstate Gas Company.

CG-3.—Docket Nos. RP77-100 and CP77-182, Columbia Gas Transmission Corporation.

CG-4.—Mountain Petroleum, Ltd., FPC Gas Rate Schedule No. 1.

CG-5.—Docket No. CP77-21, Tennessee Gas Pipeline Company, Columbia Gulf Transmission Company and Southern Natural Gas Company, Docket No. CI76-730, Mobil Oil Corporation; Docket No. CI77-120, Texaco Inc.

CG-6.—Docket No. CP77-367, Florida Gas Transmission Company, Transcontinental Gas Pipe Line Corporation.

CG-7.—Docket No. CP77-283, Panhandle Eastern Pipe Line Company.

CG-8.—Docket No. CP77-438 (R-386), Columbia Gulf Transmission Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company, Trunkline Gas Company.

CG-9.—Docket No. CP77-437 (R-386), Columbia Gulf Transmission Company, Natural Gas Pipeline Company of America, Trunkline Gas Company.

CG-10.—Docket Nos. CP68-166, CP70-185, CP75-376 and CP76-2, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CG-11.—Docket No. CP77-330, et al., El Paso Eastern Company, et al.

KENNETH F. PLUMB,  
Secretary.

[S-899-77 Filed 7-13-77; 4:02 pm]

## 14

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9 a.m., July 20, 1977.  
PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson, 202-634-7970.

Dated: July 13, 1977.

[S-897-77 Filed 7-13-77; 2:40 pm]

## 15

POSTAL RATE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, July 14, 1977.



PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Open.

**MATTERS TO BE CONSIDERED:** Draft Testimony on H.R. 7700. By the recorded vote of Chairman DuPont and Commissioners O'Doherty, Saponaro, and Villarreal, it has been determined that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time.

**CONTACT PERSON FOR MORE INFORMATION:**

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, 202-254-5614.

[S-910-77 Filed 7-14-77; 11:46 am]

## 16

**POSTAL RATE COMMISSION.**

**TIME AND DATE:** 9:30 a.m., Thursday, July 21, 1977.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

**MATTERS TO BE CONSIDERED:**  
1. Draft of Tentative Decision Concerning DMMA Proposal for Multiple Address Correction Rates, Docket No. MC76-3.  
2. Discussion of Issues, Docket No. MC 76-2.

By recorded vote the Commission has determined that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time.

**CONTACT PERSON FOR MORE INFORMATION:**

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, telephone 202-254-5614.

[S-911-77 Filed 7-14-77; 11:46 am]

## 17

**U.S. RAILROAD RETIREMENT BOARD.**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** July 13, 1977.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m., July 20, 1977.

**CHANGES IN THE MEETING:**

Additional items to be considered at the portion of the meeting open to the public:

- (6) Survivor windfall computations.
- (7) Use of annual leave by bureau heads and their assistants.
- (8) Extension of the Board's flexitime experiment.

- (9) Operation of the Board's cafeteria.
- (10) Possible relocation of the Board's headquarters.
- (11) Availability of office space for the Board in the American Mart Building.
- (12) District office administrative inspections by regional office personnel.
- (13) Union member on merit promotion panels.

Additional item to be considered at the portion of the meeting closed to the public:

- (14) Appeal of Samuel Gottlieb under the Railroad Unemployment Insurance Act.

[S-900-77 Filed 7-13-77; 4:07 pm]

## 18

**RENEGOTIATION BOARD.**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 42 FR July 14, 1977.

**PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING:** Tuesday, July 19, 1977, 10:00 a.m.

**CHANGES IN MEETING:** Item 6 is added to the previously announced agenda.

**MATTER TO BE CONSIDERED:**

6. Recommended Finding or Determination of Excessive Profits:

U.S. Plastic Molding Corp., Fiscal Year Ended May 31, 1968.

STATUS: Open to the public.

**CONTACT PERSON FOR MORE INFORMATION:**

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202-254-8277.

Dated: July 13, 1977.

GOODWIN CHASE,  
Chairman.

[S-895-77 Filed 7-13-77; 2:40 pm]

## 19

**RENEGOTIATION BOARD.**

**DATE AND TIME:** Tuesday, July 26, 1977 at 10:00 a.m.

**PLACE:** Conference Room, 4th Floor, 200 M St., NW., Washington, D.C. 20446.

**STATUS:** Matters 1, 2 and 3 are open to the public. Matter 4 is closed to the public. Status is not applicable for matters 5 and 6.

**MATTERS TO CONSIDERED:**

1. Approval of Minutes of meeting held July 19, 1977, and other Board meetings, if any.

2. Application for Commercial Exemption (List No. 2996)

- a. Cla-Val Company; Fiscal year ended March 31, 1975.
- b. Seismic Engineering Company; Fiscal year ended December 31, 1975.

3. Recommended Clearance: Arcturus Manufacturing Co.; Fiscal year ending June 30, 1974.

4. Recommendation of Excessive Profits and Clearance: Service Equipment Company, Inc.; Fiscal years ended August 31, 1971 and 1972.

5. Approval of Agenda for meeting to be held August 9, 1977.

6. Approval of Agenda for other meetings, if any.

**CONTACT PERSON FOR MORE INFORMATION:**

Kelvin H. Dickinson, Assistant General Counsel, Secretary, 2000 M Street, NW., Washington, D.C. 10446., 202-254-8277.

Dated: July 13, 1977.

GOODWIN CHASE,  
Chairman.

[S-896 Filed 7-13-77; 2:40 pm]

## 20

**SECURITIES AND EXCHANGE COMMISSION.**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 42 FR 35271, July 8, 1977.

**PREVIOUSLY ANNOUNCED TIME AND DATE:** July 14, 1977, following the open meeting at 2:30 p.m.

**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

**CHANGES IN THE MEETING:** The following additional matters will be considered by the Commission at the closed meeting:

- Formal Orders of investigation.
- Authorization of staff member to testify.
- Discussion of administrative proceeding.
- Referral of investigative files to Federal, State or Self regulatory authorities.
- Authorization of Staff discussion with Federal authorities.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JULY 13, 1977.

[S-912-77 Filed 7-14-77; 11:46 am]



21

## SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 36073, July 13, 1977.

PREVIOUS ANNOUNCED TIME AND DATE: July 14, 1977, 10 a.m.

PLACE: Room 325, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

## CHANGES IN THE MEETING:

The above-captioned meeting will be held at 9:30 a.m. on July 14, 1977 and the

following additional items will be considered:

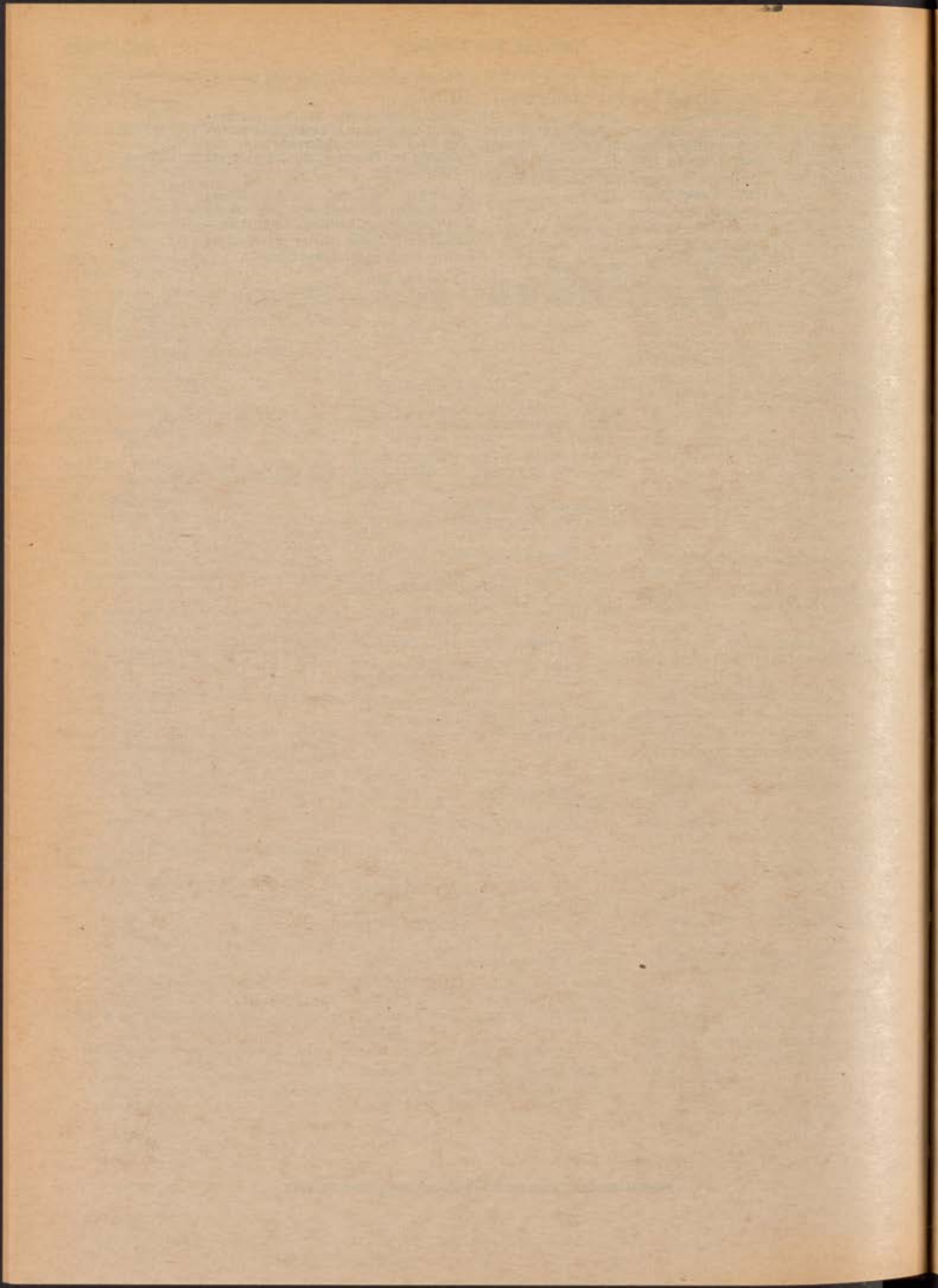
Regulatory matter bearing enforcement implications. Institution of injunctive actions deferred from the agenda on Tuesday, July 12, 1977 (42 FR 35271).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these matter and that no earlier notice thereof was possible.

JULY 13, 1977.

[S-913-77 Filed 7-14-77;11:46 am]







MONDAY, JULY 18, 1977

PART II



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DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT

Federal Insurance  
Administration



NATIONAL FLOOD  
INSURANCE PROGRAM

Final Flood Elevation Determinations



## Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE  
ADMINISTRATIONSUBCHAPTER B—NATIONAL FLOOD  
INSURANCE PROGRAM

[Docket No. FI-943]

PART 1917—APPEALS FROM PROPOSED  
FLOOD ELEVATION DETERMINATIONSFinal Flood Elevation Determination for  
Town of Marshfield, Plymouth County,  
Mass.AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Marshfield. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Town of Marshfield.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance,  
202-755-5581 or Toll Free Line 800-  
424-8872, Room 5270, 451 Seventh  
Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the Town of  
Marshfield.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363  
to the National Flood Insurance Act of  
1968 (Title XIII of the Housing and Ur-  
ban Development Act of 1968 (Pub. L.  
90-448), 42 U.S.C. 4001-4128, and 24 CFR  
Part 1917).

An opportunity for the community or  
individuals to appeal this determina-  
tion to or through the community for a  
period of ninety (90) days has been pro-  
vided, and the Administrator has re-  
solved the appeals presented by the com-  
munity.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for the  
Town of Marshfield are available for  
review at the Town Hall, 870 Moraine  
Street, Marshfield, Massachusetts.

The final 100-year flood elevations for  
selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Hannah Eames Brook	Damon Point Rd.	21	390	220
	Summer St.	21	150	370
	20 ft west of New Main St.	49	630	110
Littles Creek	20 ft west of Summer St.		150	80
Bares Brook	Pleasant St.		70	100
	Rugani Ave.		400	120
	20 ft south of Canoe Tree St.		280	120
	New Main St.		(1)	(1)
Eagles Nest Brook	Union St.		300	120
	School St.		170	200
	Falmes Rd.		(2)	(2)
Furnace Brook	School St.		240	420
	Street before Furnace St.		200	400
	Furnace St.		100	450
Parsons Pond	Street off of Old Plain Rd.		(3)	(3)
	Old Plain Rd.		180	190
North River	Corporate limits at Maryland St.	11	\$ 300	
	Unimproved road (extended)	11	\$ 1,100	
	Unimproved road (extended) from Union St.	11	\$ 570	
	End of Corn Hill Lane (extended)	11	\$ 240	
	Union St.	11	\$ 220	
	Unimproved road	11	\$ 640	
	do	11	\$ 590	
	Curve of Riverside Circle (extended)	11	\$ 150	
	Bridge (New Main St.)	11	\$ 100	
	Damon Point Rd.	11	\$ 100	
North River	Confluence of Macomber's Creek to Damon Point Rd.	11	\$ 4,900	
South River	Confluence of Branch Creek towards Summer St.	11	\$ 3,700	
	Confluence of Littles Creek to Summer St.	11	\$ 3,300	
	Marshfield Ave.	11	\$ 320	
	Julian Rd. (extended to Ferry St.)	11	\$ 2,040	
South River	Gilbert (extended to Michigan)	11	2,900	20
	Texas St. (extended)	11	1,740	2,020
	Salem Ave. (extended to Ocean St.)	11	1,560	2,890
	Haynes Rd. (extended to Ocean St.)	11	300	(2)
	Willow St.	11	1,850	140
	New Main St.	11	100	100
	Old Plain Rd.	11	180	200
Tributary	Webster St.	11	740	150
Green Harbor River	Southeast corporate limits	4	200	290
	Unimproved roads	4	1,600	400
	Webster St.	4	50	490
	Macker Ter. (extended)	4	340	1,550
	Gratto Rd. (extended)	4	460	1,420
	Dike Rd.	11	(3)	1,980
Cut River	Beach Ave.	11	1,200	50
	New York St.	11	1,020	(3)
	Canal St.	11	950	(3)
Pine Point River	Elmhurst (extended)	11	600	200
Little Wood Island River	South corporate limits	11	1,800	
Bourne Wharf River	do	11	(3)	620
	Hewitt Lane	11	310	400
Massachusetts Bay	2,700 ft south of Julian Rd. to corporate limits	11	350	
	Gilbert (extended)	11	300	
	Porter (extended)	11	280	
	Rexhams (extended)	11	240	
	Kearns (extended)	11	270	
	1st Street (extended)	11	150	
	Saginaw Ave. (extended)	11	170	
	Reed (extended)	11	140	
	Beach (extended)	11	300	
	Southern corporate limits	11	110	

1 30 ft south of Canoe Tree St. along street 2,300 ft.

2 Entire road after curve in road.

3 320 ft up from end of road.

4 Right of corporate limits.

5 From corporate limits.

6 Left of corporate limits.

7 Across Ocean St. to Parsonage St.

8 To seawall.

9 To corporate limits.

10 To Little Island River.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.77-19794 Filed 7-15-77;8:45 am]



[Docket No. FI-2210]

**PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS**

**Final Flood Elevation Determination for Township of Derry, Dauphin County, Pa.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in Township of Derry. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the flood insurance rate map for Township of Derry.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for Township of Derry.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Derry, Dauphin County, Pennsylvania, are available for review at Meeting Room in Township Municipal Building, 235 Hockersville Road, Hershey, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Swatara Creek	Corporate limits	359		2,840
	Landerlich Rd.	356		410
	do.	354		220
	Sand Beach Rd.	347		620
	Hershey Rd.	346		1,020
	Penny Supply Rd.	341		150
	Corporate limits	340		100
	do.	327		470
	Con Rail Bridge	320		140
	do.	317		80
Spring Creek	Corporate limits	312		500
	Confluence of Swatara Creek	344	2,200	510
	State Route 29	344	90	0
	State Route 743	338	70	360
	Confluence of tributary No. 3		180	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 4, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 77-19795 Filed 7-15-77; 8:45 am]

[Docket No. FI-2289]

**PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS**

**Final Flood Elevation Determination for Township of West Goshen, Chester County, Pa.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the Township of West Goshen. These base flood elevations are the basis for the flood plain management measures that the community is re-

quired to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the flood insurance rate map for the Township of West Goshen.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.



**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of West Goshen. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided,

and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of West Goshen are available for review at the Administrative Office in the Township Building, 1025 Paoli Pike, West Chester, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
East Branch Chester Creek	Corporate limit	400	300	100
	Dam	419	(1)	60
	Private drive	424	100	180
	West Chester bypass	427	220	600
Stony Brook Run	Route 100 bypass	437	40	40
	Corporate limit	288	800	40
	Private drive	295	150	100
	Partridge Lane	308	80	40
Goose Creek	Millard Rd.	324	80	150
	Gravel path	327	150	100
	Corporate limit	333	150	350
	Con Rail bridge	339	100	40
East Branch Chester Creek	West Chester bypass	348	20	40
	Access road	399	890	690
	Downstream corporate limit of Chester Borough	401	(1)	250
	Upstream corporate limit of Chester Borough	420	(1)	(1)
East Branch Chester Creek	Montgomery Ave.	422	(1)	140
	Garfield St.	427	120	100
	Corporate limit (Bolmar St.)	401	1,400	(1)
	Westtown Rd.	404	40	40

(1) Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc. 77-19867 Filed 7-15-77; 8:45 am]

[Docket No. FI-2295]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Riverside, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base flood elevations (100-year flood) are listed below for selected locations in the City of Riverside. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the flood insurance rate map for the City of Riverside.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Riverside.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a pe-



riod of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Riverside are available for review at City Hall, Riverside, Missouri 64168.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Burlington Creek	Paradise Valley Rd.	764
	M-9	764
	Burlington Northern Ine.	764
East Creek	U.S. Highway 69	771
	R.R. bridge	767
Missouri River	I-635	759
	Fairfax Bridge	758
Line Creek	U.S. Highway 69	766
	Bridge No. 71	761
	Northwest Platte Rd.	757
Jumping Branch	50th St.	770
	U.S. Highway 69	760

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19799 Filed 7-15-77; 8:45 am]

[Docket No. FI-2302]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Town of North Myrtle Beach, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of North Myrtle Beach. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the Town of North Myrtle Beach.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

## SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of North Myrtle Beach.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Intracoastal Waterway	Basin St. extended	11	100
Point Creek	Route 17	13	265
Atlantic Ocean	47th Ave. South	13	1,400
	45th Ave. South	13	380
	39th Ave. South	13	420
	28th Ave. South	13	215
	21st Ave. South	13	960
	15th Ave. South	13	580
	13th Ave. South	13	540
	6th Ave. South	13	360
	Main St.	13	520
	7th Ave. North	13	1,380
	11th Ave. North	13	1,100
	17th Ave. North	13	1,120
	23d Ave. North	13	3,320
	33d Ave. North	13	3,840
	43d Ave. North	13	(1)
	47th Ave. North	13	(1)
	53d Ave. North	13	(1)
	60th Ave. North	13	(1)
	63d Ave. North	13	3,320

<sup>1</sup> To north corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc. 77-19803 Filed 7-15-77; 8:45 am]

[Docket No. FI-2341]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of Nockamixon, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Nockamixon.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Nockamixon.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

## SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Township of Nockamixon.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968



(Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secre-

tary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Nockamixon are available for review at Township Building, Ferndale, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Delaware River.....	Downstream corporate limit.....	150	(1)	150
	Mouth of Gallows Run.....	154	(1)	300
Gallows Run.....	Fireline Rd.....	128	110	330
	Ealer Rd.....	184	160	10
Gallows Run tribu- tary No. 1.....	Traugers Crossing Rd.....	210	20	90
	Church Hill Rd.....	280	130	80
Gallows Run.....	T-478.....	400	10	10

<sup>1</sup> Outside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,

Acting Federal Insurance Administrator.

[FR Doc. 77-19812 Filed 7-15-77; 8:45 am]

[Docket No. FI-2392]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Town of Conconully, Okanogan County Washington

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Town of Conconully.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Conconully.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

#### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Conconully. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Conconully are available for review at the County Auditor's Office, Okanogan, Washington.

The final 100-year flood elevations for selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
			Left	Right
North Fork Salmon Creek.	Downstream corporate limit.....	2,260	100	1,560
	Broadway St.....	2,292	1,565	380
	La-una St. (extended).....	2,294	1,770	340
	Silver St.....	2,302	1,875	360
	Lake St.....	2,308	650	400
	Main St.....	2,317	5	5
	Upstream corporate limits.....	2,336	110	1,30

\* Width in feet from bank of stream to corporate limits (100-yr flood boundary is outside corporate limits).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,

Acting Federal Insurance Administrator.

[FR Doc. 77-19805 Filed 7-15-77; 8:45 am]

[Docket No. FI-2397]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for  
Township of Horsham, Montgomery  
County, Pennsylvania

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations  
(100-year flood) are listed below for se-  
lected locations in the Township of  
Horsham.

These base flood elevations are the  
basis for the flood plain management  
measures that the community is required  
to either adopt or show evidence of being  
already in effect in order to qualify or  
remain qualified for participation in the  
National Flood Insurance Program  
(NFIP).

EFFECTIVE DATE: On publication of  
the Flood Insurance Rate Map for the  
Township of Horsham.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance,  
(202) 755-5581 or Toll Free Line (800)  
424-8872, Room 5270, 451 Seventh  
Street, Southwest, Washington, D.C.  
20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations of  
flood elevations for the Township of  
Horsham.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363 to  
the National Flood Insurance Act of  
1968 (Title XIII of the Housing and  
Urban Development Act of 1968 (Pub. L.  
90-448), 42 U.S.C. 4001-4128, and 24 CFR  
Part 1917). An opportunity for the com-  
munity or individuals to appeal this de-  
termination to or through the communi-  
ty for a period of ninety (90) days has  
been provided. No appeals of the pro-  
posed base flood elevations were received  
from the community or from individ-  
uals within the community.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for the  
Township of Horsham are available for  
review at the Township Building on the  
bulletin board, 1025 Horsham Road, Hor-  
sham, Pennsylvania.

The final 100-year flood elevations for  
selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Park Creek	Lower State Rd.....	311	220	240
	Cedar Hill Rd.....	289	100	80
	McKean Rd. (extended).....	276	180	50
	Street (extended) 900 ft downstream of McKean Rd.....	270	200	40
	Street (extended) 750 ft downstream of last street.....	264	75	90
	Limekiln Pike.....	253	460	40
	Bridge (750 ft downstream of Oak Ter. tributary).....	248	600	80
	Horsham Rd.....	245	80	400
	Davis Grove Rd.....	240	130	280
	Private drive 2,570 ft upstream of Keith Valley Rd.....	236	170	200
	Keith Valley Rd.....	232	150	240
	Downstream corporate limits.....	225	320	100



## RULES AND REGULATIONS

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Oak Terrace tributary	Upstream corporate limits	274	15	40
	Bridge 1,970 ft downstream of corporate limits	269	10	340
	Creamery Rd. (extended)	250	160	90
	Limekiln Rd.	249	240	400
Davis Grove tributary	Horsham Rd.	261	100	180
	Babylon Rd.	260	80	180
	Davis Grove Rd.	254	190	50
	Keith Valley Rd.	239	280	360
Pennypack Creek	Witmer Rd.	323	130	150
	do	321	160	110
	do	313	90	260
	Branch of Pennypack confluence	296	70	300
	Sawmill Lane (extended)	264	100	60
	Avenue B (extended)	255	100	40
	Sawmill Lane	251	50	80
	Dresher Rd.	239	200	50
	Easton Rd.	236	110	70
	Cottage Ave	230	90	100
	Downstream corporate limits (Blair Mill Rd.)	224	230	170
	Dam (downstream)	310	60	90
Blair Mill Run	Witmer Rd.	304	80	70
	Upstream corporate limits (county line road)	259	5	60
	Marilyn Dr. (extended)	248	140	30
	Foot bridge (elementary school)	236	160	30
	Downstream corporate limits (Blair Mill Rd.)	232	120	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc. 77-19797 Filed 7-15-77; 8:45 am]

[Docket No. FI-2412]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for  
City of Van Buren, Crawford County,  
Arkansas

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations  
(100-year flood) are listed below for se-  
lected locations in the City of Van Buren.

These base flood elevations are the  
basis for the flood plain management  
measures that the community is required  
to either adopt or show evidence of being  
already in effect in order to qualify or  
remain qualified for participation in the  
National Flood Insurance Program  
(NFIP).

EFFECTIVE DATE: On publication of  
the Flood Insurance Rate Map for the  
City of Van Buren.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Ad-  
ministrator, Office of Flood Insurance,  
202-755-5581 or Toll Free Line 800-  
424-8872, Room 5270, 451 Seventh  
Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator

gives notice of his final determinations  
of flood elevations for the City of Van  
Buren.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363  
to the National Flood Insurance Act  
of 1968 (Title XIII of the Housing and  
Urban Development Act of 1968 (Pub.  
L. 90-448), 42 U.S.C. 4001-4128, and  
24 CFR Part 1917). An opportunity for  
the community or individuals to appeal  
this determination to or through the  
community for a period of ninety (90)  
days has been provided. No appeals of  
the proposed base flood elevations were  
received from the community or from in-  
dividuals within the community.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for the  
City of Van Buren are available for re-  
view at the Mayor's office, 1000 Main  
Street, Van Buren, Arkansas.

The final 100-year flood elevations for  
selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Arkansas River	Upstream corporate limits	413	80	(1)
	Broadway	410	260	(2)
	Scott	400	500	(1)
	Route 540	409	1,000	(1)
	Field Rd.	408	850	(1)
	Downstream corporate limits	408	1,170	(1)
Lee Creek	Upstream corporate limits	412	1,100	(1)
	County Rd.	412	650	(1)
	Route 40	412	40	(1)
	Lover's Lane	412	10	2,000
	Missouri Pacific RR.	412	60	1,750
	North 24th	400	620	730
Town Branch	Alma	442	190	140
	North 20th	420	70	300
	Chestnut	415	130	230
	South 13th	412	100	500
	Scott	406	200	800
	Field Rd.	403	240	1,300
Flat Rock Creek	Corporate limits	398	2,750	560
	Rudy	444	(1)	760
	Downstream edge of Route 540	416	50	930
	Upstream edge of Route 162	412	100	340
	Downstream corporate limits	405	(1)	1,450

(1) Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc. 77-19809 Filed 7-15-77; 8:45 am]

[Docket No. FI-2474]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of West Point, Hardin County, Kentucky

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of West Point.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for West Point.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for West Point.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363

to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for City of West Point are available for review at City Hall, 508 Elm Street, West Point, Kentucky.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Ohio River	2d St.	443
	6th St.	443
	10th St.	443
	Shirley St.	443
	15th St.	443
	Eclona St.	443

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19811 Filed 7-15-77; 8:45 am]

[Docket No. FI-2485]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of Plymouth, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Township of Plymouth. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for Plymouth.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Plymouth. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Plymouth are available for review at lobby bulletin board, 700 Belvoir Road, Plymouth, Pennsylvania.



The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Plymouth Creek	Gallagher Rd.	
	Downstream	108
	Upstream	109
	Reading RR.	
	Downstream	110
	Upstream	112
	Kaiser Refractory	
	Downstream	112
	Upstream	114
	Kaiser Refractory warehouse	
	Downstream	114
	Upstream	116
	Box culvert	
	Downstream	117
	Upstream	118
	Old bridge piers	
	Downstream	118
	Upstream	119
Schuylkill River	Germanstown Pike	126
	Victory Inc.	
	Downstream	128
	Upstream	129
	Penn Central RR.	
	Downstream	129
	Upstream	133
	Plymouth Rd.	133
	Waterfall No. 1	135
	Corporate limits	70
Plymouth Creek	Northbound I-476	70
	Reading RR.	70
	Penn Central RR.	72
	Corporate limits	72
	Downstream corporate limits	75
	Reading RR. downstream	80
	Reading RR. upstream	82
	Reading RR. downstream	83
	Reading RR. upstream	86
	Reading RR. upstream	86
	Alanwood Steel Co.	86
	Reading RR.	86
	Brook Rd.	87
	Reading RR. downstream	87
	Reading RR. upstream	89
	Reading RR. downstream	90
	Reading RR. upstream	91
Plymouth Creek	Dam No. 1	96
	Reading RR. (1st one upstream from dam No. 1)	
	Downstream	98
	Upstream	99
	Reading RR.	
	Downstream	102
	Upstream	104

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19801 Filed 7-15-77; 8:45 am]

[Docket No. FI-2512]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Naples, Ontario County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for se-

lected locations in Village of Naples. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for Naples.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-421-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Village of Naples. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Naples are available for review at bulletin board, Village Office, 106 South Main Street, Naples, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Naples Creek	Downstream	725.0
	corporate limits	
	Toby St. (extended)	733.0
	Ontario St.	750.0
	Monier St. (extended)	757.0
	Mechanic St.	765.0
	(extended)	
	Sprague St.	777.0
	(extended)	
	Weld St. (extended)	785.0
Grimes Creek	Confluence with Grimes Creek	797.0
	Naples Creek	
	Main St.	807.0
	James St.	812.0
	1,300 ft upstream of Main St.	834.0
	Upstream corporate limits	861.0
	Confluence with Tannery Creek	797.0
	South Main St.	812.0
	Corporate limits	830.5
	Confluence with Eelpot Creek	797.0
Tannery Creek	Southern corporate limits	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19788 Filed 7-15-77; 8:45 am]

[Docket No. FI-2560]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Leawood, Johnson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Leawood. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for the City of Leawood.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Leawood. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Leawood are available for review at



the City Hall, 9617 Lee Boulevard, Leawood, Kansas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Dyke Branch	State line	865
	Lee Blvd.	882
	86th St.	889
James Branch	104th St.	832
	Sagamore Rd.	837
	103d St.	840
Indian Creek	Lee Blvd.	866
	Belinder Rd.	873
	Ensley Lane	878
Tomahawk Creek	State line road	831
	Interstate 435	832
	Tributary No. 1	835
Tributary No. 2	Tributary No. 2	838
	Indian Creek confluence	841
	119th St.	862
Nail Ave.	Roe Ave.	869
	Nail Ave.	876

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 3, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19793 Filed 7-15-77; 8:45 am]

[Docket No. FI-2572]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Put-In-Bay, Ottawa County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Put-In-Bay.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Put-In-Bay.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

## SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Put-In-Bay. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Put-In-Bay are available for review at the Village Hall Meeting Room, Catawba Avenue, Put-In-Bay, Ohio.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Erie	Intersection of Victory Ave. and Bay View Ave.	578
	Intersection of Catawba Ave. and Bay View Ave.	578
	Intersection of Hartford Ave. and Bay View Ave.	578
Entire Chapman Ave.	Entire Chapman Ave.	578
	North end of Park Dr.	578
	Entire Cincinnati Ave.	579
South end of Bay St.	South end of Bay St.	579
	South end of Ibis St.	579
	South end of Shore Villa.	578
South end of Chapman Ave.	South end of Chapman Ave.	578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19798 Filed 7-15-77; 8:45 am]

[Docket No. FI-2578]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Port Clinton, Ottawa County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Port Clinton. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Port Clinton.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Port Clinton.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Port Clinton are available for review at the Council Chamber, City Hall, P.O. Box 1, Port Clinton, Ohio.

The final 100-year flood elevations for selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level
Lake Erie.....	I. Intersection of Perry St. and:	
	a. Linden St.	578
	b. Walnut St.	578
	c. Cedar St.	578
	d. Ash St.	578
	e. Lincoln Ave.	578
	f. Fulton St.	578
	g. Jefferson St.	578
	h. Madison St.	578
	i. Harrison Ave.	578
	II. Intersection of Second St. and:	
	a. Madison St.	578
	b. Monroe St.	578
	c. Jackson St.	578
	III. Lake Shore Dr. at western corporate limits.	578
	IV. Brooklyn St. (entire length).	578
	V. Lake Erie shore- line at western corporate limits.	581
	VI. Lake Erie shore- line at eastern corporate limits.	579

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19791 Filed 7-15-77; 8:45 am]

[Docket No. FI-2586]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for  
Township of Upper Merion, Montgomery  
County, Pennsylvania

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations  
(100-year flood) are listed below for se-  
lected locations in Upper Merion.

These base flood elevations are the  
basis for the flood plain management  
measures that the community is re-  
quired to either adopt or show evidence  
of being already in effect in order to  
qualify or remain qualified for partici-  
pation in the National Flood Insurance  
Program (NFIP).

EFFECTIVE DATE: On publication of  
the flood insurance rate map for Town-  
ship of Upper Merion.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance, 202-  
755-5581 or toll free line 800-424-8872,  
Room 5270, 451 Seventh Street South-  
west, Washington, D.C. 20410.

#### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for Upper Merion.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363 to  
the National Flood Insurance Act of 1968  
(Title XIII of the Housing and Urban  
Development Act of 1968 (Pub. L. 90-  
448), 42 U.S.C. 4001-4128, and 24 CFR  
Part 1917). An opportunity for the com-  
munity or individuals to appeal this de-  
termination to or through the commu-  
nity for a period of ninety (90) days has  
been provided, and the Administrator  
has resolved the appeals presented by  
the community.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for Upper  
Merion are available for review at Bul-  
letin Board, 175 W. Valley Forge Road,  
Upper Merion, Pennsylvania.

The final 100-year flood elevations for  
selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River...	South corporate limits.	71
	Reading R.R. bridge (Con Rail).	72
	Pennsylvania Turn- pike 276.	74
	Reading R.R. bridge (Con Rail).	79
	Route 363.	84
	West corporate limits.	93
Trout Creek.....	Reading R.R. (Con Rail).	84
	Valley Forge Rd.....	85
	Reading R.R. (Con Rail).	89
	Moore Rd.....	95
	Route 363.....	99
	Valley Forge State Park boundary.	106

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 77-19802 Filed 7-15-77; 8:45 am]

[Docket No. FI-2609]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for  
Borough of Pottstown, Montgomery  
County, Pennsylvania

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations  
(100-year flood) are listed below for se-  
lected locations in the Borough of Potts-  
town.

These base flood elevations are the  
basis for the flood plain management  
measures that the community is required  
to either adopt or show evidence of being  
already in effect in order to qualify or  
remain qualified for participation in the  
National Flood Insurance Program  
(NFIP).

EFFECTIVE DATE: On publication of  
the Flood Insurance Rate Map for the  
Borough of Pottstown.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance, 202-  
755-5581 or toll free line 800-424-8872,  
Room 5270, 451 Seventh Street, South-  
west, Washington, D.C. 20410.

#### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for the Borough of  
Pottstown.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363  
to the National Flood Insurance Act of  
1968 (Title XIII of the Housing and Ur-  
ban Development Act of 1968 (Pub. L.  
90-448), 42 U.S.C. 4001-4128, and 24 CFR  
Part 1917).

An opportunity for the community or  
individuals to appeal this determination  
to or through the community for a pe-  
riod of ninety (90) days has been pro-  
vided, and the Administrator has re-  
solved the appeals presented by the  
community.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for the  
Borough of Pottstown are available for  
review at the Borough Manager's Office,  
Borough Hall, King and Penn Street,  
Pottstown, Pennsylvania.

The final 100-year flood elevations for  
selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level
Schnykill River	East corporate limits	140
	Kelm St.	141
	Hanover St.	144
	Pennsylvania Route 100 Bridge	145
	West corporate limits (U.S. 422)	143
Manatawny Creek	Penn Central RR	145
	High St.	147
	King St.	147
	Pennsylvania Route 100	147
	North corporate limits	152

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-19813 Filed 7-15-77;8:45 am]

[Docket No. FI-2610]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of New Britain, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of New Britain.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of New Britain.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of New Britain.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of New Britain are available for review at the Township Building, 615 Limekiln Pike, New Britain Township, Chalfont.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Neshaminy Creek	Northern New Britain Township—Chalfont Borough corporate limits	247
	West New Britain Township—Chalfont Borough corporate limits	243
	East New Britain Township—Chalfont Borough corporate limits	242
	Bristol Rd.	237
	Upstream New Britain Township—New Britain Borough corporate limits	233
West Branch Neshaminy Creek	Upper State Road	229
	County Line Road	272
	School House Road	267
	Chalfont Borough—New Britain Township corporate limits	252
Tributary to west	Cornwall Dr.	307
	Hampshire Dr.	307
	U.S. Route 202	296
	Skyline Dr.	282
	New Britain Township—Chalfont Borough corporate limits	294

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-19796 Filed 7-15-77;8:45 am]

[Docket No. FI-2618]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of East Vincent, Chester County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in East Vincent.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the flood insurance rate map for Township of East Vincent.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for East Vincent.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for East Vincent are available for review at Township Building, 55 Ridge Road, Spring City, Pennsylvania.

The final 100-year flood elevations for selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level
French Creek.....	Pughtown Rd.....	191
	Hoffecker Rd.....	177
	Hickory Grove Rd. (extended).....	160
Schuylkill River...	West 7 Stars Rd.....	148
	Northwestern corporate limits.....	127
	Locust Grove Rd. (extended).....	126
	Dunlap Rd. (extended).....	118
	Northeast corporate limits.....	118

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-19787 Filed 7-15-77; 8:45 am]

[Docket No. FI-2620]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Township of Cumru, Berks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Township of Cumru.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Township of Cumru.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Cumru.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cumru are available for review at Township Building, Welsh Road, Mohnton, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Upstream corporate limits.....	204
	U.S. Route 422 bridge.....	202
	Con.Rail bridge.....	201
	do.....	200
	Downstream end of Fritz's Island.....	195
	I.R. 147 bridge.....	190
	Con.Rail bridge.....	189
	do.....	188
	U.S. Route 422 bridge.....	187
	do.....	180
	Downstream corporate limits.....	178
Angelica Creek	Pennsylvania Route 724.....	286
	High Blvd.....	270
	Downstream limit of flooding in the township proper.....	238
Wyomissing Creek	Angelica Lake.....	219
	Vermont Rd.....	210
	Downstream of dam.....	203
	Upstream small bridge.....	203
	Downstream small bridge.....	201
	Wyomissing Rd.....	491
	West Wyomissing Ave.....	444
	Old Wyomissing Ave.....	369
	Wyomissing Ave.....	343
	U.S. Route 222.....	301

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 4, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc.77-19792 Filed 7-15-77; 8:45 am]

[Docket No. FI-2625]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Liberty, Sullivan County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Liberty, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Liberty.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Village of Liberty.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Liberty, New York, are available for review at Village Office, 167 North Main Street.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum, 1929
Mongaup River	Bridge No. 3.....	1,380.0
	Route 52 bridge.....	1,384.0
	Confluence with Lewis St. Brook.....	1,308.0
Lewis St. Brook	Route 17 highway bridge.....	1,390.0
	Mill St. and Never-sink Rd.....	1,434.5
	Clements St. bridge.....	1,480.4
	Lumber yard culvert.....	1,588.0
Darbee Brook	Oberlin St. Bridge.....	1,455.2
	Church St. Bridge.....	1,465.2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42



U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19789 Filed 7-15-77; 8:45 am]

[Docket No. FI-2645]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Borough of Conshohocken, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Conshohocken.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Conshohocken.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for The Borough of Conshohocken.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Conshohocken are available for review at the Borough Hall, 8th Avenue and Fayette Street, Conshohocken.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	East corporate limits	64
	Payette St.	67
	Plymouth Dam	69
Plymouth Creek	West corporate limits	70
	Reading RR.	68
	Elm St.	69
	West corporate limits	75

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19806 Filed 7-15-77; 8:45 am]

[Docket No. FI-2648]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Borough of Scottsdale, Westmoreland County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Scottsdale.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Scottsdale.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Scottsdale.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24

CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Scottsdale are available for review at the Borough Hall, 10 Mt. Pleasant Road, Scottsdale.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Jacobs Creek	Upstream corporate limits (upper reach)	1,050
	Downstream corporate limits (upper reach)	1,050
	U.S. Highway 119	1,043
	Downstream corporate limits (lower reach)	1,041
Stauffer Run	Upstream corporate limits Stauffer Ave./ Orchard Ave.	1,052
	Scottsdale Ave.	1,052
		1,051

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19786 Filed 7-15-77; 8:45 am]

[Docket No. FI-2650]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Bemus Point, Chautauqua County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Bemus Point.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Bemus Point.



## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

## SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determination of flood elevations for Bemus Point.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Bemus Point are available for review at Bulletin Board, 13 Albutus Avenue, Bemus Point, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chautauqua Lake	Lincoln Rd.	1,310.5
	Springbrook Ave.	1,310.5
	Liberty St.	1,310.5
	(extended):	
	Grove Ave.	1,310.5
(extended):	Bemus St.	1,310.5
	North corporate limits.	1,310.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19810 Filed 7-15-77; 8:45 am]

[Docket No. FI-2664]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Village of Briarcliff Manor, Westchester County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Briarcliff Manor.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Briarcliff Manor.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Briarcliff Manor.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Briarcliff Manor are available for review at Village Office, 1111 Pleasantville Road, Briarcliff Road, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pocantico River	South State Rd.	231
	State Route 9A/100	233
	Pleasantville Rd.	238
	(upstream of bridge)	
	State Route 9A (exit ramp)	241
Caney Brook	Upstream corporate limits	273
	Pocantico Lake	230
	Long Hill Rd.	236
	(upstream of bridge):	
	Sleepy Hollow Rd.	295

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 9, 1977.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19790 Filed 7-15-77; 8:45 am]

[Docket No. FI-2665]

## PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Town of Shelter Island, Suffolk County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Shelter Island.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Shelter Island.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Shelter Island.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Shelter Island are available for review at the Supervisors Office, 44 North Ferry Road, Shelter Island, New York.

The final 100-year flood elevations for selected locations are:



Source of flooding	Location	Elevation in feet above mean sea level
Shelter Island Sound.	Hiberry Lane.....	8
	Carousal Lane.....	8
	Shore Rd.....	8
	Clinton Ave.....	8
	Meadow Lane.....	8
	Route 42.....	8
	Rocky Point Ave.....	8
	Park Pl.....	8
	Peconie Ave.....	8
	West Neck Point.....	8
	Ferry Rd. (Route 114).....	8
	Thompson Rd.....	8
	Majora Point.....	8
	Gardiner Bay Dr.....	9
Gardiners Bay	Ran Island Dr.....	9
	Little Ram Island Dr.....	9
	Tutill Dr.....	9
	Reel Point.....	9
	Sungie Point.....	9
	Gibsons Beach.....	9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19808 Filed 7-15-77; 8:45 am]

[Docket No. FI-2684]

# PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for  
City of Waco, McLennan County, Texas

AGENCY: Federal Insurance Adminis-  
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations  
(100-year flood) are listed below for se-  
lected locations in City of Waco.

These base flood elevations are the  
basis for the flood plain management  
measures that the community is required  
to either adopt or show evidence of be-  
ing already in effect in order to qualify  
or remain qualified for participation in  
the National Flood Insurance Program  
(NFIP).

EFFECTIVE DATE: On publication of  
the Flood Insurance Rate Map for  
Waco.

FOR FURTHER INFORMATION CON-  
TACT:

Mr. Richard Krimm, Assistant Admin-  
istrator, Office of Flood Insurance, 202-  
755-5581 or toll free line, 800-424-8872,  
Room 5270, 451 Seventh Street SW.,  
Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:  
The Federal Insurance Administrator  
gives notice of his final determinations  
of flood elevations for WACO.

This final rule is issued in accordance  
with section 110 of the Flood Disaster  
Protection Act of 1973 (Pub. L. 93-234),  
87 Stat. 980, which added Section 1363 to  
the National Flood Insurance Act of 1968  
(Title XIII of the Housing and Urban  
Development Act of 1968 (Pub. L. 90-  
448), 42 U.S.C. 4001-4128, and 24 CFR  
Part 1917). An opportunity for the com-  
munity or individuals to appeal this de-  
termination to or through the commu-  
nity for a period of ninety (90) days has  
been provided, and the Administrator  
has resolved the appeals presented by  
the community.

The Administrator, to whom the Sec-  
retary has delegated the statutory au-  
thority, has developed criteria for flood  
plain management in flood-prone areas  
in accordance with 24 CFR Part 1910.

Maps and other information showing  
the detailed outlines of the flood-prone  
areas and the final elevations for WACO  
are available for review at the Bulletin  
Board in City Hall, WACO.

The final 100-year flood elevations for  
selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Brazos River	Upstream corporate limits.....	404
	Steinbeck Bend Rd.....	398
	Waco Dr.....	391
	U.S. Highway 77 and 81.....	387
	Downstream cor- porate limits (extended).....	380
	FM 1637.....	397
Bosque River	Bosque River tribu- tary confluence.....	305
	Steinbeck Bend Rd Brazos River confluence.....	394
	FM 1637.....	452
	Rock Creek Rd. Confluence with Bosque River.....	446
Bosque River tributary.	Upstream corporate limits.....	512
	Lake Waco.....	500
Middle Bosque River, south tributary.	Fish Pond Rd.....	596
	Bosque Blvd.....	556
South Midway Park Creek.	State Highway 6.....	518
	Lake Waco.....	500
Midway Park Creek.	Ridgewood Dr.....	519
	Lake Waco.....	500
North Midway Park Creek.	Ridgewood Dr.....	592
	Dam.....	508
West Landon's Branch.	Lake Waco.....	508
	Hillcrest Dr.....	558
East Landon's Branch.	Lake Waco.....	500
	East Landon's Branch tributary confluence.....	500
East Landon's Branch tribu- tary.	Lake Waco.....	500
	Dam.....	514
Live Oak Creek	East Landon's Branch confluence.....	500
	Upstream corporate limits.....	510
Yankie Rd. Creek	FM 185.....	506
	Lake Waco.....	500
Erath Creek	Upstream corporate limits.....	534
	FM 1637.....	533
Valley View Rd.	Unnamed road.....	500
	Lake Waco.....	500
Grayson Lane	Unnamed road.....	514
	Lake Waco.....	500
Grayson Lane	Unnamed road.....	536
	Lake Waco.....	500

Source of flooding	Location	Elevation in feet above mean sea level
Diversion ditch.....	Upstream corporate limits.....	431
	FM 933.....	431
	Downstream cor- porate limits.....	431
Wilson Creek	Brazos River con- fluence.....	396
	North 25th St.....	533
	North 21st St.....	514
Wilson Creek tributary.	North 17th St.....	475
	Methodist Home Rd.....	427
	Wilson Creek tributary confluence.....	405
Wilson Creek tributary.	Brazos River.....	395
	Baker Lane.....	485
	Methodist Home Rd.....	427
Delano Ave. ditch.....	Evans Rd.....	419
	Oholson Rd.....	414
	Dripping Springs Rd.....	409
Barron's Branch	Dallas St.....	395
	Brazos River confluence.....	393
	North 18th St.....	486
Bellmead ditch.....	North 9th St.....	430
	Waco St.....	407
	Brazos River confluence.....	388
Marlin's Branch.....	Upstream corporate limits.....	415
	U.S. 77 and 81.....	414
	Downstream cor- porate limits.....	411
Marlin's Branch.....	Upstream corporate limits.....	423
	Downstream cor- porate limits.....	417
	do.....	410
Waco Creek	Kendall Rd.....	401
	U.S. 77 and 81.....	397
	Brazos River confluence.....	388
Waco Creek North tributary.	Cobbs Dr.....	506
	Bosque Blvd.....	582
	Sanger Ave.....	559
Waco Creek South tributary.	Highway 28.....	537
	M. K. and T. R.R. and corporate limits.....	501
	Corporate limits.....	478
Waco Creek North tributary.	26th St.....	455
	Webster Ave.....	420
	14th St.....	395
Waco Creek South tributary.	Brazos River con- fluence.....	388
	Bosque Blvd.....	526
	34th St.....	513
Primrose Creek	Waco Dr.....	410
	Waco Creek.....	440
	Mobile home park St. Louis and South- western R.R.....	555
Cottonwood Creek	Waco Creek Con- fluence.....	502
	Bagley St.....	429
	Interstate 35.....	416
North Flai Creek	U.S. Highway 77.....	436
	South 12th St.....	408
	South 4th St.....	394
Imperial Dr.....	Downstream cor- porate limits.....	520
	M. K. and T. R.R.....	555
	Bagley St and cor- porate limits.....	500
Imperial Dr.....	U.S. 77 and corporate limits.....	417
	16th St and corporate limits.....	430
	Upstream corporate limits.....	580
Imperial Dr.....	Imperial Dr.....	582
	Downstream cor- porate limits.....	578
	M. K. and T. R.R.....	578

(National Flood Insurance Act of 1968 (Title  
XIII of Housing and Urban Development  
Act of 1968), effective January 28, 1969 (33  
FR 17804, November 28, 1968), as amended  
(42 U.S.C. 4011-4128); and Secretary's dele-  
gation of authority to Federal Insurance



Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19804 Filed 7-15-77; 8:45 am]

[Docket No. FI-2695]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for City of Floresville, Wilson County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Floresville.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Floresville.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Floresville.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing

the detailed outlines of the flood-prone areas and the final elevations for the City of Floresville are available for review at the bulletin board at the city hall, Floresville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
San Antonio River	Upstream corporate limits	385
	State Route 530 and corporate limits	385
Pajaro Creek	Upstream corporate limits	392
	U.S. Route 181	381
	Business loop 181	377
	Southern Pacific RR and downstream corporate limits	373
Lodi Branch	Upstream corporate limits and private drive	426
	U.S. Route 181	412
	Corporate limits	407
	Sutherland Springs	395
	Rd. and corporate limits	
	Peach St.	390
	Trail St.	384
Stream 1	Southern Pacific RR	386
	Stream 2 confluence	375
	Downstream corporate limits	373
Stream 2	U.S. Route 81 business loop	386

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4011-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19785 Filed 7-15-77; 8:45 am]

[Docket No. FI-2723]

#### PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Town of Hillsboro Beach, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Hillsboro Beach.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for partici-

pation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Hillsboro Beach.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Hillsboro.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Hillsboro are available for review at Town Hall, 1210 Hillsboro Beach, Pompano Beach, Florida 33062.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean-Intraoceanal Waterway	State road A-1-A north from Hillsboro Inlet bridge 6,050 ft.	5

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc. 77-19800 Filed 7-15-77; 8:45 am]



Register  
Federal

MONDAY, JULY 18, 1977

PART III



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## DEPARTMENT OF COMMERCE

National Fire Prevention and  
Control Administration



### REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

Establishment of Chapter



## Title 45—Public Welfare

## CHAPTER XX—NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 2010—REIMBURSEMENT FOR COSTS OF FIREFIGHTING ON FEDERAL PROPERTY

## Establishment of Chapter

AGENCY: National Fire Prevention and Control Administration, Commerce.

ACTION: Final rules.

SUMMARY: Section 11 of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278 f, 42 U.S.C. 290(a)), "the Act", authorizes reimbursement to fire services for the direct costs and losses they incur in firefighting on property which is under the jurisdiction of the United States. This is a rule issued by the Administrator, National Fire Prevention and Control Administration, which implements section 11 of the Act and governs the submission and determination of claims under section 11 of the Act. Eligible claims arising since enactment of section 11 (October 29, 1974) will be cognizable on the effective date of these regulations.

EFFECTIVE DATE: July 18, 1977.

## FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Chief Counsel, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036, 202-632-9885.

SUPPLEMENTARY INFORMATION: Prior to the passage of Section 11 of the Act, the Comptroller General ruled that where Federal property is within the area where a fire service must, by law or contract, provide fire protection free of charge, Federal agencies may not reimburse a fire service for its costs arising out of the fighting of fires on Federal property. 49 Comp. Gen. 284 (1969). Consistent with this general principle, reimbursement was denied for the costs of fire services participating in the firefighting effort at the Federal Military Personnel Records Center near St. Louis, Missouri, in 1973. 53 Comp. Gen. 410 (1973). The legislative history of Section 11 of the Act discloses that the Records Center fire was a significant factor leading to the inclusion of a reimbursement provision in the Federal Fire Prevention and Control Act of 1974 and that this fire presents a typical situation for reimbursement under Section 11 of the Act. The definitions in § 2010.03 and other provisions of these regulations reflect this legislative history.

Interested persons have been afforded an opportunity to participate in the making of these rules by a notice of proposed rulemaking published in the FEDERAL REGISTER on December 7, 1976 (41 FR 53596-53598). Due consideration has

been given to all comments received in response to the notice and during the public comment period, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed herein after, the regulations and the reasons therefor are the same as those contained in the notice.

Section 2010.02. Comments were received both supportive and critical of the treatment accorded mutual assistance agreements in § 2010.02 of the notice of proposed rulemaking. These final regulations provide that where a mutual aid agreement is in effect between the parties, and the agreement was entered into pursuant to 42 U.S.C. 1856-1856d or is otherwise primarily a reciprocal exchange of services agreement, a claim could be filed in proper situations. However, pursuant to the provisions of § 11 (b), any payments and reimbursement authorized by other than § 11 of the Act (including money and the value of services) rendered under the mutual aid agreement during its term (or if none is determinable, the Federal fiscal year in which the Federal fire occurred) will be deducted from the claim. This new approach reflects concern expressed by some Federal and local commenters that barring § 11 reimbursement under mutual aid agreements would result in the cancellation of the agreements. Such a result would not be in the best interests of fire protection.

Where an agreement or contract is in effect providing that the Federal Government pays for fire protection, reimbursement under § 11 may be precluded by the parties, if it is their intent to do so. The intent to preclude reimbursement under § 11 of the Act and this Part may be expressed or may be implied from the nature or from the provisions of the contract.

Section 2010.03. Subsection (d), defining claimant, remains the same. However, it is to be noted in this connection, that the class of eligible claimants does not include: individual firefighters (including their dependents, survivors, or guardians), civilians in any capacity, except as agents or representatives of eligible claimants, insurers, or any other party. The definition of claimant as contained in § 2010.03(c) is based upon the wording of Section 11 of the Act which provides only that fire services may file claims for costs incurred.

Subsection (e), which defines direct expenses and losses, modifies, in response to comments on the subject, the original subsection (e) to more closely reflect the language of Section 11 of the Act. Direct expenses and losses mean those expenses and losses which would not have been incurred save for the Federal fire out of which the claim arose. To qualify for reimbursement under Section 11 and the regulations, such direct expenses and direct losses must also meet the definition of "additional firefighting costs over and above normal operating expenses". This phrase is defined in § 2010.03(b).

"Additional firefighting costs over and above normal operating costs" is defined in § 2010.03(b) and requires, at the outset, that an actual fire has occurred. Fire is defined at § 2010.03(f). In response to comments, this necessarily excludes expenses associated with false alarms, fire prevention, and medical services (where there is no fire). This is based upon the definition of "firefighting" and "fire prevention" as contained in Section 4(4) of the Act. Such functions are separately set out and both are defined as relating to activities conducted by a fire service. Therefore, the firefighting activity of a fire service is different from the "fire prevention" activities of a fire service. In Section 11, it is "fighting of a fire" which gives rise to a claim. Firefighting and fighting of a fire are read as synonymous, thus requiring a fire and not including fire prevention activities.

Firefighting costs include those which are ordinarily associated solely with the firefighting function of a fire department. The class of such costs would include those incurred during response to the fire scene, search and rescue, ventilation, exposure protection, containment, extinguishment, overhaul, salvage and readying equipment for further service or until it is reported out-of-service or until it is returned to the station, whichever is earlier. Such costs would also include the costs of emergency medical services if incurred by the claimant for citizens and firefighters during the fighting of the fire for which a claim is filed. However, in response to comments on the subject, firefighting costs do not include costs associated with the Section 11 claims process, employee benefits costs, or litigation costs and judgments because these are not firefighting costs, but are rather associated with the administration of a fire service. Such costs are not part of the firefighting activity, but are rather one among many activities, duties, and functions performed by a fire service or a governmental unit.

Costs are eligible for reimbursement only if the other requirements of Section 11 and this Part are met. That is, that the costs are reasonable, and are authorized (or ratified) by an appropriate Federal official (see § 2010.03(b)), are direct, and are over and above normal operating costs. The requirement that the costs be reasonable and authorized or ratified is added to the regulations in response to the comments of state and Federal officials who indicated that without such a limitation in the regulations, some fire services might participate in firefighting where neither called, nor needed. We are advised of this possibility particularly in the case of wild fires. Further, we were urged to adopt such wording because of a temptation to claim for unjustifiable costs. The changes in the regulation requiring that the costs be reasonable and authorized would alleviate both these situations. In this connection, it is to be noted that § 2010.23 sets forth some of the criminal statutes applicable to the submission of claims and the making of statements relative thereto. Of course, evidence of any criminal activity viola-

<sup>1</sup> These regulations were proposed under Title 15, Part 1810, however, they are being adopted as Title 45, Part 2010.



tive of those provisions or any other may be turned over for prosecution by the appropriate state, local and Federal authorities.

Under the definitions contained in § 2010.03, ordinary wages, salaries, administrative costs, depreciation, workman's compensation premiums, and expenses associated with the death or injury of firefighters are not reimbursable because the Act requires that costs be firefighting costs and that they be over and above normal operating expenses. This is in response to some comments requesting reimbursement for such ordinary costs and the costs associated with injuries or deaths. Costs for which reimbursement would normally be available include: salaries for specially employed personnel and overtime pay, the costs of supplies expended, the costs of special equipment operation, the difference in value of equipment damaged or destroyed immediately before the event which caused the damage or destruction, and the value of such equipment after such event. At the Administrator's discretion, the measure of loss or damage may be the actual cost of repair.

In response to a comment, the definition of property previously contained at § 2010.03(1) is revised so as to make it clear that the definition includes real property in which the Federal government holds legal fee simple title, and any federally owned improvements and appurtenances thereon and thereto. Any fire on such property, even if occurring to personal property of a non-federal owner, would fall within this definition. This, of course, assumes that the claim is otherwise cognizable.

Several Federal instrumentalities submitted comments that they are not ultimately liable for reimbursement to the Treasury, and hence their property is not covered by Section 11. The variety of Federal instrumentalities and agencies is too broad to set down a uniform rule. However, the issue is whether the particular property is ultimately held by the United States, even though title may be in the name of an agency or instrumentality thereof.

In response to a comment, property is defined in terms of ownership because the Federal government held simply a proprietary interest at the Federal Military Personnel Records Center; no other form of jurisdiction was exercised. Because the legislative history makes clear that the fire at the Federal Military Personnel Records Center is a prototype, the regulations should be designed so as to insure reimbursement in similar situations. There are many varieties of jurisdiction and the Act, on its face, does not further define the term. Ownership by the United States Government is a test better supported by the legislative history and is a concept capable of reasonable administrative determination.

Comments questioned whether Federal personal property involved in a fire if on other than Federal land would give rise to a claim? Such property could include government airplanes, railroad cars, automobiles, freight, or ships. In all such

cases, no reimbursement would be forthcoming under Section 11 and these regulations. The restriction to fires on Federal real property is based on the legislative history which indicates reimbursement was intended for fires such as that which occurred at the Federal Military Personnel Records Center—a Federal building on Federal land.

A comment requested whether reimbursement is available for firefighting on interstate highways. If a road is on land owned by the United States, a claim could be honored. We are advised, however, that the United States seldom, if ever, owns the property upon which interstate highways are built.

Several comments addressed the issues presented by Indian lands, and government long-term leases. Only if technical legal title is in the United States can there be reimbursements. Thus, lands which the United States holds legal title to, but which are held in trust for another party (including an Indian organization) are brought under Section 11 and these regulations. By the same token, leasehold interests (which do not place legal title in the United States) are excluded.

Property taken by agencies of the United States Government, e.g., by foreclosure, are subject to Section 11 and these regulations, if the United States holds a fee simple interest.

Section 11 requires that certain payments, including taxes and payments in lieu of taxes, the Federal government has made for the support of fire services on the property in question be subtracted from otherwise eligible costs. Payments are expressly not limited to taxes and payments in lieu of taxes, therefore, no such limitation is read into Section 11 by these regulations. See § 2010.03(k). This responds to comments that only payments in lieu of taxes should be deducted from a claim. Therefore, it is not unreasonable to include all payments, in any form, meeting the definition of Section 11—taxes, payments in lieu of taxes, grants and the value of services or money under mutual aid agreements. Although the original regulation would have expressly included in this group revenue sharing monies, we are advised by the Treasury Department that the funds are not usually for the purpose of providing services for the Federal government, but are rather for the use of the states and local governments for their own purposes. Therefore, language expressly including revenue sharing monies in the term payments is withdrawn from the regulations. However, if these funds are later found to fit within the definition as provided herein, they will, of course, be deducted from an eligible claim.

Payments to be subtracted from a claim will be totalled on a Federal government fiscal year basis. In most cases. In the case of a mutual aid agreement, the amount of payments under that agreement will be determined on the basis of the agreement's term. If no term is discernible, it will be assumed that the term is the Federal government fiscal year in which the fire occurred. The total

of all payments during the applicable period, received or receivable, will be deducted.

Section 2010.11. Comments were received suggesting editorial changes to § 2010.11; these changes are incorporated into the present regulations.

A new sentence was added to the first paragraph of § 2010.11, in response to a comment on fires of long duration during which the fire service may desire reimbursement for a portion of the costs it has sustained, even though the firefighting effort continues. Therefore, in such situations, the fire service may submit a claim for the cost it has incurred up to the moment of the claim. Payment of such claims will not occur until the submission of adequate information on Federal payments.

A new subsection (g) was added in response to comments, also discussed earlier, which were addressed to the problems of incendiary and false or unnecessary claims. Section 2010.03 requires that costs, to be eligible for reimbursement, must be authorized or ratified and necessary. This subsection provides for the submission of evidence of such authority or ratification. The remaining subsections are redesignated pursuant to the addition of subsection (g).

A new subsection (k) was added in response to comments indicating that to require claimants to submit legal evidence of title would be burdensome. Consequently, only the best evidence that claimants can reasonably submit is now required. However, the claimant must submit some evidence.

Subsection (l) was modified to require evidence of any contracts or mutual aid agreements, and subsection (o) was modified so as to exclude revenue sharing payments from the list of payments and to make it clear that the fiscal year referred to in that provision is the fiscal year of the Federal government. Subsection (d) was changed to require the name, and telephone number of the local Federal contact who is familiar with the facts of the fire as well as the name and address of the Federal agency having jurisdiction over the real property involved. It is expected that such information will greatly assist in the administration of the claims program.

Comments were received indicating that claims below a certain amount should not be cognizable. Such a restriction of a right created by Congress is not based on statutory language, and is not supportable in the context of the legislative history. Another comment suggested simplified procedures for small claims. This was rejected because all the information § 2010.11 requires to be submitted is reasonable and is necessary to determine whether the claim is a valid one, and how much should be reimbursed under Section 11 of the Act and this Part.

Another comment indicated the author's view that if a fire requires a certain percentage of fire department resources, ordinary costs should be reimbursed for and payment made because



of the risk assumed by the community. Both of these comments are rejected because: (a) Section 11 permits reimbursement only for costs over and above normal operating expenses; and (b) only firefighting costs may be reimbursed under Section 11 of the Act.

A comment urged the Administrator to negotiate a table of hours of operation/cost for use in determining the amounts to be reimbursed. The regulations do not address the subject because this kind of administrative detail is best considered in the light of experience.

Comments were received arguing that the Administrator has no authority to set deadlines for the submission of claims. Section 11 of the Act gives him authority to prescribe supporting information for the claims. Likewise, Section 21 of the Act authorizes the Administrator to establish such rules, regulations, and procedures as are necessary to carry out the provisions of the Act. The deadlines are necessary for prompt reimbursement and for carrying out the purposes of Section 11 of the Act.

Section 2010.12. This section is revised so as to simplify the appeals procedures. The Administrator's initial determination on those costs, losses, and expenses which are reimbursable (under § 2010.12(a)(1) and Section 11(b)(2) of the Act) may be agreed to or appealed from in consultation with the Administrator. Within thirty (30) days, a request for reconsideration and supporting evidence for it must be submitted. If not, the claimant's concurrence will be presumed. The figure agreed upon, or that the Administrator finally determines after the reconsideration, is preserved pending submission of full information on Federal payments (if not available at the time of the claim).

There were comments which requested information on how the Department of the Treasury will collect from an owner or occupier agency. The regulations are not addressed to this point because this is a matter for the Treasury Department and the agencies with jurisdiction over the property upon which the fires, giving rise to the claims, occurred.

Comments were received on the mechanism by which NFPCA will require or receive information from the Federal agencies which may ultimately reimburse the Treasury for the amounts the Treasury has awarded the claimants. Section 21(a) of the Act provides that "each department, agency, and instrumentality of the executive branch of the Federal government and each independent regulatory agency of the United States is authorized and directed to furnish to the Administrator, upon written request, on a reimbursable basis or otherwise, such assistance as the Administrator deems necessary to carry out his functions and duties pursuant to this Act . . .". One Federal agency comment pointed out that the Administrator should always have the option to reconsider his decisions upon the discovery of new material evidence. Subsection (f) was added for this purpose.

Section 2010.13. This section provides for the reconsideration of the amount derived after application of the full Section 11(b) formula and the steps in § 2010.12. If the claimant has agreed to the costs, losses, and expenses as determined by the Administrator, this is not appealable except at the discretion of the Administrator and upon the discovery of new material evidence bearing on the claim.

Section 2010.14. This section is revised to exclude the last sentence in the notice of proposed rulemaking which provided that if the Administrator has not determined the amount to be paid within one year, an automatic appeal to the Court of Claims would lie. We are advised that in appropriate cases, the Court of Claims could require a prompt determination. Therefore, there is no reason for such a provision and the resultant possibility for the circumvention of the administrative procedures provided for by Congress in Section 11.

Section 2010.23. In response to comments on the subject, this section was amended to include other sanctions and to make it clear that the statutes cited therein apply to the submission of false, fictitious or fraudulent claims or to such statements and representations.

In consideration of the foregoing, and for the reasons given in the notice of proposed rulemaking published at 41 FR 53596-53598, Title 45 of the Code of Federal Regulations is amended by establishing Chapter XX—National Fire Prevention and Control Administration, Department of Commerce and establishing a new part 2010, as follows:

#### Subpart A—Purpose, Scope, Definitions

##### Sec.

2010.01 Purpose.

2010.02 Scope.

2010.03 Definitions.

#### Subpart B—Submission, Determination, Appeals

2010.11 Submission of claims.

2010.12 Determination of amount authorized for payment.

2010.13 Reconsideration of amount authorized for payment.

2010.14 Adjudication.

#### Subpart C—Administration, Penalties

2010.21 Effective Date.

2010.22 Audits.

2010.23 Penalties.

**AUTHORITY:** Sections 11, and 21(b)(5), Pub. L. 93-498, 88 Stat. 1535 (15 U.S.C. 2201, and 2218(b)(5)).

#### Subpart A—Purpose, Scope, Definitions

##### § 2010.01 Purpose.

Section 11 of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 2781, 42 U.S.C. 290(a)), provides that "each fire service that engages in the fighting of a fire on property which is under the jurisdiction of the United States may file a claim with the Administrator [NFPCA] for the amount of direct expenses and direct losses incurred by such fire service as a result of fighting such fire." This Part, 45 CFR Part 2010, implements Section 11 of the Act and

governs the submission, determination, and appeal of claims under section 11.

##### § 2010.02 Scope.

First services, in any State, may file claims for reimbursement under section 11 and this part for the direct expenses and losses which are additional firefighting costs over and above normal operating costs incurred while fighting a fire on property which is under the jurisdiction of the United States. Section 11 requires that certain payments be deducted from those costs and that the Treasury Department will ordinarily pay the amount resulting from the application of that formula. Where the United States has entered into a contract (which is not a mutual aid agreement, defined in § 2010.03) for the provision of fire protection, and it is the intent of the parties that reimbursement under section 11 is unavailable, this intent will normally govern. Where a mutual aid agreement is in effect between the claimant and an agency of the United States for the property upon which the fire occurred, reimbursement will be available in otherwise proper situations. However, any payments (including the value of services) rendered under the agreement during the term of the agreement (or the Federal fiscal year in which the fire occurred, if no term is discernible) shall be deducted from the costs claimed, pursuant to § 2010.12.

##### § 2010.03 Definitions.

(a) "The Act" means the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 2781, 42 U.S.C. 290(a)).

(b) "Additional firefighting costs over and above normal operating costs" means reasonable and authorized (or ratified by a responsible Federal official) costs ordinarily associated with the function of firefighting as performed by a fire service. Such costs would normally arise out of response of personnel and apparatus to the site of the fire, search and rescue, exposure protection, fire containment, ventilation, salvage, extinguishment, overhaul, and preparation of the equipment for further use. This would also include costs associated with emergency medical services to the extent normally rendered by a fire service in connection with a fire. Not included are administrative expenses, costs of employee benefits, insurance, disability, death, litigation or health care, and the costs associated with processing claims under Section 11 of the Act and this Part.

(c) "Administrator" means the Administrator of the National Fire Prevention and Control Administration, or his designate.

(d) "Claimant" means a fire service as defined in paragraph (g) of this section.

(e) "Direct expenses and losses" means expenses and losses which would not have been incurred had not the fire in question taken place. This includes salaries for specially employed personnel, overtime pay, the cost of supplies ex-



pendent, and the depreciated value of equipment destroyed or damaged. It does not include such costs as the ordinary wages of firefighters, overhead costs, or depreciation (if based on other than hours of use during fires). Expenses as defined herein, would normally be incurred after the first call or alarm and would normally cease upon the first of the following: return to station, report in-service and ready for further operations, or commence response to another incident.

(f) "Fire" means any instance of destructive or uncontrolled burning, including scorch burns and explosions, of combustible dusts or solids, flammable liquids and gases. The definition does not include the following except where they cause fire or occur as a consequence of fire: lightning or electrical discharge, explosion of steam boilers, hot water tanks, or other pressure vessels, explosions of ammunition or other detonating materials, overheating, mechanical failures, or breakdown of electrical equipment in power transmission facilities, and accidents involving ships, aircraft, or other vehicles. Not included in this definition are any costs associated with false alarms, regardless of cause.

(g) "Fire service" means any organization in any State consisting of personnel, apparatus and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private fire-fighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district.

(h) "Mutual Aid Agreement" means any reciprocal agreement whether written or oral between a Federal agency and the claimant fire service, or its parent jurisdiction, for the purpose of providing fire protection for the property of the United States upon which the fire which gave rise to the claim occurred and for other property for which the claimant normally provides fire protection. Such agreement must be primarily one of service rendered for service, or must be entered into under 42 U.S.C. 1856-1856d. Not included are all other agreements and contracts, particularly those in which the intent of the parties is that the United States pays for fire protection.

(i) "NFPCA" means the National Fire Prevention and Control Administration.

(j) "Over and above normal operating expenses" means costs, losses and expenses which are not ordinarily and necessarily associated with the maintenance, administration, and day-to-day operations of a fire service and which would not have been incurred absent the fire out of which the claim arises.

(k) "Payments to the fire service or its parent jurisdiction, including taxes or payments in lieu of taxes, the United

States has made for the support of fire services on the property in question" means any Federal monies, or the value of services, including those made available through categorical or block grants, contracts, mutual aid agreements, taxes, and payments in lieu of taxes which the United States has paid to the fire service or its parent jurisdiction for fire protection and firefighting services. Such payments will be determined on the basis of the term of the arrangement, or if no such term is discernible, on the basis of the Federal fiscal year in which the fire occurred.

(l) "Property which is under the jurisdiction of the United States" means real property and Federal improvements thereon and appurtenances thereto in which the United States holds legal fee simple title. This excludes Federal leasehold interests. This likewise excludes Federal personal property on land in which the United States does not hold fee simple title.

(m) "State" means any State, of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

#### Subpart B—Submission, Determination, Appeal

##### § 2010.11 Submission of claims.

Any fire service in any State which believes it has a claim(s) cognizable under section 11 shall submit its claim(s) in writing within 90 days of the occurrence of the fire(s) for which a claim(s) is made except that if the fire(s) occurred between October 29, 1974 and the effective date of these regulations, the claim(s) for those fires shall be submitted within 6 months of that effective date. If the fire is of such duration that the claimant desires to submit a claim before its conclusion, it may do so, but only for the eligible costs actually incurred to date. Additional claims may be filed for costs later incurred. Claims shall be submitted to the Administrator, National Fire Prevention and Control Administration, Department of Commerce, P.O. Box 19518, Washington, D.C. 20036. Each claim shall include the following information:

(a) Name, address, jurisdiction and nature (volunteer, private, municipal, etc.) of claimant's fire service organization;

(b) Name, title, address and telephone number of individual authorized by the claimant fire service to make this claim in its behalf;

(c) Evidence that the person submitting the claim is authorized to do so on behalf of an eligible claimant;

(d) Name and telephone number of Federal employee familiar with the facts of the event and the name and address of the Federal agency having jurisdiction over the property on which the fire occurred;

(e) Location of fire (within building, land area or complex);

(f) Description of property burned (contents and/or structure, area, or natural resources);

(g) Proof of authority to fight the fire (source of alarm, whether fire service was requested by responsible Federal official or whether such an official accepted the assistance when offered) and time of alarm and proof that the costs were reasonable;

(h) Personnel and equipment committed to fighting of fire (type of equipment and number of items);

(i) Copy of fire report;

(j) Itemized list of direct expenses (e.g., hours of equipment operation, fuel costs, consumables, overtime, pay and wages for any specially hired personnel) and direct losses (e.g., damaged or destroyed equipment, to include purchase cost, estimate of the cost of repairs, statement of depreciated value immediately preceding and subsequent to the damage or destruction and the extent of insurance coverage) actually incurred in fighting the fire. A statement should be included explaining why each such expense or loss is considered by the claimant not to be a normal operating cost, or to be in excess of normal operating costs;

(k) Most conclusive evidence claimant can reasonably supply of Federal ownership in fee simple of the property on which the fire occurred;

(l) A copy of any mutual aid agreement(s), or any contract for the provision of fire service, between the claimant and the United States or any of its agencies or instrumentalities;

(m) Such other information or documentation as the Administrator considers relevant to those considerations to be made in determining the amount authorized for payment, as set forth in § 2010.12 of these regulations;

(n) Signed and sworn statement by authorized official of claimant fire service organization that the information and documentation provided in support of the claim are true and accurate to the best of his knowledge and belief; and

(o) Source and amount of any payments received or to be received for the fiscal year in which the fire occurred, including taxes or payments in lieu of taxes and including all monies received or receivable from the United States through any program or agreement including categorical or block grants, and contracts, by the claimant fire service or its parent jurisdiction for the support of fire services on the property on which the fire occurred. If this information is available when the claim is submitted, it should accompany the claim. If it is not, the information should be submitted as soon as practicable, but no later than 15 days after the end of the Federal fiscal year in which the fire occurred.

##### § 2010.12 Determination of amount authorized for payment.

(a) The Administrator shall determine the amount to be paid on a claim (subject to payment by the Department of the Treasury). The amount to be paid is the total of eligible expenses, costs and



losses under paragraph (a)(1) of this section which exceeds the amount of payments under paragraph (a)(2) of this section. The Administrator shall establish the reimbursable amount by determining:

(1) The extent to which the fire service incurred additional firefighting costs, over and above its normal operating costs, in connection with the fire which is the subject of the claim, i.e., the "amount of costs"; and

(2) What payments, if any, including taxes or payments in lieu of taxes, the fire service or its parent jurisdiction has received from the United States for the support of fire services on the property on which the fire occurred. The reimbursable amount is the amount, if any, by which the amount of costs, determined under paragraph (a)(1) of this section exceeds the amount of payments determined under paragraph (a)(2) of this section. Where more than one claim is filed the aggregate reimbursable amount is the amount by which the total amount of costs, determined under subparagraph (1) of this paragraph exceed the amount of federal payments (in the case of a mutual aid agreement—its term or if none is determinable, the Federal Fiscal year) determined under paragraph (a)(2) of this section.

(b) The Administrator will first determine the costs as contemplated in paragraph (a)(1) of this section. He will then notify the claimant as to that amount. The claimant must indicate within 30 days its acceptance or rejection of that amount.

(1) If the determination is accepted by the claimant, this will be the final and conclusive determination of the amount of costs by the claimant in conjunction with the fire for which the claim is submitted.

(2) If the claimant rejects this amount, it must notify the Administrator, within 30 days, of its reasons for its rejection. Upon receipt of notification of rejection, the Administrator shall reconsider his determination and notify the claimant of the results of the reconsideration. The amount determined on reconsideration will constitute the costs to be used by the Administrator in determining the reimbursable amount.

(c) Upon receipt of documentation from the claimant on the amount of payments the Federal government has made for the support of fire services on the property in question, the Administrator will, following such verification or investigation as the Administrator may deem appropriate, calculate the full amount to be reimbursed under the Section 11 formula as set forth in § 2010.12(a). This calculation of the reimbursable amount is based upon the costs determined pursuant to § 2010.12(b) and the documentation of Federal payments that the claimant submitted.

(d) The Administrator's determination of the reimbursable amount will be

sent to the Secretary of the Treasury. The Secretary of the Treasury shall, upon receipt of the claim and determination made under § 2010.12(a), (b) and (c), determine the amount authorized for payment, which shall be the amount actually available for payment from any monies in the Treasury not otherwise appropriated but subject to reimbursement (from any appropriations which may be available or which may be made available for the purpose) by the Federal department or agency under whose jurisdiction the fire occurred. This shall be a sum no greater, although it may be less, than the reimbursable amount determined by the Administrator, NFPCA, with respect to the claim under § 2010.12(a), (b) and (c).

(e) Upon receipt of written notification from the claimant of its intention to accept the amount authorized as full settlement of the claim, accompanied by a properly executed document of release, the Administrator will forward the claim, a copy of the Administrator's determination and the claimant's document of release to the Secretary of the Treasury for payment of the claim in the amount authorized.

(f) Subject to the discovery of additional material evidence, the Administrator may reconsider any determination in this section, whether or not made as his final determination.

#### § 2010.13 Reconsideration of amount authorized for payment.

(a) If the claimant elects to protest the amount authorized for payment, after the applicable procedures of § 2010.12 have been followed, it must within 30 days of receipt of notification of the amount authorized notify the Administrator in writing of its objections and set forth the reasons why the Administrator should reconsider his determination. The Administrator will upon notice of protest and receipt of additional evidence reconsider his determination of the amount of Federal payments under § 2010.12(a)(2) but not his determination of the amount of loss under § 2010.12(a)(1). He shall cause a reconsideration by the Secretary of the Treasury of the amount actually available and authorized for payment by the Treasury. The Administrator, upon receipt of the Secretary of the Treasury's reconsidered determination, will notify the claimant in writing of the amount authorized, upon reconsideration, for payment in full settlement of the claim.

(b) If the claimant elects to accept the amount authorized, upon reconsideration, for payment in full settlement of its claims, it must within 30 days (or a longer period of time acceptable to the Administrator) of its receipt of that determination notify the Administrator of its acceptance in writing accompanied by a properly executed document of release. Upon receipt of such notice and

document of release, the Administrator will forward the claim, a copy of the Administrator's final determination, and the claimant's document of release to the Secretary of the Treasury for payment of the claim in the amount of final authorization.

#### § 2010.14 Adjudication.

If the claimant, after written notice by the Administrator of the amount authorized for payment in full settlement of the claim and after all applicable procedures of § 2010.12 and § 2010.13 have been followed elects to dispute the amount authorized, it may then initiate action in the Court of Claims of the United States, which shall have jurisdiction to adjudicate the claim and enter judgment in accordance with Section 11(d) of the Act.

#### Subpart C—Administration, Penalties

#### § 2010.21 Effective date.

This part becomes effective upon publication in the FEDERAL REGISTER. Claims must be for expenses, costs and losses to fire service organizations occurring after October 29, 1974, the date of enactment of Section 11 of the Act.

#### § 2010.22 Audits.

At the discretion of the Administrator, all claims submitted under Section 11 of the Act and all records of the claimant will be subject to audit by the Administrator or his designee. In addition, the Comptroller General of the United States or his designee shall have access to all books and records of all claimants making claims under Section 11.

#### § 2010.23 Penalties.

Claimant's officials or others who provide information or documentation under this Part are subject to, among other laws, the criminal penalties of Title 18 of the United States Code, Sections 287 and 1001, which punish the submission of false, fictitious or fraudulent claims and the making of false, fictitious or fraudulent statements and which provide for a fine of not more than \$10,000 or imprisonment for not more than five years, or both. For such a violation, the person is likewise subject to the civil penalties of 31 U.S.C. 231. Section 231 provides that the person liable "shall forfeit and pay to the United States the sum of \$2,000, and, in addition, double the amount of damages which the United States may have sustained by the reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit."

Dated: July 7, 1977.

HOWARD D. TIFTON,  
Administrator, National Fire  
Prevention, and Control Administration.

[FR Doc. 77-19088 Filed 7-15-77; 8:45 am]



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PART IV



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# DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration



## AIRWORTHINESS REVIEW PROGRAM

Amdt. No. 5: Equipment and Systems  
Amendments



## Title 14—Aeronautics and Space

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

[Docket No. 14625; Amendment Nos. 23-20; 25-41; 27-13; 29-14; 91-141; and 121-135]

## AIRWORTHINESS REVIEW PROGRAM

## Amendment No. 5: Equipment and Systems Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** The purpose of these amendments is to update and improve the airworthiness standards applicable to aircraft equipment and systems and to make related changes in the operating rules. These amendments are part of the Airworthiness Review Program.

**DATES:** Effective date September 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Adolfo O. Astorga, Airworthiness Review Branch (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8714.

**SUPPLEMENTARY INFORMATION:** These amendments are the fifth in a series of amendments to be issued as part of the Airworthiness Review Program. The following series of amendments have previously been issued as part of this Airworthiness Review Program:

Title	FR citation
Form number and clarifying revisions	(40 FR 2576; January 14, 1975)
Rotorcraft anti-collision lights standards	(41 FR 5290; February 5, 1976)
Miscellaneous amendments	(41 FR 55454; December 20, 1976)
Powerplant amendments	(42 FR 15034; March 17, 1977)

These amendments are based on two Notices of Proposed Rule Making—Notice 75-10 published in the *FEDERAL REGISTER* on March 7, 1975 (40 FR 10802); and Notice 75-23 published in the *FEDERAL REGISTER* on May 27, 1975 (40 FR 23048). The amendments based on Notice 75-10 were deferred in the series of amendments titled "Miscellaneous Amendments" so that they could be considered in conjunction with the final disposition of certain proposals in Notice 75-23. The discussions of the comments received for the deferred proposals are included under the heading of the related Notice 75-23 proposals.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review within the FAA. Except for minor editorial and clarifying changes and the

substantive changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notices 75-10 and 75-23.

Two of the proposals of the original Notice concerning rotorcraft anticollision lights (§§ 27.1401 and 29.1401) have been implemented by separate rule-making action, Amendments 27-10 and 29-11, effective February 5, 1976, that were published in the *FEDERAL REGISTER* on February 5, 1976 (41 FR 5290). In addition, several proposals which were contained in Notice 75-23 are not being dealt with here but will be considered in conjunction with the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975).

## DISCUSSION OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 75-23.

**Proposal 5-1.** One commentator objected to the marking (or tagging) requirement in proposed § 23.1301(a)(2), which would require that the marking or tag include identification, function, and operating limitations, on the ground that it would necessitate a multitude of tags on small items of equipment which could interfere with operation of the aircraft or otherwise constitute a hazard. Another commentator contended that the service record does not justify a need for the requirement. Another commentator recommended that this requirement be expanded to require that the marking or tag include information to show that the equipment had been produced under an approved FAA quality control system, or that it had been approved by the FAA for installation on a particular type of aircraft. After further review, the FAA agrees with the first commentator and believes that the proposed marking or tagging requirement should be withdrawn. Accordingly, the requirement in proposed § 23.1301(a)(2) is withdrawn. However, current § 23.1301(a)(2) is amended by deleting the words "if appropriate" for consistency with §§ 25.1301, 27.1301, and 29.1301.

One commentator objected to the requirement in proposed § 23.1301(b) on the ground that it would be extremely difficult, or impossible, in the design of an item of equipment, or of its installation, to provide absolute assurance that it is incapable of interfering with the operation of interfacing equipment under all possible failure conditions. Another commentator stated that the wording of the proposal could be interpreted to mean that fully redundant equipment systems must be installed. The FAA agrees that proposed § 23.1301(b) would be unnecessarily restrictive, and it is withdrawn. In view of the withdrawal of proposed § 23.1301(b), the paragraphs in § 23.1301, as adopted, have been redesignated.

The proposed revision of the lead-in of current § 23.1301(a) was intended to expand the applicability of that paragraph to cover all optional equipment, consistent with corresponding language in current §§ 25.1301, 27.1301, and

29.1301. One commentator objected because it would require markings on additional items of optional equipment. The FAA believes that the marking of all equipment items contributes significantly to safety by helping to prevent their improper installation and operation, and the lead-in of § 23.1301(a) is revised as proposed.

Proposals 5-21, 5-39, and 5-53 to revise §§ 25.1301(b), 27.1301, and 29.1301, respectively, are withdrawn for the reasons stated herein with respect to proposed § 23.1301.

**Proposal 5-2.** The deletion of current § 23.1309(a) was proposed because it would have been superfluous if proposed § 23.1301(b) (see Proposal 5-1) had been adopted. Proposed § 23.1301(b) is withdrawn. Consequently, the proposed deletion of current § 23.1309(a) is also withdrawn.

**Proposal 5-3.** Several commentators questioned proposed §§ 23.1321(a), 25.1321(a), 27.1321(a) and 29.1321(a) (Proposals 5-3, 5-23, 5-42, and 5-56, respectively), concerning the visibility of instruments with a visual indicator for use in flight by any pilot. It was stated that the proposed standard did not adequately provide for instruments that were monitored infrequently during flight as contrasted with instruments more critical to flight safety. With respect to rotorcraft, one commentator also objected on the ground that the space available for mounting instruments was extremely limited. The FAA agrees that priority of instruments and instrument location needs to be more definitive. Therefore, proposed §§ 23.1321(a), 25.1321(a), 27.1321(a) and 29.1321(a) are withdrawn.

Several commentators objected to the phrase "under all cockpit lighting conditions" in proposed §§ 23.1321(e), 25.1321(e), 27.1321(d), and 29.1321(g), contending that it includes everything from lightning to total darkness resulting from complete electrical failure at night. In light of these comments and after further FAA review, proposed §§ 23.1321(e), 25.1321(e), 27.1321(d), and 29.1321(g) are revised to require consideration of all probable cockpit lighting conditions with respect to the visibility of malfunction indicators.

For another comment related to proposed § 23.1321(e), see Proposal 5-23.

**Proposal 5-4.** One commentator objected to proposed § 23.1323 on the ground that the resulting economic burden to aircraft owners is unwarranted. Another commentator objected to proposed § 27.1323(a) contending that it was unnecessary to calibrate the airspeed indicating instrument. The FAA agrees with these comments. A requirement for the calibration of the airspeed indicating instrument is necessary to ensure that excessive error is not introduced into the system by the installation of a replacement instrument after the aircraft goes into service. In addition, the FAA believes that although the proposed calibration standards differ from the current standards, they impose little, if any, additional burden in showing compliance.



Another commentator (who concurred with the intent of the proposal to revise § 23.1323) questioned whether the allowable error, in proposed § 23.1323(b), should be expressed in terms of calibrated airspeed rather than indicated airspeed and whether the airspeed ranges specified in proposed §§ 23.1323(b)(1) and (b)(2) were unnecessarily severe accuracy requirements. The FAA agrees that the error allowed by proposed § 23.1323(b) should be expressed in terms of calibrated airspeed to be in accord with normal practices. However, the FAA believes that the airspeed ranges in proposed §§ 23.1323(b)(1) and (b)(2) are needed to encompass the airspeed limitations in proposed § 23.1545. The FAA also believes that, as a practical matter, the accuracy requirements in proposed § 23.1323 are not significantly more restrictive than the current requirements.

Accordingly, § 23.1323 is revised as proposed, except that the term "indicated airspeed" in paragraph (b) is changed to "calibrated airspeed."

**Proposal 5-5.** One commentator objected to the proposal to add a new § 23.1325(d), which would be identical to the standard required by § 25.1325(e), on the ground that general aviation airplanes should not be required to conform to transport category airplane standards. A key function of the altimeter system is to enable the pilot to maintain his assigned or required altitude during flight for the purpose of maintaining vertical separation from other aircraft. There is therefore a need for altimeter system accuracy for all aircraft.

Another commentator stated that the proposal would place accuracy requirements on static pressure systems that are more stringent than the requirements proposed for airspeed indicating systems in Proposal 5-4. The commentator stated that, under Proposal 5-4, a 5-knot error at 100 knots would be acceptable and this corresponds to an altitude error of more than 30 feet which would not be acceptable under proposed § 23.1325(d). The commentator suggested that the proposed altitude error tolerance of  $\pm 30$  feet (per 100 knots speed) be increased to  $\pm 50$  feet. The FAA disagrees with the commentator's suggestion. The proposed standard is identical to the standard required for transport category airplanes, which has been administered without difficulty in the past.

**Proposal 5-6.** One commentator objected to the proposal to amend § 23.1327 on the ground that it would allow an indefinite amount of interference, which would confuse the pilot. The FAA believes that the placard that would be required by proposed § 23.1327(c) would serve to alert the pilot to the fact that certain electrical loads, when switched on, cause excessive deviations of the magnetic nonstabilized direction indicator. The commentator further stated that if an additional magnetic direction indicator (having a deviation less than 10 degrees) is installed, there would no longer be a need for the magnetic non-

stabilized direction indicator. The FAA agrees that an additional magnetic nonstabilized direction indicator is not a practical alternative, and proposed § 23.1327 is revised to delete that alternative. However, the FAA believes that the proposed exception is appropriate for those instances in which a magnetic stabilized direction indicator or gyroscopic direction indicator is installed along with a magnetic nonstabilized direction indicator. The commentator also contended that the gyroscopic direction indicator alternative is not a practical solution because it must be reset frequently, thus increasing the pilot's workload. The FAA does not believe that the need to periodically reset the gyroscopic direction indicator adds significantly to the pilot's workload. Finally, this commentator stated that proposed § 23.1327(c) would allow interference that is contrary to current §§ 23.1327(a) and 23.1301(a)(4). With respect to current § 23.1327(a), the FAA believes the comment is valid, and that paragraph is revised for clarification. In view of this change, the requirements in current § 23.1327(a) and proposed § 23.1327(b) are combined into § 23.1327(a), and proposed § 23.1327(c) is redesignated § 23.1327(b). With respect to current § 23.1301(a)(4), the FAA does not believe the comment is valid, since the system consisting of a magnetic nonstabilized direction indicator and either a magnetic stabilized type or a gyroscopic type would meet that requirement.

Another commentator suggested that short term deviations (up to 30 seconds), caused by switching transients should be allowed without placarding the installation. The FAA does not agree. In general, the duration of switching transients is so short that their effect on the magnetic nonstabilized direction indicator is negligible. However, if switching does result in deviations exceeding 10 degrees for substantial intervals, the FAA believes the pilot must be so informed (by placarding) to avoid being misled or confused.

**Proposal 5-7.** The proposal to amend § 23.1329 is similar to proposals to amend §§ 25.1329 and 29.1329 and to the proposal to add a new § 27.1311 (Proposals 5-24, 5-58, and 5-41, respectively). Other related proposals affecting §§ 25.1329, 27.1329, and 29.1329 were set forth in Airworthiness Review Notice No. 2 (Notice 75-10) as Proposals 2-84, 2-129, and 2-184, respectively, and their disposition was deferred for consideration with Proposals 5-24, 5-41, and 5-58 respectively. The FAA is still reviewing all of these proposals, which concern automatic pilot systems. To avoid delaying the adoption of the amendments contained in Airworthiness Review Program Amendment No. 5, the disposition of these proposals has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7; Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975).

**Proposals 5-8 and 2-37.** For comments related to the proposal to revise § 23.1335,

and for an explanation of the revisions to proposed § 23.1335, see Proposal 5-27.

Disposition of Proposal 2-37 to delete § 23.1335 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 5-8. Proposal 2-37 is being withdrawn in view of the adoption, with revisions, of Proposal 5-8.

**Proposal 5-9.** One commentator suggested that the phrase "not used solely for starting engines" in proposed § 23.1351(f) could be misinterpreted. The explanation in the notice stated that the proposal was intended to prevent damage to the aircraft's electrical system if reverse polarity or reverse phase sequence of the external power source occurred. Therefore, as suggested by the commentator, proposed §§ 23.1351(f), 25.1351(c), 27.1351(e), and 29.1351(d) (designated as § 29.1351(c)) are clarified to require protection if "external power can be electrically connected to equipment other than that used for engine starting."

One commentator objected to proposed §§ 27.1351(e) and 29.1351(d) on the ground that they do not provide a reasonable limit on the extent to which one has to go to ensure that a reverse polarity connection cannot be made. The FAA believes that the proposals are clear and unambiguous as to their intent and as to what is required. The FAA believes that a more detailed requirement would be unnecessarily restrictive.

One commentator objected to proposed § 25.1351(c) on the ground that it does not cover every external power condition that should be protected against, and that its objective is already covered by current regulations on electrical systems and equipment. The purpose of the proposal is to provide for protection against those hazardous conditions involving external power that have occurred in service. With respect to the current regulations on electrical systems and equipment, they are not sufficiently specific to adequately deal with the subject matter of these proposals.

**Proposal 5-10.** No unfavorable comments were received on the proposed revisions of §§ 23.1353(b)(1), 25.1353(c)(1)(i), 27.1353(b)(1) and 29.1353(c)(1)(i) and those sections are amended as proposed.

Several commentators recommended that proposed §§ 23.1353(g), 25.1353(c)(6), 27.1353(g) and 29.1353(c)(6), be revised to apply to lead-acid batteries in addition to nickel cadmium batteries and to apply to batteries not used for starting as well as those used for starting. The FAA does not agree. There is no history of hazardous effects on structure or essential systems caused by excessive heating of lead-acid batteries. With respect to nickel cadmium batteries, excessive heating has only been associated with those batteries that were being used for starting.

One commentator stated that the content of proposed § 23.1353(g) is already covered by the first sentence of § 23.1353(b), which states that "safe cell temperatures and pressures must be maintained during any probable charging and discharging condition". The FAA does not



agree. That requirement covers the normal range of battery operating conditions and does not provide for the thermal runaway condition that has occurred in service with nickel cadmium batteries.

Another commentator contended that the temperature generated by a short circuit cannot be foreseen accurately and that it would be more advisable to take measures to prevent such short circuits instead of trying to counter their effects. The FAA believes that the temperature (and heat) generated by a short circuit can be determined with sufficient accuracy for design purposes. In addition, the FAA knows of no practical means that would prevent the internal short circuits of the battery that are caused by thermal runaway.

One commentator objected to proposed § 27.1353(g) because he considered that the proposal could be construed to require protection against damage that would not be hazardous. The FAA does not believe that the proposed language has that connotation. The intent of the term "hazardous effect" is to exclude non-hazardous damage that may occur.

One commentator suggested that warning systems, when provided, that alert the crew to take corrective action should be considered in determining the degree of thermal protection required for the surrounding structure. The FAA does not agree. Thermal protection is needed in case the warning is not observed by the crew, or the warning system itself fails.

Proposed §§ 23.1353(g), 25.1353(c) (6), 27.1353(g) and 29.1353(c) (6) are adopted without substantive change; however, they are designated as §§ 23.1353(f), 25.1353(c) (5), 27.1353(f), and 29.1353(c) (5), respectively.

**Proposal 5-11.** No unfavorable comments were received on the proposal to revise § 23.1357(b). Accordingly, the proposal is adopted without substantive change.

**Proposal 5-12.** No unfavorable comments were received on the proposal to amend § 23.1361(b). Accordingly, the proposal is adopted without substantive change.

**Proposal 5-13.** Several commentators objected to the increase in the anticollision light field of coverage requirement in the proposal to amend § 23.1401 on the ground that a light meeting the proposed requirement would be more expensive. One commentator contended that two anticollision lights would probably be needed to meet the proposed requirement, whereas only one was necessary to meet the current requirement in many instances. The FAA believes that the increased field of coverage can be attained with presently available anticollision lights by simply replacing the lens with another which redistributes the light output. The cost of the modified anticollision light would be about the same as that of those now in use. With regard to the need for two lights, the FAA believes that a single anticollision light that can be located on an airplane to meet a  $\pm 30$  degrees coverage require-

ment without exceeding obstructed-visibility limits will in most instances meet the  $\pm 75$  degrees coverage requirement without exceeding those limits.

One commentator objected on the ground that increasing anticollision light coverage does not improve safety in the air rescue situation, since normal crash landing techniques call for disabling all electrical power and the hazards associated with reapplying power to the anticollision lights outweigh the benefits. The FAA disagrees. The restoration, or continuation, of electrical power is not hazardous in all situations. The commentator further stated that position lights make the airplane visible to the control tower from directly below, and that, with the increased coverage requirements, the obstructed-visibility limits should be increased proportionately. The FAA believes that the intensity of position lights in the 30 to 75 degree range is small compared to the proposed anticollision light standards, and would be ineffective. With regard to the obstructed-visibility limits, the FAA believes that the present limits can still be met with anticollision lights having the increased field of coverage. The commentator also contended that it is likely the proposed increase in anticollision lights field of coverage could preclude compliance with the requirement that the crew's vision be unimpaired. While the FAA believes that an increase in field of coverage requirements for rotorcraft anticollision lights even at reduced intensity levels would adversely affect crew vision because of objectionable multiple reflections in the cockpit from the rotor blades, the FAA does not believe that redistribution of the light emitted by anticollision lights on airplanes to cover  $\pm 75$  degrees instead of  $\pm 30$  degrees would adversely affect the crew's vision.

In response to the proposal to amend § 25.1401, two commentators suggested that any proposal concerning anticollision lights should be discussed with the International Civil Aviation Organization (ICAO). However, the proposals as adopted will provide the same color requirement as the international standard. With regard to field of coverage, which is not an international standard but is set forth in an ICAO acceptable means of compliance, the adopted field of coverage requirement would meet that acceptable means of compliance. The FAA plans to propose a similar change in the ICAO field of coverage acceptable means of compliance.

Accordingly, the proposals to amend §§ 23.1401 and 25.1401 are adopted without substantive change.

**Proposal 5-14.** For comments related to the proposal to add a new § 23.1438, and for an explanation of revisions made to proposed § 23.1438, see Proposal 5-33.

**Proposal 5-15.** For comments related to the proposal to add new §§ 23.1447 (c) and (d), and for an explanation of the revisions made to proposed §§ 23.1447 (c) and (d), see Proposal 5-34.

**Proposal 5-16.** For comments related to the proposal to add a new § 23.1450, and for an explanation of the revisions

made to proposed § 23.1450, see Proposal 5-35.

**Proposal 5-17.** One commentator suggested that proposed § 23.1461(b) (2) be expanded to require demonstration of satisfactory overspeed and overtemperature margins, establishment of safe fatigue lives, and a fault analysis to show freedom from defects such as burst due to shaft failure and failure due to undetected loss of cooling air. The FAA believes that proposed § 23.1461(b) adequately deals with overspeed and overtemperature conditions and the term "malfunctions" in proposed § 23.1461(b) includes the "defects" mentioned by the commentator. With regard to establishing safe fatigue lives, the FAA does not believe that the need for such a requirement has been demonstrated. For other comments related to this proposal, see Proposal 5-38.

The proposal to add a new § 23.1461 is adopted without substantive change.

**Proposal 5-18.** The FAA is currently still reviewing the proposals to amend §§ 23.1545, 27.1545, and 29.1545, concerning marking requirements for airspeed indicators. To avoid delaying the adoption of the amendments contained in Airworthiness Review Program Amendment No. 5, the disposition of these proposals has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975).

**Proposal 5-19.** A commentator recommended that proposed § 23.1547(e) be revised by inserting the words "the operation of" before the words "electrical equipment" to be consistent with the language in Proposal 5-6. The FAA agrees, and proposed § 23.1547(e) is revised accordingly. The commentator further suggested that the placard be required to state "which conditions, or combination of conditions" rather than "which electrical loads, or combination of loads" because deviation is not solely related to electrical loads, and to state the maximum deviation that occurs for those conditions (or combination of conditions) which cause a deviation of more than 10 degrees, so that the pilot is informed of the maximum expected error. The FAA believes that the proposed language covers the sources of excessive deviation that are allowed. With regard to the maximum deviation, the FAA believes that in view of the placarding requirements proposed, a requirement concerning maximum deviation is unnecessary.

**Proposals 5-20 and 2-63.** Several commentators objected to the provision in proposed § 25.831(e) (Proposal 5-20) that would require a means for independent control of both temperature and quantity of ventilating air in each compartment or area occupied by crewmembers.

In light of the comments received, and after further review, the FAA believes that with respect to crewmember compartments or areas which are ventilated by air interchange with other compartments or areas, a requirement to provide



independent control of ventilating air temperature and quantity would impose a burden of complexity and cost not commensurate with its probable contribution to safety. However, with respect to those crewmember compartments and areas which are not ventilated by air interchange with other compartments or areas under all operating conditions, the FAA believes that a means for independent control of ventilating air temperature and quantity must be provided for the occupants to ensure that their ability to perform safety-related functions is not impaired. Proposed § 25.831(e) is revised accordingly.

One commentator recommended that the 800 cubic feet specified in proposed § 25.831(f) (1), and the 5 degrees F. specified in proposed § 25.831(f) (2), be revised to 1100 cubic feet and 10 degrees F., respectively. This commentator contended that a 1100 cubic-foot limit would not affect safety adversely, and that a 10 degree F. temperature differential between flight crew and passenger compartments would not contribute significantly to crew or passenger discomfort. The FAA does not have sufficient information at the present time to justify relaxing the current requirement to the extent recommended by the commentator.

One commentator suggested that the temperature and ventilation controls referred to in proposed § 25.831(f) (3) should be accessible to both pilots. The FAA agrees, and proposed § 25.831(f) (3) is revised to require that the temperature and ventilation controls be accessible to the flight crew.

Disposition of Proposal 2-63 to amend § 25.831 (Notice 75-10) was deferred so that it could be considered in connection with Proposal 5-20. Proposal 2-63 is withdrawn in view of the adoption, with revisions, of Proposal 5-20.

Proposal 5-21. For comments related to proposed § 25.1301(b) and for the withdrawal of proposed § 25.1301(b), see Proposal 5-1.

Proposal 5-22. The proposed changes to § 25.1309 (a) and (e) with respect to inserting the word "chapter" in place of "subchapter" were also proposed for § 27.1309(a) and § 29.1309 (a) and (d) (Proposals 5-40 and 5-55, respectively).

Several commentators objected to the proposed change from "subchapter" to "chapter" because it would broaden the scope of the requirement to include equipment, systems, and installations required by the subchapters dealing with various operating rules. One commentator contended that the proposal would require that equipment prescribed in an operating subchapter be designed and installed in each aircraft in order to obtain a type certificate. In the light of these comments, and after further review, the FAA believes that the proposed change of the word "subchapter" to "chapter" in §§ 25.1309 (a) and (e), 27.1309(a) and 29.1309 (a) and (d) would impose an unreasonable burden on the aircraft manufacturer. Accordingly, this proposed change has not been made.

Two commentators objected to proposed § 25.1309(b) (1) on the ground that the added provision dealing with the loss of all propulsive power is already adequately covered in present § 25.671(d), and that the occurrence of any failure condition which would preclude controlled flight to an emergency landing after loss of all propulsive power would have to be "extremely improbable" and this cannot be achieved. The FAA agrees, and proposed § 25.1309(b) (1) is withdrawn.

One commentator objected to proposed § 25.1309(b) (2) on the ground that "operational or performance capability", without qualification, is not a matter for safety regulation. In the light of this comment, and after further consideration, the FAA believes that the phrase "operational or performance capability of the airplane" could be misinterpreted and could cause difficulties in administering the requirement. Therefore, the FAA believes that the language in the current rule should not be changed in this regard. In addition, other commentators noted that the phrase "or the ability of the crew to cope with adverse operating conditions" in current § 25.1309(b) (2) had been omitted from proposed § 25.1309 (b) (2) without explanation, and recommended that it be restored as necessary for safety. The FAA agrees. The phrase was inadvertently omitted from the proposal. Accordingly § 25.1309(b) (2) as adopted retains the language in current § 25.1309(b) (2), except that the phrase "result in injury to the occupants, or" is deleted.

One commentator objected to proposed § 25.1309(d) contending that the method of compliance set forth in paragraph (d), which is applicable to paragraph (b), mandates unreasonably burdensome procedures. The requirements objected to by the commentator are contained in current § 25.1309. The FAA does not believe that requiring compliance with those provisions is unreasonably burdensome. Analyses along the lines prescribed in proposed § 25.1309(d) are being conducted by some manufacturers on a voluntary basis.

One commentator recommended that the term "flight simulator" in proposed § 25.1309(d) be changed to "simulator" to allow the use of simulators other than flight simulators. The FAA agrees, and proposed § 25.1309(d) is revised accordingly.

One commentator objected to proposed §§ 25.1309 (c) and (d) because they are less stringent than the present requirements, which call for an analysis, and tests where necessary, showing that systems, controls, and associated monitoring and warning means are designed "so that crew errors that would create additional hazards are improbable". As pointed out in the explanation for Proposal 5-22, the FAA has concluded that requiring a showing of compliance with present § 25.1309(d) is unreasonably burdensome. In particular, the FAA believes that it is not practicable to quantify the probability of crew errors. The FAA believes that the requirement,

"... to minimize crew errors which would create additional hazards", in proposed § 25.1309(c) would provide an adequate level of safety. Accordingly, proposed § 25.1309(c) is adopted without substantive change and the lead-in of § 25.1309(d) is amended to delete the reference to paragraph (c).

The proposed changes to §§ 25.1309 (e) and (f) with respect to the two-engine-inoperative condition on aircraft with three engines are substantively identical to the proposed changes to §§ 29.1309 (d) and (e) (Proposal 5-55). One commentator objected to proposed §§ 25.1309 (e) (3) and (f), and proposed §§ 29.1309 (d) (3) and (e), on the ground that they do not provide adequate guidance as to which loads are required during the proposed two-engine-inoperative condition on aircraft with three engines. This commentator recommended that the term "flight safety loads" be used instead of "essential loads" for that condition. The FAA does not agree. The FAA believes that proposed §§ 25.1309(f) and 29.1309(e) are clear in that the monitoring of power loads is allowed in those circumstances and loads not required in controlled flight need not be considered for the two-engine-inoperative condition on airplanes with three or more engines. One commentator objected to the proposed two-engine-inoperative condition on aircraft with three engines on the ground that it would impose a requirement for an unreasonable amount of power, in that both units of dual systems would be required to operate during that condition. The FAA disagrees. The procedure set forth in proposed §§ 25.1309(f) and 29.1309(e), which would apply to the two-engine-inoperative condition on three-engine aircraft, would allow the monitoring of one unit of a dual system in those circumstances. Another commentator objected to proposed § 29.1309(d) (3) (ii) contending that the requirement was unreasonable for rotorcraft since they cannot maintain flight with only one third of installed power. The FAA does not agree that the requirement is unreasonable for rotorcraft. The proposal would ensure that at least those power loads necessary for controlled descent to a safe landing are supplied for the two-engine-inoperative condition on a three-engine rotorcraft. Accordingly, proposed §§ 25.1309 (e) (3) and (f), § 29.1309(d) (3) and the proposed change to § 29.1309 (e) are adopted without substantive change.

Proposal 5-23. For a discussion of the comments related to proposed § 25.1321 (a) and the withdrawal of that proposal, see Proposal 5-3.

With regard to proposed § 25.1321(e), one commentator suggested that it be revised to apply only to those instruments required under current §§ 25.1303 and 25.1305. The commentator stated that the special lighting provisions that would be required for optional equipment by proposed § 25.1321(e) could be distracting under certain emergencies and could create unnecessary loads on the available power supply. The FAA



does not believe that a distinction in this regard is warranted between required and optional instruments. The FAA believes that if a malfunction indicator has been provided for the crew it should be effective under all probable cockpit lighting conditions.

For other comments related to Proposed § 25.1321(e), see Proposal 5-3.

**Proposals 5-24 and 2-84.** The disposition of the proposals to amend § 25.1329 has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975). See Proposal 5-7.

**Proposals 5-25 and 2-85.** Several commentators objected to the proposed deletion of the words "or adjacent to" in current § 25.1331(a)(1) contending that it would restrict flexibility in design and that an integral power failure warning would not necessarily increase warning reliability. The FAA believes that a power failure warning device incorporated within the instrument itself, as opposed to an external device, is more likely to be noticed by the pilot, and would be less vulnerable to wiring or connector failures that may result in loss of the warning function.

One commentator suggested that proposed § 25.1331(a)(3) should apply only to those instruments that present primary navigation data, since navigation is conducted primarily with reference to such instruments and, duplication of warning on secondary navigation instruments does not necessarily improve warning reliability. The FAA believes that the instruments covered by proposed § 25.1331(a) are all "primary" in the sense implied by the commentator.

Several commentators, referring to proposed § 25.1331(a)(3), stated that the additional mechanisms and devices necessary to meet this requirement would complicate the design of the instrument to the extent that its reliability would be degraded. The FAA believes that a properly designed warning system would not significantly reduce instrument reliability. Instruments having such warning systems have performed reliably in service.

Several commentators contended that a practicable design meeting proposed § 25.1331(a)(3) is not within the state of the art and that in some instances a triple system, with comparators to monitor and compare signals, would be required. The FAA's intent is to require no more than a single system for failure warning. Compliance could be shown, in general, without comparators. Such systems are in use today and are well within the state of the art.

One commentator suggested that the visual warning system that would be required by proposed § 25.1331(a)(3) would tend to reduce or eliminate the sound safe practice of pilots cross-checking instruments to authenticate the information presented. The FAA disagrees. The FAA does not believe that the proposed rule would affect the pilot's cross-checking

procedures. In addition, the FAA believes that the warning system would reveal unsafe conditions more effectively and, in some instances, would warn of unsafe conditions that cross-checking would not detect.

Accordingly, the proposed change to § 25.1331(a)(1) and the proposed new § 25.1331(a)(3) are adopted without substantive change.

Disposition of Proposal 2-85 to revise § 25.1331(a)(2) (Notice 75-10) was deferred so that it could be considered in connection with Proposal 5-25. No unfavorable comments were received on the proposal to revise § 25.1331(a)(2); however, the phrase "provided that instrument operation is maintained" is deleted from proposed § 25.1331(a)(2) since it is superfluous and could be confusing.

**Proposal 5-26.** One commentator objected to proposed § 25.1333(b), contending that an instrument display essential to the safety of flight should not have to be switched on when needed. Before an instrument can be switched on, the pilot must first recognize the problem, decide what to do, and then act. The result, the commentator stated, is a time delay that cannot be tolerated at certain critical points in flight, such as immediately after takeoff, and immediately before landing, especially during instrument flight conditions. Another commentator stated that crew action should be allowed for the purpose of restoring power supplies, or selecting an alternative information source, or the like, provided that it is not necessary to do so immediately.

In the light of these comments, and after further review, the FAA believes that this proposal may affect safety adversely. Accordingly, proposed § 25.1333(b) is withdrawn. The proposed editorial change to § 25.1333(a) is adopted.

**Proposal 5-27.** One commentator objected to proposed § 25.1335 on the ground that mode indication other than mode selector switch position would be impractical and too costly a retrofit. The FAA notes that the proposed requirement would apply only to airplanes for which an application for a type certificate is filed after the effective date of this amendment. Consequently, no retrofit is required. The commentator further stated that the probable complexity of the proposed mode indication device could detract from the reliability of the system and that systems already fitted with the proposed mode indication device have not proven to be 100 percent foolproof. With regard to the complexity of the mode indication device, the FAA does not believe that systems now fitted with the proposed mode indication device have suffered a significant loss in reliability. In addition, the proposed mode indication device would greatly increase the probability that the current mode of operation is properly indicated to the flight crew.

One commentator criticized the proposed phrase "independent of the mode selector switch" because it would tend to dictate design. Another commentator objected to the same phrase on the ground

that it does not take into account modern panels which incorporate illuminated mode indications that give positive indication of the selected mode, but are not independent of the mode selector switch since they are incorporated in it. The FAA agrees with these comments. The phrase "independent of the mode selector switch" is deleted from proposed § 25.1335 and another sentence is added thereto reading "Selector switch position is not acceptable as a means of indication."

One commentator objected to proposed § 25.1335 on the ground that some flight director systems are designed so that the position of the mode selector switch is adequate for mode indication. The FAA knows of no flight director system in which the position of the mode selector switch constitutes a reliable indication of the current mode of operation. Service experience has shown that the two do not necessarily agree. This commentator also stated that the proposed requirement is not practical for small airplanes and is not consistent with requirements that apply to other systems on small airplanes. The FAA believes that the hazards associated with incorrect indication of the flight director system's mode of operation warrant the proposed requirement.

**Proposal 5-28.** For comments related to the proposal to add a new § 25.1351(c), see Proposal 5-9.

Several commentators stated that proposed §§ 25.1351(d) and 29.1351(c) do not conform to the special condition on which they were based, since they would require the aircraft to operate safely for 5 minutes without normal generator or battery power, whereas the special condition allowed the use of battery power. The FAA agrees that proposed §§ 25.1351(d) and 29.1351(c) should be revised for consistency with recently issued special conditions. The proposals are therefore revised by adding, after the word "power" in the first sentence, the parenthetical phrase "(electrical power sources excluding the battery)".

One commentator stated that §§ 25.1351(d) and 29.1351(c) were unreasonable in that they would require compliance at the maximum certificated altitude, with critical type fuel, and after loss of electrical power, which is a combination that has not occurred in service. The FAA believes that this set of conditions could exist in service, and that it must be considered in the interests of safety. One commentator suggested that the phrase "including a wire bundle or junction box fire" in proposed §§ 25.1351(d)(1) and 29.1351(c)(1) be deleted since these are not "single" malfunctions. The FAA does not agree that they should be deleted. The FAA believes that the occurrence of a fire in a wire bundle or in a junction box should be considered in this context as a single event or malfunction, even though it may result in several circuit failures.

One commentator suggested that proposed §§ 25.1351(d) and 29.1351(c) should provide for continued flight after the specified 5 minute interval. The rec-



commended change is beyond the scope of the notice. In addition, the FAA does not have sufficient information at the present time to justify such a requirement.

Another commentator questioned whether engine thrust reduction and descent, or engine(s) flameout, descent, and subsequent engine restart at a reasonable altitude, would meet the requirements of the proposed rule. The FAA believes that proposed § 25.1351(d) provides for the situation described by the commentator as long as the airplane can be operated safely.

One commentator objected to proposed § 29.1351(c), contending that the requirement was unnecessary for rotorcraft and would result in the introduction of electrical systems of unnecessary complexity and increased likelihood of mismanagement. The FAA does not agree. The loss of normal generator power is potentially hazardous in all transport category aircraft and must be considered in electrical system design. As to the effect on electrical system complexity and the probability of mismanagement, the FAA has not observed a significant increase in complexity or cases of mismanagement on aircraft that have already been required to comply under a special condition.

Accordingly, proposed §§ 25.1351(d) and 29.1351(c) (designated as § 29.1351(d) for consistency with § 25.1351) are adopted with the revision discussed herein.

**Proposal 5-29.** For comments related to proposed §§ 25.1353(c)(1)(i) and 25.1353(c)(6) see Proposal 5-10.

**Proposal 5-30.** For comments related to the proposal to amend § 25.1401 see Proposal 5-13.

**Proposal 5-31.** One commentator objected to proposed § 25.1421(a) on the ground that since a megaphone is not required to be designed to withstand the ultimate inertia forces specified in § 25.561(b)(3), the airframe manufacturer cannot guarantee that a megaphone will perform its function after being subjected to those forces. The FAA agrees that the requirement of proposed § 25.1421 that "the megaphone be so protected that it will perform its function after being subjected to the ultimate inertia forces specified in § 25.561(b)(3)" is too restrictive in the absence of appropriate design standards for the megaphone itself. Accordingly, proposed § 25.1421(a) is revised to read, "If a megaphone is installed, a restraining means must be provided that is capable of restraining the megaphone when it is subjected to the ultimate inertia forces specified in § 25.561(b)(3)."

In addition, the FAA notes that current § 25.1561(b) requires that each location, such as a locker compartment, that carries life saving equipment (which includes megaphones) must be marked accordingly. Proposed § 25.1421(b) would add little to that requirement, and could raise questions about the meaning of § 25.1561(b) with respect to other life saving equipment. For these reasons, proposed § 25.1421(b) is withdrawn.

**Proposal 5-32.** Several commentators objected to proposed § 25.1435(a)(2), contending that pressure and fluid quantity gages are not necessary for all hydraulic systems. Another commentator stated that the proposal specifies a design detail rather than a requirement and would rule out other displays such as digital callouts. After further review, the FAA believes that pressure and fluid quantity gages are not needed for all hydraulic systems covered by proposed § 25.1435(a)(2). Indicating means other than gages, including warning lights, may be adequate for some systems. Accordingly, the lead-in of proposed § 25.1435(a)(2) is revised to require "a means to indicate" instead of a gage, for system pressure and for fluid quantity.

No unfavorable comments were received concerning proposed § 25.1435(a)(2)(i) and it is adopted without substantive change.

One commentator suggested that the malfunctions referred to in proposed § 25.1435(a)(2)(ii) be limited to those associated with low fluid pressure or level. The FAA does not agree. An indicating means for system pressure and fluid quantity would aid the pilots in detecting malfunctions other than low pressure or low fluid quantity. Proposed § 25.1435(a)(2)(ii) is adopted without substantive change.

One commentator stated that the value of 125 percent in proposed § 25.1435(a)(4) was unrealistic and recommended a value of 133 percent. The FAA disagrees. The 125 percent value is in the current rule and the FAA believes that it is appropriate. Proposed § 25.1435(a)(4)(ii) is adopted without substantive change.

No unfavorable comment was received concerning proposed § 25.1435(a)(7) and it is adopted without substantive change.

One commentator suggested that proposed § 25.1435(a)(8) should be revised to take into account the hazardous effects of system failures due to abnormally high temperatures which may occur under certain fault conditions. The FAA does not have sufficient information at the present time to justify such a requirement. Proposed § 25.1435(a)(8) is adopted without substantive change.

**Proposal 5-33.** One commentator stated that if the term "components" in proposed §§ 25.1438(a) and (b) included all parts of the system it would not be compatible with other sections of Part 25, which use the term "elements". The FAA intended that the term "components" include all parts of the system. Therefore, in order to be consistent with current § 25.1435, which uses the term "elements", that term is substituted for the term "components" in proposed §§ 25.1438(a) and (b).

Another commentator recommended that the 1.5 factor in proposed § 25.1438(a) be reduced to 1.33 to be consistent with current § 25.365(d), which deals with pressurized cabin loads. The FAA does not agree. The FAA does not believe that the factors specified for pressurized cabin loads are appropriate for

pressurization system elements. These elements are more comparable to hydraulic system elements for which a 1.5 factor is prescribed in current § 25.1435(a)(1). Proposed § 25.1438(a) is adopted without substantive change.

One commentator questioned the need to specify a higher burst pressure for pneumatic systems than for pressurization systems, contending that pneumatic systems do not necessarily operate at higher pressure and that some are derived from pressurization systems. The FAA's experience has been that pneumatic systems in airplanes are operated at higher pressures, even when a common pressure source is provided for both pneumatic and pressurization systems.

One commentator objected to the provision in proposed § 25.1438(b) requiring a burst pressure test of 4.0 times maximum normal operating pressure, contending that the industry has historically designed and tested pneumatic systems to a burst pressure of 3.0 times maximum normal operating pressure and that service experience over millions of flight hours has proven the integrity of those systems. Another commentator pointed out that pneumatic deicer boots in general use today cannot sustain a pressure of 4.0 times the maximum normal operating pressure. The FAA agrees with these comments, and proposed § 25.1438(b) is revised to specify a burst pressure of 3.0 times maximum normal operating pressure.

Two commentators recommended that the 4.0 factor in proposed § 25.1438(b) be reduced selectively in particular circumstances, contending that a lower factor might be acceptable for certain materials, or when adequate fatigue testing has been done or service experience supports it. The FAA believes that this recommendation (insofar as it would be applicable to a 3.0 burst pressure factor) may have merit but has insufficient data at the present time upon which to base such lower factors.

Another commentator suggested that the 1.5 factor in proposed § 25.1438(b) should be increased to monitor the effects of manufacturing techniques. The FAA does not agree. These effects are monitored by means of FAA's quality control requirements, as set forth in Part 21.

One commentator suggested revision of proposed § 25.1438 to allow the use of analysis, or a combination of analysis and test, as an alternative method of compliance to eliminate unnecessary testing. The FAA agrees that there are instances where an analysis, or a combination of analysis and test, may be equivalent to a test under proposed § 25.1438(a) or (b). Accordingly, a new § 25.1438(c) is added to provide this alternative.

**Proposal 5-34.** One commentator objected to the provision in proposed § 25.1447(c)(1) which would require that oxygen dispensing units be automatically presented before the cabin pressure altitude exceeds 14,000 feet, contending that long-standing FAA policy



has been that the altitude for automatic presentation should be 15,000 feet and service experience over the last 16 years has not shown a need to reduce that altitude. The commentator further stated that the flight crew is given a warning when or before the cabin pressure altitude reaches 10,000 feet and is therefore alerted (in the event of a gradual increase in cabin pressure altitude) to the need for appropriate action either to maintain a safe cabin pressure altitude or manually deploy the dispensing units. Another commentator suggested that the presentation altitude be 14,500 feet, rather than 14,000 feet, to take equipment tolerances into account.

In light of the comments received and after further review, the FAA believes that there is insufficient evidence at the present time to justify a requirement for the automatic presentation of oxygen dispensing units before the cabin pressure altitude exceeds 14,000 feet, and that the widely-used value of 15,000 feet provides an adequate level of safety. Proposed § 25.1447(c) (1) is revised accordingly.

Several commentators disagreed with the provision in proposed § 25.1447(c) (1) that would require that each occupant be provided with a manual means to make the oxygen dispensing unit immediately available, contending that manual back-up for the automatic presentation system should be provided for use by the crew only, to avoid tampering by the passengers. Another commentator stated that the average passenger would not be capable of operating such manual means properly and quickly, and that manual means are not feasible for ceiling or hatrack mounted dispensing units.

The FAA believes that a manual means must be provided to back up the automatic presentation system, but is persuaded that it may not be in the interest of safety to require that a manual means be provided for passengers. Accordingly, proposed § 25.1447(c) (1) is revised to require only that a manual means for the deployment of the dispensing units be provided for the crew.

No unfavorable comment was received concerning proposed § 25.1447(c) (2) and it is adopted as proposed.

**Proposal 5-35.** Several commentators recommended that proposed § 25.1450 be revised to require a means to indicate that the generator (or replacement element) has not been used and is capable of providing its rated amount of oxygen. The FAA believes that, in view of current § 25.1441(c), there is no need for this additional requirement.

Several commentators objected to proposed § 25.1450(b) (2) (i) on the ground that a positive flow indicating device located on the generator would provide insufficient safety improvement for the cost involved. After further review, the FAA does not believe that there exists adequate justification for the proposed requirement at the present time and it is withdrawn.

One commentator suggested that the word "installation" be added after the

word "generator" in the lead-in of proposed § 25.1450(b) because, as proposed, the surface temperature of the actual generator must be contained by its installation. The FAA sees no need for this revision.

One commentator questioned the desirability of replacing generator elements during flight. The FAA believes that the practical problems of manually replacing and stowing expended generator elements, which reach high temperatures, make it very unlikely that generators requiring manual in-flight replacement of elements would be utilized. Instead, generator elements would be replaced during ground maintenance. For this reason, proposed § 25.1450(c) (2) is withdrawn.

One commentator objected to proposed § 25.1450(c) (1) (ii) contending that the proposal should not require that the generator placard contain the duration of the replacement element since a means to determine flow in the dispensing equipment is provided. The FAA does not agree; it is necessary that the duration of the replacement element be on the placard to reduce the probability that an element of insufficient capacity is inserted when the generator is serviced.

**Proposal 5-36.** Several commentators objected to proposed §§ 25.1457(b) and 29.1457(b). The FAA believes that the comments received raise valid questions as to whether compliance with proposed §§ 25.1457(b) and 29.1457(b) would necessarily improve cockpit voice recorder intelligibility, and whether requiring multiplexing or separate area microphone recording channels (involving extensive redesign of the cockpit voice recorder) could be justified on a cost-benefit basis. Accordingly, proposed §§ 25.1457(b) and 29.1457(b) are withdrawn.

Several commentators objected to proposed §§ 25.1457(d) (1) and 29.1457(d) (1) because the additional load on the emergency bus would reduce the power available to sustain safe flight in an emergency. The FAA agrees, and proposed §§ 25.1457(d) (1) and 29.1457(d) (1) are withdrawn.

Two commentators objected to proposed §§ 25.1457(e) and 29.1457(e) contending that, although the random storage method may have caused problems in earlier years, the cockpit voice recorder manufacturers have since taken steps to eliminate the problem by improvements in design, and there is therefore no justification for specifying that the tape be stored on reels, which is an unnecessarily restrictive requirement. In light of this comment and after further review by the FAA, §§ 25.1457(e) and 29.1457(e) are withdrawn. In view of the withdrawal of proposed §§ 25.1457(b), (d) (1), and (e) and 29.1457(b), (d) (1), and (e) the related provisions of proposed §§ 121.359(c) (3) and (c) (4) and 127.127(b) are also withdrawn.

Several commentators suggested that the underwater locating device specified in proposed §§ 25.1457(g) (3) and 121.359(c) (2) (iii) was superfluous when the

flight recorder (which must have an underwater locating device under current § 121.343(f)) and the cockpit voice recorder are co-located. The FAA agrees that an exception is warranted in this circumstance, provided that the installation of the flight recorder and the cockpit voice recorder is such that they are not likely to be separated during crash impact. Accordingly, proposed § 121.359(c) (2) (iii) is adopted with this exception. No revision to proposed § 25.1457(g) (3) is needed and proposed § 25.1457(g) is adopted without substantive change.

Two commentators objected to proposed § 121.359(c) (2) on the ground that up to 3 years would be needed by the airlines to make the airplane modifications prescribed. The FAA agrees, and the lead-in of proposed § 121.359(c) (2) is revised to allow 3 years (from the effective date of this amendment) for compliance. Proposed § 121.359(c) is adopted with the revisions discussed herein.

**Proposal 5-37.** Several commentators objected to proposed § 25.1459(a) (4), which would require a means for pre-flight checking of the flight recorder for proper operation. One commentator stated it is not technically within the state-of-the-art to meet this test requirement for foil-recording systems, and that the proposed requirement is unnecessarily restrictive. Another commentator contended that there would be a prohibitive increase in flight-crew and ground-crew workload to conduct the proposed test. In light of these comments, and after further review by the FAA, the FAA believes that proposed § 25.1459(a) (4) would be unnecessarily restrictive. Accordingly, proposed § 25.1459(a) (4) is withdrawn.

No unfavorable comments were received concerning proposed § 25.1459(d) and the proposed deletion of current § 25.1459(a) (7). Accordingly, § 25.1459(a) (7) is deleted and proposed § 25.1459(d) is adopted without substantive change. In addition, since the intent of the proposal was that it only apply to airplanes type certificated in the future, § 121.343(e), which requires compliance with the provisions of § 25.1459, is clarified by revising the first sentence of the lead-in to state that the applicable requirements are those of § 25.1459 in effect one day prior to this amendment.

**Proposal 5-38.** One commentator objected to proposed § 25.1461, contending that there is no need for it since current §§ 25.1309 and 25.901(c) provide adequate coverage for this item. The FAA does not agree. Sections 25.1309 and 25.901(c) list general requirements, the former for all classes of equipment and the latter for powerplant installations. These general requirements do not contain the detailed airworthiness standards specifically applicable to high energy rotors that the FAA believes are necessary for the reasons stated in the explanation of this proposal.

Another commentator suggested that the proposal be clarified as to whether § 25.1461(a) requires compliance with either paragraph (b), or (c), or (d). The FAA believes that the proposed language is clear in this respect. The applicant is



required to comply with one of those paragraphs, and he may select any one of them.

For another comment related to this proposal, see Proposal 5-17.

The proposal to add a new § 25.1461 is adopted without substantive change.

**Proposal 5-39.** For comments related to proposed § 27.1301 and for the withdrawal of proposed § 27.1301, see Proposal 5-1.

**Proposal 5-40.** For comments related to the proposal to amend § 27.1309(a), and for the withdrawal of this proposal, see Proposal 5-22.

**Proposals 5-41 and 2-129.** The disposition of the proposals to add new §§ 27.1311 and 27.1329 has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975). See Proposal 5-7.

**Proposal 5-42.** For comments related to proposed § 27.1321(a), and the withdrawal of proposed § 27.1321(a), see Proposal 5-3.

For comments related to proposed § 27.1321(d), see Proposals 5-3 and 5-23.

**Proposal 5-43.** For a comment related to the proposal to add a new § 27.1323(a), see Proposal 5-4. No unfavorable comments were received concerning proposed § 27.1323(b). The proposal to amend § 27.1323 is adopted without substantive change.

**Proposals 5-44, 2-35, 2-83, 2-128 and 2-183.** Several commentators objected to proposed § 27.1325(b) in Proposal 5-44 on the ground that Part 27 rotorcraft are not normally certificated for flight under IFR or icing conditions. Since static vent icing may occur during both VFR and IFR conditions, the FAA believes there is ample justification for requiring an anti-icing means or an alternate source of static pressure for the certification of all rotorcraft employing a static pressure system for required instruments.

One commentator stated that even if a static pressure system failure occurred, it would not jeopardize safe flight and a safe landing. The FAA disagrees. A static pressure failure would result in the loss of reliable airspeed and altitude information.

Another commentator stated that the implication of proposed § 27.1325(b) in Proposal 5-44, when compared with current § 23.1325(b) (3), is that the reading of the altimeter when on the alternate static pressure system cannot differ from the reading of the altimeter when on the primary static pressure system. The FAA agrees and proposed § 27.1325(b) is revised by adding a sentence identical to the last sentence of current § 23.1325(b) (3) which indicates that error is allowed and requires a correction card for errors greater than 50 feet.

Disposition of Proposals 2-35, 2-83, 2-128 and 2-183 to amend §§ 23.1325, 25.1325, 27.1325 and 29.1325, respectively (Notice 75-10) was deferred so that they could be considered in connection with Proposal 5-44.

One commentator stated that proposed § 23.1325(c), which would provide for more complete duality of static pressure sources, should not be applied to unpressurized aircraft if it is demonstrated that the static pressure system calibration, when each static pressure source is selected, is not changed by the other static pressure source being open or blocked.

The FAA believes this suggestion has merit with respect to the proposed requirement that when a static pressure source is selected the other static pressure source must be blocked off. However, the exception would only be appropriate if it is demonstrated that the static pressure system calibration, when each static pressure source is selected, is not changed by the other static pressure source being open or blocked.

Accordingly, proposed §§ 23.1325(c), 25.1325(g), 27.1325(b), and 29.1325(f) (Proposals 2-35, 2-83, 2-128, and 2-183, respectively) are adopted without substantive change (proposed § 27.1325(b) in Proposal 2-128 and proposed § 29.1325(f) in Proposal 2-183 are redesignated §§ 27.1325(c) and 29.1325(g), respectively, in view of the adoption of Proposals 5-44 and 5-57) and new §§ 23.1325(d), 25.1325(h), 27.1325(d), and 29.1325(h) contain the exception discussed here.

**Proposal 5-45.** For comments related to the proposal to amend § 27.1327, and for an explanation of revisions to current § 27.1327(a) and proposed §§ 27.1327(b) and (c), see Proposal 5-6.

**Proposal 5-46.** For comments related to the proposal to add a new § 27.1335, and for an explanation of the revisions to proposed § 27.1335, see Proposal 5-27.

**Proposal 5-47.** For comments related to the proposal to add a new § 27.1351(e) see Proposal 5-9.

**Proposal 5-48.** For comments related to proposed §§ 27.1353(b) (1) and 27.1353(g) see Proposal 5-10.

**Proposal 5-49.** No unfavorable comments were received on the proposal to amend § 27.1357(b). Accordingly, the proposal is adopted without substantive change.

**Proposal 5-50.** The proposed amendment of § 27.1401 relating to anticollision light field of coverage, color, and minimum intensity requirements has been adopted, with revisions, in a separate rule-making action (Amdt. 27-10; 41 FR 5290), as noted previously in this preamble.

**Proposal 5-51.** The disposition of the proposal to amend § 27.1545 has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975). See Proposal 5-18.

**Proposal 5-52.** For comments related to the proposal to add a new § 27.1547(e), and for an explanation of the revisions to proposed § 27.1547(e), see Proposal 5-19.

**Proposal 5-53.** For comments related to proposed § 29.1301 and for the withdrawal of proposed § 29.1301, see Proposal 5-1.

**Proposal 5-54.** One commentator questioned the exception in proposed § 29.1303(g) in that it only applies to those rotorcraft with a third attitude indicating system and does not apply to those rotorcraft that are only required to have one attitude indicating system but have two. The FAA does not have sufficient information at this time to justify extending the proposed exception, as recommended by the commentator.

Another commentator suggested that the 30-minute minimum interval specified in proposed § 29.1303(g) (3) should be changed to "half the endurance of the rotorcraft". The FAA believes the proposed requirement would give the flight crew sufficient time to take corrective action, or land, as the situation may dictate.

Accordingly, § 29.1303(g) is adopted as proposed.

**Proposal 5-55.** For comments related to the proposal to amend § 29.1309, see Proposal 5-22.

**Proposal 5-56.** For comments related to proposed § 29.1321(a) and the withdrawal of proposed § 29.1321(a), see Proposal 5-3.

For comments related to proposed § 29.1321(g) see Proposals 5-3 and 5-23.

**Proposal 5-57.** For comments related to proposed § 29.1325(c), see Proposal 5-44. In light of the comments received and after further review, the FAA believes that there is not sufficient justification to adopt a requirement for Part 29 rotorcraft that is more restrictive than that in proposed § 27.1325(b) for Part 27 rotorcraft. Accordingly, proposed § 29.1325(c), as adopted, is revised to be substantively identical to § 27.1325(b) as adopted.

**Proposals 5-58 and 2-184.** The disposition of the proposals to amend § 29.1311 has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975). See Proposal 5-7.

**Proposal 5-59.** For comments related to the proposal to add a new § 29.1335, and for an explanation of the revisions to proposed § 29.1335, see Proposal 5-27.

**Proposal 5-60.** For comments related to the proposal to add a new § 29.1351(c), see Proposal 5-28. For comments related to the proposal to add a new § 29.1351(d), see Proposal 5-9.

**Proposal 5-61.** For comments related to proposed §§ 29.1353(c) (1) (i) and 29.1353(c) (6), see Proposal 5-10.

**Proposal 5-62.** A commentator suggested that it would be more appropriate to cover the content of proposed § 29.1355(b) (1) in § 29.1309 or § 29.1351. The FAA does not agree. Proposed § 29.1355(b) (1) states a requirement concerning distribution systems and distribution systems are the subject matter of current § 29.1355. Accordingly, § 29.1355(b) (1) is adopted without substantive change.

**Proposal 5-63.** The proposed amendment of § 29.1401 relating to anticollision light field of coverage, color, and minimum intensity requirements has been adopted, with revisions, in a separate



rule-making action (Amdt. 29-11; 41 FR 5290), as noted previously in this preamble.

**Proposal 5-64.** For comments related to the proposal to revise §§ 29.1457(b), (d) (1), and (e), and for the withdrawal of that proposal, see Proposal 5-36.

**Proposal 5-65.** The disposition of the proposal to amend § 29.1545 has been deferred until final rule-making action is taken with respect to the proposals contained in Airworthiness Review Program, Notice No. 7: Airframe Proposals (Notice 75-26; 40 FR 24802; June 10, 1975). See Proposal 5-18.

**Proposal 5-66.** For a comment related to the proposed revision of § 91.33(d) (3), see Proposal 5-54.

Section 91.33(d) (3) is adopted as proposed.

**Proposal 5-67.** One commentator objected to the proposal to amend § 91.36 because he believed it would allow compliance with either current § 91.36(b) or proposed § 91.36(c). The commentator misinterpreted the proposal. The proposal would require compliance with § 91.36 (a), (b), and (c).

Another commentator contended that the term "performance standards" in proposed § 91.36(c) would cause confusion and suggested that the word "performance" be deleted. Since the intent of the proposal was to require compliance with all of the minimum standards in the specified TSOs, the FAA agrees with the comment and the word "performance" is deleted in the amendment.

Two commentators suggested revisions to proposed § 91.36(c) that would, in effect, allow the continued operation of currently installed pressure altitude reporting equipment using altimeters and digitizers that do not meet the standards in TSO-C10b and TSO-C88 respectively. The FAA believes that unless these standards are met, there is no assurance that altimeters and digitizers will perform their important altitude reporting function under all probable operating conditions during flight. For this reason, the commentators' suggestion is not adopted. However, after further consideration, the FAA believes that the proposed one-year installation period (after the effective date of the amendment) may not allow enough time to procure and install altimeters and digitizers which comply. Accordingly, the amendment as adopted prescribes a two-year installation period.

One commentator recommended that proposed § 91.36(c) be revised by replacing the term "digitizers" with the term "automatic pressure altitude digitizer equipment" (which is the complete term used in current TSO-C88) because the use of the term "digitizers" would allow approval of equipment that did not meet the standards in TSO-C88. The FAA does not believe that the recommended revision is necessary. It is clear that the equipment referred to must meet the standards in TSO-C88.

The proposal to amend § 91.36 is adopted with the revisions discussed herein.

**Proposal 5-68.** After further consideration of the proposal to amend § 121.337,

and in light of the comments received, the FAA believes that the issues involved warrant further study. Accordingly, the proposal to amend § 121.337 is withdrawn.

**Proposal 5-69.** Several commentators objected to proposed § 121.343(a). The objections included the following:

- Each new airplane design is sufficiently different to preclude identifying identical components, and system status, that would have the same effect upon controlled flight.

- Flight recorders meeting the current requirements are providing the answers for accident investigation. There is no hard evidence that additional parameters are needed.

- The proposed additional parameters represent a growth of over 100 percent in existing flight recorder systems, with a corresponding growth in system complexity. The result would be a sharp decrease in the reliability of not only the flight recorder but also of the equipment monitored, much of it essential to safe flight.

- The proposed additional parameters would require the installation of systems and components of major cost whose sole purpose is to aid accident investigation. One commentator estimated that the modification program would cost the airline industry \$35 million, including airplane out-of-service costs. There would also be greatly increased maintenance costs because of the increased complexity of the system.

- The proposed additional parameters have not been justified on a cost-benefit basis, and no rationale has been given to justify the selection of the proposed parameters from all of the parameters that could be recorded.

- Although some of the proposed additional parameters may enhance the recording system, the implementation of even these would take at least three years.

- The proposal does not provide ranges, accuracies, or recording intervals for the additional parameters.

In the light of these comments, and after further review, the FAA believes that the need for the proposed additional flight recorder parameters has not been justified. Moreover, the FAA now believes that standards setting forth acceptable ranges, accuracies, and recording intervals, for such additional parameters should be developed concurrently with the requirement that they be provided.

Accordingly, proposed § 121.343(a) is withdrawn.

**Proposal 5-70.** For comments related to the proposal to revise § 121.359(c) and for an explanation of the revisions to proposed § 121.359(c), see Proposal 5-36.

**Proposal 5-71.** For comments related to the proposal to revise § 127.127(b) and for the withdrawal of that proposal, see Proposal 5-36.

#### DRAFTING INFORMATION

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#### ADOPTION OF THE AMENDMENTS

Accordingly, Parts 23, 25, 27, 29, 91, and 121 of the Federal Aviation Regulations (14 CFR Parts 23, 25, 27, 29, 91, and 121) are amended as follows, effective September 1, 1977.

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

1. By revising § 23.1301 to read as follows:

##### § 23.1301 Function and installation.

Each item of installed equipment must—

- (a) Be of a kind and design appropriate to its intended function.
- (b) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;
- (c) Be installed according to limitations specified for that equipment; and
- (d) Function properly when installed.

2. By adding a new § 23.1321(e) to read as follows:

##### § 23.1321 Arrangement and visibility.

- (e) If a visual indicator is provided to indicate malfunction of an instrument, it must be effective under all probable cockpit lighting conditions.

3. By revising § 23.1323 to read as follows:

##### § 23.1323 Airspeed indicating system.

(a) Each airspeed indicating instrument must be calibrated to indicate true airspeed (at sea level with a standard atmosphere) with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied.

(b) Each airspeed system must be calibrated in flight to determine the system error. The system error, including position error, but excluding the airspeed indicator instrument calibration error, may not exceed three percent of the calibrated airspeed or five knots, whichever is greater, throughout the following speed ranges:

- (1) 1.3  $V_{S1}$  to  $V_{MO}/M_{MO}$  or  $V_{NE}$ , whichever is appropriate with flaps retracted.
- (2) 1.3  $V_{S1}$  to  $V_{FE}$  with flaps extended.

4. By adding new §§ 23.1325 (c), (d) and (e) to read as follows:

##### § 23.1325 Static pressure system.

(c) Except as provided in paragraph (d) of this section, if the static pressure system incorporates both a primary and an alternate static pressure source, the means for selecting one or the other source must be designed so that—

- (1) When either source is selected, the other is blocked off; and
- (2) Both sources cannot be blocked off simultaneously.

(d) For unpressurized airplanes, paragraph (c) (1) of this section does not apply if it can be demonstrated that the static pressure system calibration, when either static pressure source is selected, is not changed by the other static pressure source being open or blocked.



(e) Each system must be designed and installed so that the error in indicated pressure altitude, at sea level, with a standard atmosphere, excluding instrument calibration error, does not result in an error of more than  $\pm 30$  feet per 100 knots speed for the appropriate configuration in the speed range between 1.3  $V_{S0}$  with flaps extended and 1.8  $V_{S0}$  with flaps retracted. However, the error need not be less than  $\pm 30$  feet.

5. By revising § 23.1327 to read as follows:

§ 23.1327 Magnetic direction indicator.

(a) Except as provided in paragraph (b) of this section—

(1) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the airplane's vibration or magnetic fields; and

(2) The compensated installation may not have a deviation, in level flight, greater than ten degrees on any heading.

(b) A magnetic nonstabilized direction indicator may deviate more than ten degrees due to the operation of electrically powered systems such as electrically heated windshields if either a magnetic stabilized direction indicator, which does not have a deviation in level flight greater than ten degrees on any heading, or a gyroscopic direction indicator, is installed. Deviations of a magnetic nonstabilized direction indicator of more than 10 degrees must be placarded in accordance with § 23.1547(e).

6. By revising § 23.1335, including the heading, to read as follows:

§ 23.1335 Flight director systems.

If a flight director system is installed, means must be provided to indicate to the flight crew its current mode of operation. Selector switch position is not acceptable as a means of indication.

7. By adding a new § 23.1351(f) to read as follows:

§ 23.1351 General.

(f) *External power.* If provisions are made for connecting external power to the airplane, and that external power can be electrically connected to equipment other than that used for engine starting, means must be provided to ensure that no external power supply having a reverse polarity, or a reverse phase sequence, can supply power to the airplane's electrical system.

8. By revising § 23.1353(b)(1) and by adding a new § 23.1353(f) to read as follows:

§ 23.1353 Storage battery design and installation.

(1) At maximum regulated voltage or power;

(f) Each nickel cadmium battery installation capable of being used to start an engine or auxiliary power unit must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

9. By revising § 23.1357(b) to read as follows:

§ 23.1357 Circuit protective devices.

(b) A protective device for a circuit essential to flight safety may not be used to protect any other circuit.

§ 23.1361 [Amended]

10. By amending § 23.1361(b) by adding, at the end thereof, the sentence, "These circuits must be isolated, or physically shielded, to prevent their igniting flammable fluids or vapors that might be liberated by the leakage or rupture of flammable fluid systems."

§ 23.1401 [Amended]

11. By amending § 23.1401 by striking the number "30" in both places in paragraph (b) and inserting in place thereof (in both places) the number "75", and by adding a line at the end of the table in paragraph (f) to read as follows:

"30" to 75"-----26"

12. By adding a new § 23.1438 to read as follows:

§ 23.1438 Pressurization and pneumatic systems.

(a) Pressurization system elements must be burst pressure tested to 2.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure.

(b) Pneumatic system elements must be burst pressure tested to 3.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure.

(c) An analysis, or a combination of analysis and test, may be substituted for any test required by paragraph (a) or (b) of this section if the Administrator finds it equivalent to the required test.

13. By adding new §§ 23.1447 (c) and (d) to read as follows:

§ 23.1447 Equipment standards for oxygen dispensing units.

(c) If certification for operation above 30,000 feet is requested, the dispensing units providing the required oxygen flow rate must be automatically presented to each occupant before the cabin pressure altitude exceeds 15,000 feet.

(d) If an automatic dispensing unit (hose and mask, or other unit) system is installed, the crew must be provided with a manual means to make the dispensing units immediately available in the event of failure of the automatic system.

14. By adding a new § 23.1450, following § 23.1449, in Subpart F, to read as follows:

§ 23.1450 Chemical oxygen generators.

(a) For the purpose of this section, a chemical oxygen generator is defined as a device which produces oxygen by chemical reaction.

(b) Each chemical oxygen generator must be designed and installed in accordance with the following requirements:

(1) Surface temperature developed by the generator during operation may not create a hazard to the airplane or to its occupants.

(2) Means must be provided to relieve any internal pressure that may be hazardous.

(c) In addition to meeting the requirements in paragraph (b) of this section, each portable chemical oxygen generator that is capable of sustained operation by successive replacement of a generator element must be placarded to show—

(1) The rate of oxygen flow, in liters per minute;

(2) The duration of oxygen flow, in minutes, for the replaceable generator element; and

(3) A warning that the replaceable generator element may be hot, unless the element construction is such that the surface temperature cannot exceed 100 degrees F.

15. By adding a new § 23.1461, following § 23.1450, in Subpart F, to read as follows:

§ 23.1461 Equipment containing high energy rotors.

(a) Equipment containing high energy rotors must meet paragraph (b), (c), or (d) of this section.

(b) High energy rotors contained in equipment must be able to withstand damage caused by malfunctions, vibration, abnormal speeds, and abnormal temperatures. In addition—

(1) Auxiliary rotor cases must be able to contain damage caused by the failure of high energy rotor blades; and

(2) Equipment control devices, systems, and instrumentation must reasonably ensure that no operating limitations affecting the integrity of high energy rotors will be exceeded in service.

(c) It must be shown by test that equipment containing high energy rotors can contain any failure of a high energy rotor that occurs at the highest speed obtainable with the normal speed control devices inoperative.

(d) Equipment containing high energy rotors must be located where rotor failure will neither endanger the occupants nor adversely affect continued safe flight.

16. By adding a new § 23.1547(e) to read as follows:

§ 23.1547 Magnetic direction indicator.

(e) If a magnetic nonstabilized direction indicator can have a deviation of more than 10 degrees caused by the operation of electrical equipment, the placard must state which electrical loads, or combination of loads, would cause a deviation of more than 10 degrees when turned on.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

17. By revising § 25.831(e) and by adding a new § 25.831(f) to read as follows:



## § 25.831 Ventilation.

(e) Except as provided in paragraph (f) of this section, means must be provided to enable the occupants of the following compartments and areas to control the temperature and quantity of ventilating air supplied to their compartment or area independently of the temperature and quantity of air supplied to other compartments and areas:

- (1) The flight crew compartment.
- (2) Crewmember compartments and areas other than the flight crew compartment unless the crewmember compartment or area is ventilated by air interchange with other compartments or areas under all operating conditions.

(f) Means to enable the flight crew to control the temperature and quantity of ventilating air supplied to the flight crew compartment independently of the temperature and quantity of ventilating air supplied to other compartments are not required if all of the following conditions are met:

- (1) The total volume of the flight crew and passenger compartments is 800 cubic feet or less.

(2) The air inlets and passages for air to flow between flight crew and passenger compartments are arranged to provide compartment temperatures within 5 degrees F. of each other and adequate ventilation to occupants in both compartments.

(3) The temperature and ventilation controls are accessible to the flight crew.

18. By amending the lead-in of § 25.1309(d) and by revising §§ 25.1309(b) (2), (c), (e) (3) and (f) to read as follows:

## § 25.1309 Equipment, systems, and installations.

(b) \* \* \*

(2) The occurrence of any other failure condition which would reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions is improbable.

(c) Warning information must be provided to alert the crew to unsafe system operating conditions, and to enable them to take appropriate corrective action. Systems, controls, and associated monitoring and warning means must be designed to minimize crew errors which could create additional hazards.

(d) Compliance with the requirements of paragraph (b) of this section must be shown by analysis, and where necessary, by appropriate ground, flight, or simulator tests. The analysis must consider—

- (e) \* \* \*
- (3) Essential loads after failure of—
  - (i) Any one engine on two-engine airplanes; and
  - (ii) Any two engines on three-or-more engine airplanes.

(f) In determining compliance with paragraphs (e) (2) and (3) of this section, the power loads may be assumed to be reduced under a monitoring procedure

consistent with safety in the kinds of operation authorized. Loads not required in controlled flight need not be considered for the two-engine-inoperative condition on airplanes with three or more engines.

19. By adding a new § 25.1321(e) to read as follows:

## § 25.1321 Arrangement and visibility.

(e) If a visual indicator is provided to indicate malfunction of an instrument, it must be effective under all probable cockpit lighting conditions.

20. By adding new §§ 25.1325(g) and (h) to read as follows:

## § 25.1325 Static pressure systems.

(g) Except as provided in paragraph (h) of this section, if the static pressure system incorporates both a primary and an alternate static pressure source, the means for selecting one or the other source must be designed so that—

- (1) When either source is selected, the other is blocked off; and
- (2) Both sources cannot be blocked off simultaneously.

(h) For unpressurized airplanes, paragraph (g) (1) of this section does not apply if it can be demonstrated that the static pressure system calibration, when either static pressure source is selected, is not changed by the other static pressure source being open or blocked.

21. By amending § 25.1331 by striking the phrase "or adjacent to," in paragraph (a) (1), and by revising § 25.1331 (a) (2), and adding a new paragraph (a) (3), to read as follows:

## § 25.1331 Instruments using a power supply.

(a) \* \* \*

(2) Each instrument must, in the event of the failure of one power source, be supplied by another power source. This may be accomplished automatically or by manual means.

(3) If an instrument presenting navigation data receives information from sources external to that instrument and loss of that information would render the presented data unreliable, the instrument must incorporate a visual means to warn the crew, when such loss of information occurs, that the presented data should not be relied upon.

## § 25.1333 [Amended]

22. By striking the period at the end of § 25.1333(a) and inserting a semicolon in place thereof.

23. By adding a new § 25.1335 to read as follows:

## § 25.1335 Flight director systems.

If a flight director system is installed, means must be provided to indicate to the flight crew its current mode of operation. Selector switch position is not acceptable as a means of indication.

24. By adding new §§ 25.1351 (c) and (d) to read as follows:

## § 25.1351 General.

(c) *External power.* If provisions are made for connecting external power to the airplane, and that external power can be electrically connected to equipment other than that used for engine starting, means must be provided to ensure that no external power supply having a reverse polarity, or a reverse phase sequence, can supply power to the airplane's electrical system.

(d) *Operation without normal electrical power.* It must be shown by analysis, tests, or both, that the airplane can be operated safely in VFR conditions, for a period of not less than five minutes, with the normal electrical power (electrical power sources excluding the battery) inoperative, with critical type fuel (from the standpoint of flameout and restart capability), and with the airplane initially at the maximum certificated altitude. Parts of the electrical system may remain on if—

- (1) A single malfunction, including a wire bundle or junction box fire, cannot result in loss of the part turned off and the part turned on;

(2) The parts turned on are electrically and mechanically isolated from the parts turned off; and

(3) The electrical wire and cable insulation, and other materials, of the parts turned on are self-extinguishing when tested in accordance with § 25.1359 (d).

25. By revising § 25.1353(c) (1) (i) and by adding a new § 25.1353(c) (5) to read as follows:

## § 25.1353 Electrical equipment and installations.

- (c) \* \* \*
- (1) \* \* \*
- (i) At maximum regulated voltage or power;

(5) Each nickel cadmium battery installation capable of being used to start an engine or auxiliary power unit must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

## § 25.1401 [Amended]

26. By amending § 25.1401 by striking the number "30" in both places in paragraph (b) and inserting in place thereof (in both places) the number "75", and by adding a line at the end of the table in paragraph (f) to read as follows: "30" to 75" . . . 20".

27. By adding a new § 25.1421, following § 25.1419, and before the heading "Miscellaneous Equipment", to read as follows:

## § 25.1421 Megaphones.

If a megaphone is installed, a restraining means must be provided that is capable of restraining the megaphone when it is subjected to the ultimate inertia forces specified in § 25.561(b) (3).



28. By amending § 25.1435 by striking the language in § 25.1435(a)(3) and in place thereof inserting the term "[Reserved]", by revising §§ 25.1435 (a)(2) and (a)(4)(ii), and by adding new §§ 25.1435 (a)(7) and (a)(8), to read as follows:

§ 25.1435 Hydraulic systems.

(a) \* \* \*

(2) A means to indicate system pressure and a means to indicate fluid quantity, both located at a flight crewmember station, must be provided for each hydraulic system that—

(i) Performs a function that is essential for continued safe flight and landing; or

(ii) In the event of hydraulic system malfunction, requires corrective action by the crew to ensure continued safe flight and landing.

(3) [Reserved]

(4) \* \* \*

(ii) Except as provided in paragraph (a)(7) of this section, will not exceed 125 percent of the design operating pressure, excluding pressure at the outlets specified in paragraph (a)(4)(i) of this section. Design operating pressure is the maximum steady operating pressure.

(7) Transient pressure in a part of the system may exceed the limit specified in paragraph (a)(4)(ii) of this section if—

(i) A survey of those transient pressures is conducted to determine their magnitude and frequency; and

(ii) Based on the survey, the fatigue strength of that part of the system is substantiated by analysis or tests, or both.

(8) Each hydraulic pump must be designed and installed so that loss of hydraulic fluid to the pump cannot create a hazard that might prevent continued safe flight and landing.

29. By adding a new § 25.1438, following § 25.1435, to read as follows:

§ 25.1438 Pressurization and pneumatic systems.

(a) Pressurization system elements must be burst pressure tested to 2.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure.

(b) Pneumatic system elements must be burst pressure tested to 3.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure.

(c) An analysis, or a combination of analysis and test, may be substituted for any test required by paragraph (a) or (b) of this section if the Administrator finds it equivalent to the required test.

30. By revising §§ 25.1447(c)(1) and (c)(2) to read as follows:

§ 25.1447 Equipment standards for oxygen dispensing units.

(c) \* \* \*

(1) There must be an oxygen dispensing unit connected to oxygen supply terminals immediately available to each

occupant, wherever seated. If certification for operation above 30,000 feet is requested, the dispensing units providing the required oxygen flow must be automatically presented to the occupants before the cabin pressure altitude exceeds 15,000 feet and the crew must be provided with a manual means to make the dispensing units immediately available in the event of failure of the automatic system. The total number of dispensing units and outlets must exceed the number of seats by at least 10 percent. The extra units must be as uniformly distributed throughout the cabin as practicable.

(2) Each flight crewmember on flight deck duty must be provided with demand equipment. In addition, each flight crewmember must be provided with a quick-donning type of oxygen dispensing unit, connected to an oxygen supply terminal, that is immediately available to him when seated at his station, and that is designed and installed so that it—

(i) Can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand within five seconds and without disturbing eyeglasses or causing delay in proceeding with emergency duties; and

(ii) Allows, while in place, the performance of normal communication functions.

31. By adding a new § 25.1450, following § 25.1449, to read as follows:

§ 25.1450 Chemical oxygen generators.

(a) For the purpose of this section, a chemical oxygen generator is defined as a device which produces oxygen by chemical reaction.

(b) Each chemical oxygen generator must be designed and installed in accordance with the following requirements:

(1) Surface temperature developed by the generator during operation may not create a hazard to the airplane or to its occupants.

(2) Means must be provided to relieve any internal pressure that may be hazardous.

(c) In addition to meeting the requirements in paragraph (b) of this section, each portable chemical oxygen generator that is capable of sustained operation by successive replacement of a generator element must be placarded to show—

(1) The rate of oxygen flow, in liters per minute;

(2) The duration of oxygen flow, in minutes, for the replaceable generator element; and

(3) A warning that the replaceable generator element may be hot, unless the element construction is such that the surface temperature cannot exceed 100 degrees F.

32. By revising § 25.1457(g) to read as follows:

§ 25.1457 Cockpit voice recorders.

(g) \* \* \*

(1) Each recorder container must—

(i) Be either bright orange or bright yellow;

(2) Have reflective tape affixed to its external surface to facilitate its location under water; and

(3) Have an underwater locating device, when required by the operating rules of this chapter, on or adjacent to the container which is secured in such manner that they are not likely to be separated during crash impact.

33. By amending § 25.1459 by deleting paragraph (a)(7); by striking the word "and" at the end of paragraph (a)(3); by striking the period at the end of paragraph (a)(4) and inserting a semicolon in its place; by striking the period at the end of paragraph (a)(5) and inserting in its place a semicolon followed by the word "and"; and by revising § 25.1459(d) to read as follows:

§ 25.1459 Flight recorders.

(d) \* \* \*

(d) Each recorder container must—

(1) Be either bright orange or bright yellow;

(2) Have reflective tape affixed to its external surface to facilitate its location under water; and

(3) Have an underwater locating device, when required by the operating rules of this chapter, on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact.

34. By adding a new § 25.1461, following § 25.1459, in Subpart F, to read as follows:

§ 25.1461 Equipment containing high energy rotors.

(a) Equipment containing high energy rotors must meet paragraph (b), (c), or (d) of this section.

(b) High energy rotors contained in equipment must be able to withstand damage caused by malfunctions, vibration, abnormal speeds, and abnormal temperatures. In addition—

(1) Auxiliary rotor cases must be able to contain damage caused by the failure of high energy rotor blades; and

(2) Equipment control devices, systems, and instrumentation must reasonably ensure that no operating limitations affecting the integrity of high energy rotors will be exceeded in service.

(c) It must be shown by test that equipment containing high energy rotors can contain any failure of a high energy rotor that occurs at the highest speed obtainable with the normal speed control devices inoperative.

(d) Equipment containing high energy rotors must be located where rotor failure will neither endanger the occupants nor adversely affect continued safe flight.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

35. By adding a new § 27.1321(d) to read as follows:

§ 27.1321 Arrangement and visibility.

(d) \* \* \*

(d) If a visual indicator is provided to indicate malfunction of an instrument,



it must be effective under all probable cockpit lighting conditions.

36. By amending § 27.1323 by redesignating paragraph (b) as paragraph (c); by revising paragraph (a) and redesignating it as paragraph (b), and by adding a new paragraph (a), to read as follows:

§ 27.1323 Airspeed indicating system.

(a) Each airspeed indicating instrument must be calibrated to indicate true airspeed (at sea level with a standard atmosphere) with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied.

(b) The airspeed indicating system must be calibrated in flight at forward speeds of 20 knots and over.

37. By amending § 27.1325 by revising the section heading; by designating the present paragraph as paragraph (a); and by adding new paragraphs (b), (c), and (d) to read as follows:

§ 27.1325 Static pressure systems.

(b) Each static pressure port must be designed and located in such manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the rotorcraft encounters icing conditions. An anti-icing means or an alternate source of static pressure may be used in showing compliance with this requirement. If the reading of the altimeter, when on the alternate static pressure system, differs from the reading of the altimeter when on the primary static system by more than 50 feet, a correction card must be provided for the alternate static system.

(c) Except as provided in paragraph (d) of this section, if the static pressure system incorporates both a primary and an alternate static pressure source, the means for selecting one or the other source must be designed so that—

(1) When either source is selected, the other is blocked off; and

(2) Both sources cannot be blocked off simultaneously.

(d) For unpressurized rotorcraft, paragraph (c) (1) of this section does not apply if it can be demonstrated that the static pressure system calibration, when either static pressure source is selected, is not changed by the other static pressure source being open or blocked.

38. By revising § 27.1327 to read as follows:

§ 27.1327 Magnetic direction indicator.

(a) Except as provided in paragraph (b) of this section—

(1) Each magnetic direction indicator must be installed so that its accuracy is not excessively affected by the rotorcraft's vibration or magnetic fields; and

(2) The compensated installation may not have a deviation, in level flight, greater than 10 degrees on any heading.

(b) A magnetic nonstabilized direction indicator may deviate more than 10

degrees due to the operation of electrically powered systems such as electrically heated windshields if either a magnetic stabilized direction indicator, which does not have a deviation in level flight greater than 10 degrees on any heading, or a gyroscopic direction indicator, is installed. Deviations of a magnetic nonstabilized direction indicator of more than 10 degrees must be placarded in accordance with § 27.1547(e).

39. By adding a new § 27.1335 to read as follows:

§ 27.1335 Flight director systems.

If a flight director system is installed, means must be provided to indicate to the flight crew its current mode of operation. Selector switch position is not acceptable as a means of indication.

40. By adding a new § 27.1351(e) to read as follows:

§ 27.1351 General.

(e) *External power.* If provisions are made for connecting external power to the rotorcraft, and that external power can be electrically connected to equipment other than that used for engine starting, means must be provided to ensure that no external power supply having a reverse polarity, or a reverse phase sequence, can supply power to the rotorcraft's electrical system.

41. By revising § 27.1353(b) (1) and by adding a new paragraph (f) to read as follows:

§ 27.1353 Storage battery design and installation.

(b) (1) At maximum regulated voltage or power;

(f) Each nickel cadmium battery installation capable of being used to start an engine or auxiliary power unit must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

42. By revising § 27.1357(b) to read as follows:

§ 27.1357 Circuit protective devices.

(b) A protective device for a circuit essential to flight safety may not be used to protect any other circuit.

43. By adding a new § 27.1547(e) to read as follows:

§ 27.1547 Magnetic direction indicator.

(e) If a magnetic nonstabilized direction indicator can have a deviation of more than 10 degrees caused by the operation of electrical equipment, the placard must state which electrical loads, or combination of loads, would cause a deviation of more than 10 degrees when turned on.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

44. By revising § 29.1303(g) to read as follows:

§ 29.1303 Flight and navigation instruments.

The following are required flight and navigational instruments:

(g) A gyroscopic rate-of-turn indicator combined with an integral slip-skid indicator (turn-and-bank indicator) except that only a slip-skid indicator is required on rotorcraft with a third attitude instrument system that—

(1) Is useable through flight attitudes of  $\pm 80$  degrees of pitch and  $\pm 120$  degrees of roll;

(2) Is powered from a source independent of the electrical generating system;

(3) Continues reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(4) Operates independently of any other attitude indicating system;

(5) Is operative without selection after total failure of the electrical generating system;

(6) Is located on the instrument panel in a position acceptable to the Administrator that will make it plainly visible to and useable by any pilot at his station; and

(7) Is appropriately lighted during all phases of operation.

45. By amending § 29.1309 by deleting the word "four" in § 29.1309(e) and inserting the word "three" in place thereof; and by revising §§ 29.1309(d) (3) (i) and (ii) to read as follows:

§ 29.1309 Equipment, systems, and installations.

(d) (3) (i) Any one engine, on rotorcraft with two engines; and

(ii) Any two engines, on rotorcraft with three or more engines.

46. By adding a new § 29.1321(g) to read as follows:

§ 29.1321 Arrangement and visibility.

(g) If a visual indicator is provided to indicate malfunction of an instrument, it must be effective under all probable cockpit lighting conditions.

47. By amending § 29.1325 by revising the section heading; by redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively; and by adding new paragraphs (c), (g), and (h) to read as follows:

§ 29.1325 Static pressure and pressure altimeter systems.

(c) Each static pressure port must be designed and located in such manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is



not altered when the rotorcraft encounters icing conditions. An anti-icing means or an alternate source of static pressure may be used in showing compliance with this requirement. If the reading of the altimeter, when on the alternate static pressure system, differs from the reading of the altimeter when on the primary static system by more than 50 feet, a correction card must be provided for the alternate static system.

(g) Except as provided in paragraph (h) of this section, if the static pressure system incorporates both a primary and an alternate static pressure source, the means for selecting one or the other source must be designed so that—

(1) When either source is selected, the other is blocked off; and

(2) Both sources cannot be blocked off simultaneously.

(h) For unpressurized rotorcraft, paragraph (g) (1) of this section does not apply if it can be demonstrated that the static pressure system calibration, when either static pressure source is selected, is not changed by the other static pressure source being open or blocked.

48. By adding a new § 29.1335, following § 29.1333, to read as follows:

§ 29.1335 Flight director systems.

If a flight director system is installed, means must be provided to indicate to the flight crew its current mode of operation. Selector switch position is not acceptable as a means of indication.

49. By adding new §§ 29.1351(c) and (d) to read as follows:

§ 29.1351 General.

(c) *External power.* If provisions are made for connecting external power to the rotorcraft, and that external power can be electrically connected to equipment other than that used for engine starting, means must be provided to ensure that no external power supply having a reverse polarity, or a reverse phase sequence, can supply power to the rotorcraft's electrical system.

(d) *Operation without normal electrical power.* It must be shown by analysis, tests, or both, that the rotorcraft can be operated safely in VFR conditions, for a period of not less than five minutes, with the normal electrical power (electrical power sources excluding the battery) inoperative, with critical type fuel (from the standpoint of flameout and restart capability), and with the rotorcraft initially at the maximum certificated altitude. Parts of the electrical system may remain on if—

(1) A single malfunction, including a wire bundle or junction box fire, cannot result in loss of the part turned off and the part turned on;

(2) The parts turned on are electrically and mechanically isolated from the parts turned off; and

(3) The electrical wire and cable insulation, and other materials, of the parts turned on are self-extinguishing when tested in accordance with § 25.1359 (d) in effect on September 1, 1977.

50. By revising § 29.1353(c) (1) (i) and by adding a new § 29.1353(c) (5) to read as follows:

§ 29.1353 Electrical equipment and installations.

(c) \* \* \*

(1) \* \* \*

(i) At maximum regulated voltage or power;

(5) Each nickel cadmium battery installation capable of being used to start an engine or auxiliary power unit must have provisions to prevent any hazardous effect on structure or essential systems that may be caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

51. By revising § 29.1355(b) (1) to read as follows:

§ 29.1355 Distribution system.

(b) Each system must be designed so that—

(1) For category A rotorcraft, essential load circuits can be supplied in the event of reasonably probable faults or open circuits; and

PART 91—GENERAL OPERATING AND FLIGHT RULES

52. By revising § 91.33(d) (3) to read as follows:

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

(d) *Instrument flight rules.* For IFR flight the following instruments and equipment are required:

(3) Gyroscopic rate-of-turn indicator, except on the following aircraft:

(i) Large airplanes with a third attitude instrument system useable through flight attitudes of 360 degrees of pitch and roll and installed in accordance with § 121.305(j) of this chapter; and

(ii) Rotorcraft, type certificated under Part 29 of this chapter, with a third attitude instrument system useable through flight attitudes of  $\pm 80$  degrees of pitch and  $\pm 120$  degrees of roll and installed in accordance with § 29.1303(g) of this chapter.

53. By amending § 91.36 by striking the word "or" at the end of paragraph (a); by striking the period at the end of paragraph (b) and inserting in place thereof a semicolon followed by the word

"or"; and by adding a new paragraph (c) to read as follows:

§ 91.36 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.

(c) After September 1, 1979, unless the altimeters and digitizers in that equipment meet the standards in TSO-C10b and TSO-C88, respectively.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

54. By amending § 121.343 by revising the first sentence of the lead-in of paragraph (e) to read as follows:

§ 121.343 Flight recorders.

(e) Each flight recorder required by this section must be installed in accordance with the requirements of § 25.1459 of this chapter in effect on August 31, 1977.

55. By revising § 121.359(c) to read as follows:

§ 121.359 Cockpit voice recorders.

(c) The cockpit voice recorder required by this section must meet the following application standards:

(1) The requirements of Part 25 of this chapter in effect on August 31, 1977.

(2) After September 1, 1980, each recorder container must—

(i) be either bright orange or bright yellow;

(ii) Have reflective tape affixed to the external surface to facilitate its location under water; and

(iii) Have an approved underwater locating device on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact, unless the cockpit voice recorder, and the flight recorder required by § 121.343, are installed adjacent to each other in such a manner that they are not likely to be separated during crash impact.

(Secs. 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, 1423, 1424, and 1425); and the sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

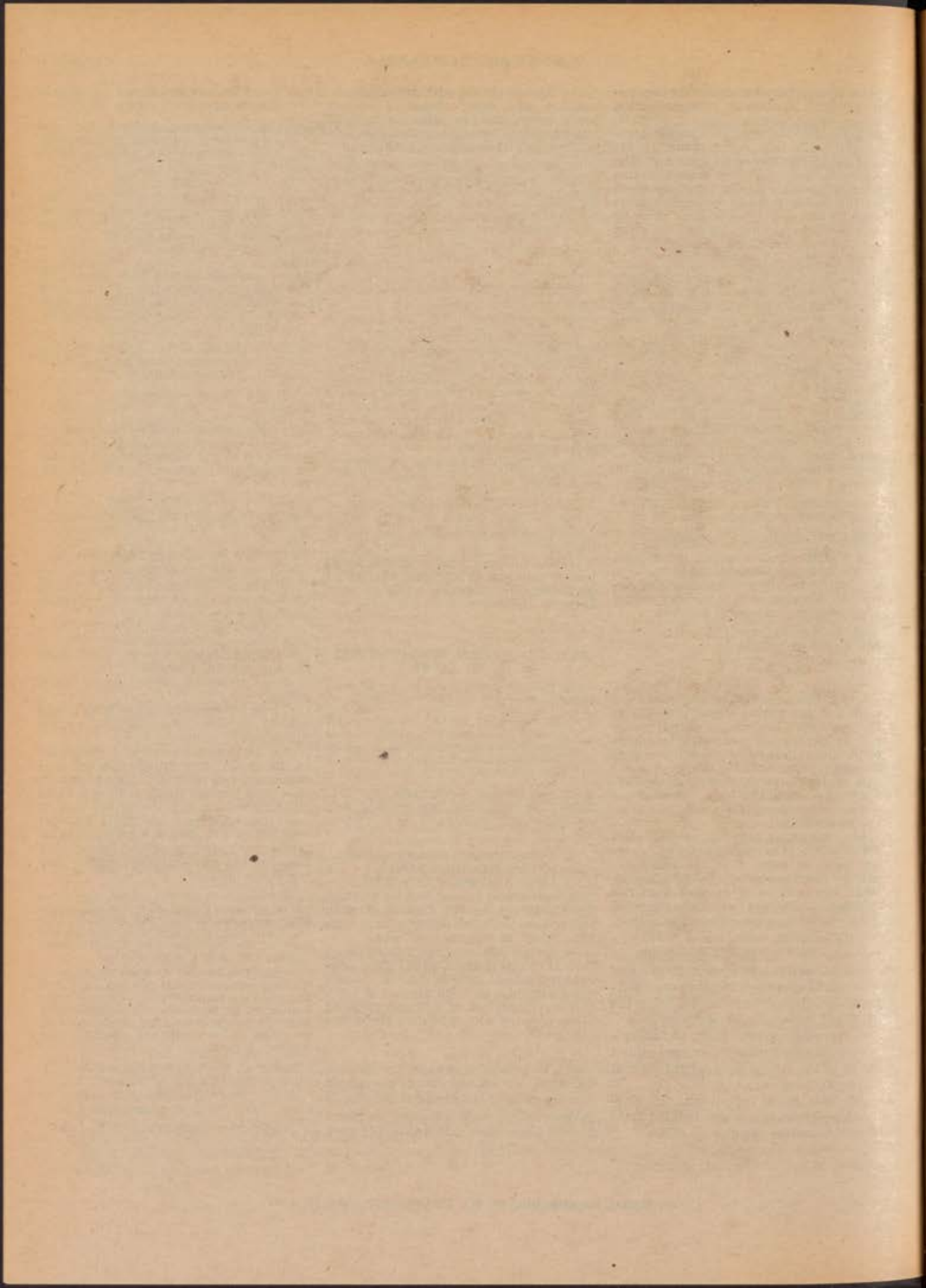
NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

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

QUENTIN S. TAYLOR,  
Acting Administrator.

[FR Doc. 77-20313 Filed 7-15-77; 8:45 am]







Register  
Federal

MONDAY, JULY 18, 1977

PART V



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# DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration



## COMPARTMENT INTERIOR MATERIALS IN TRANSPORT CATEGORY AIRPLANES

Public Hearing and Inquiry



# DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Parts 25 and 121 ]

[Docket No. 17030; Notice No. 77-11; Reference Docket Nos. 14230, 9611, and 14779; Notice Nos. 74-38, 75-3, and 75-31]

## COMPARTMENT INTERIOR MATERIALS IN TRANSPORT CATEGORY AIRPLANES

### Public Hearing

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Public hearing and agenda, reopening of comment periods.

SUMMARY: This notice announces a public hearing and invites interested persons to state their views or to provide information on: (1) the feasibility of developing a comprehensive set of integrated flammability, smoke emission, and toxic gas emission standards for compartment interior materials in transport category airplanes; (2) whether compartment interior materials now in use would meet those integrated standards; and (3) whether other compartment interior materials are available or could be developed to meet those integrated standards.

DATES: Public hearing from November 14 to November 18, 1977. Comment periods are reopened to January 16, 1978.

### FOR FURTHER INFORMATION CONTACT:

Presiding Officer, William J. Sullivan, Chief, Safety Regulations Division (AFS-900), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, 202-755-8714.

ADDRESSES: Requests to be heard should indicate the subject matter of the presentation and time required, and be sent to: Presiding Officer, Public Hearing Notice No., Flight Standards Service (AFS-900), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, phone: 202-755-8714.

The public hearing will be held at the: Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Auditorium, 3rd Floor, phone: 202-755-8714.

Written comments concerning matters presented at the hearing should indicate Docket No. 17030, and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket No. AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591.

### SUPPLEMENTARY INFORMATION:

#### BACKGROUND

The Federal Aviation Administration, on December 19, 1974, issued an Advance Notice of Proposed Rule Making (Notice No. 74-38; 39 FR 45044; December 30, 1974) which invited written data, views, or arguments on the need for standards

governing the toxic gas emission characteristics of compartment interior materials used in transport category airplanes when subjected to fire. On March 31, 1975, Notice No. 74-38A was issued in order to allow commenters additional time to submit comments.

On February 4, 1975, the FAA issued a Notice of Proposed Rule Making (Notice No. 75-3; 40 FR 6506; February 12, 1975) which proposed to establish standards for the smoke emission characteristics of compartment interior materials used in transport category airplanes. On May 9, 1975, Notice 75-3A was issued in order to allow commenters additional time to submit comments.

On June 30, 1975, the FAA issued a Notice of Proposed Rule Making (Notice No. 75-31; 40 FR 29410; July 11, 1975) continuing Proposal No. 8-118, which proposed adding a new paragraph (b) to § 121.312 which would require that, after three years, materials, finishes, and decorative surfaces used in crew or passenger compartments conform to the applicable fire protection requirements of § 25.853 in effect on May 1, 1972, unless compliance with later standards is required under the airplane type certificate.

In response to Notices 74-38, 75-3, and 75-31 (Proposal No. 8-118), numerous comments were received from industry associations, foreign airworthiness authorities, aircraft operators, research laboratories, consumer interest organizations, and the traveling public. While the commenters in general supported the objective of improving compartment fire protection by improving the materials installed in those compartments they questioned whether the state-of-the-art has developed sufficiently to accomplish the objective in an economical and technically feasible manner. The more significant comments received included the following:

Commenters on both the advance notice on toxic gas emission and on the proposed smoke emission standards suggested that smoke emission, toxic gas emission, and flammability should be handled more systematically. Commenters suggested that the problems of smoke emission and toxic gas emission are inseparable.

Commenters suggested that the FAA should give further consideration to the interrelationships of fire resistance, heat stability, smoke emission, and toxic gas emission characteristics and to the need to develop more comprehensive standards once these interrelationships have been considered.

Commenters to Proposal No. 8-118 stated that it would place an undue and unnecessary burden on the air carriers to require them to replace materials to meet new flammability standards, then later require them to replace the new materials with other materials meeting smoke emission standards, and then still later require them to replace the new materials with other materials meeting the toxic gas emission standards that are yet to be developed.

Based on these comments, on the results of research and development (R&D)

on toxic gas emission that have been completed to date by the FAA, and on the FAA's review of recent service experience, the FAA believes the following:

That further consideration, including research efforts, should be given to the interrelationships of flammability, smoke emission, and toxic gas emission characteristics of compartment interior materials in transport category airplanes before further action is taken with respect to Notices 74-38, 75-3, and 75-31 (Proposal No. 8-118).

That a public hearing would provide a forum to obtain the information needed to determine whether a comprehensive set of integrated standards for flammability, smoke emission, and toxic gas emission could be developed for compartment interior materials in transport category airplanes.

### INVITATION FOR COMMENTS AND PARTICIPATION

In light of the need for a public hearing, the comment period for Notices 74-38, 75-3, 75-31 (Proposal No. 8-118) is reopened to January 16, 1978, to allow interested persons to submit new or revised comments based upon matters presented at the hearing. Written comments should indicate Docket No. 17030, and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket No. AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. 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 FAA-public contact dealing with the substance of this rule-making action will be filed in the Rules Docket. The Docket Number for this notice and the comments received will be referenced in Docket Nos. 14230, 9611, and 14779, which relate to the original rule-making actions.

Before taking further action based on Notices 74-38, 75-3, and 75-31 (Proposal No. 8-118), the FAA will consider all statements presented at the hearing and all written statements and comments submitted to the regulatory docket established for this notice as well as those established for Notices 74-38, 75-3, and 75-31. The substance of the proposals contained in the notices may be changed in the light of those statements and comments presented.

Interested persons are invited to attend the hearings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearings must notify the FAA on or before October 25, 1977, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit within the hearing schedule. Requests to be heard should indicate the subject matter of the presentation, time required, and be sent to: Public Hearing Notice No. 77-11, Flight Standards Service (AFS-900), Federal Aviation Admin-



istration, 800 Independence Avenue SW., Washington, D.C. 20591; or phone: 202-755-8714.

#### SCOPE OF PUBLIC HEARING

This hearing is intended to provide an opportunity for interested persons to provide information, views, and arguments supported by pertinent data, reports, or other information, on the following issues:

What scope should compartment interior materials safety standards have in order to effectively complement existing regulations which deal with fire protection? For instance, should the standards be based on subcomponent, component, or full-scale cabin fire testing? What materials specimen tests should they call for? How should a comprehensive set of integrated standards for flammability, smoke emission, and toxic gas emission be developed? What are the options?

What are the effective, useful, and practical compartment interior materials now in use or which are available that would meet those integrated standards?

When can effective, useful, and practical compartment interior materials be developed?

How quickly can effective, useful, and practical compartment interior materials be introduced into service?

What related R&D programs are in progress on compartment interior materials? What are the safety benefits to be gained from each of these programs?

What related R&D efforts dealing with compartment interior materials should be initiated, continued or expanded? What are the safety benefits to be gained from each of these programs?

What are the probable impacts (if any) and benefits of these improved compartment interior materials on aircraft weight, energy consumption, inflation, the environment, and the cost to the traveling public?

#### PUBLIC HEARING AGENDA

The following is the agenda for the hearing:

#### NOVEMBER 14

Item and time	Topic
10 to 10:30 a.m.	Opening Session.
10:30 to 12 m.	Government Presentations: Review of Transport Category Airplane, Accident Experience; Current Federal Aviation Regulations Related to Flammability, Smoke and Toxic Gas Emission Characteristics of Compartment Interior Materials.
1:30 to 4 p.m.	Government Presentations: Flammability Characteristics of Compartment Interior Materials; Smoke Emission Characteristics of Compartment Interior Materials; Toxic Gas Emission Characteristics of Compartment Interior Materials.

#### NOVEMBER 15

10 to 12 m.	Government Presentations: Interrelationships of Flammability and Smoke and Toxic Gas Emission Characteristics of Compartment Interior Materials; State-of-the-Art of Smoke Analyzers.
1:30 to 4 p.m.	Government Presentations: Government Research; Future Applications.

#### NOVEMBER 16

10 to 12 m.	Public Presentations and Discussions.
1:30 to 4 p.m.	Public Presentations and Discussions.

#### NOVEMBER 17

10 to 12 m.	Public Presentations and Discussions.
1:30 to 4 p.m.	Public Presentations and Discussions.

#### NOVEMBER 18

10 to 12 m.	Public Presentations and Discussions.
1:30 to 4 p.m.	Public Presentations and Discussions.

#### HEARING PROCEDURES

Persons who plan to attend the hearing should be aware of the following procedures, which will be followed to facilitate the workings of the hearing:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Since the hearing will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons will be allowed to make rebuttal statements and to ask questions.

(b) The hearing will begin at 10:00 a.m. on the morning of November 14, 1977, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Auditorium, 3rd Floor. There will be no admission fee or other charge to attend and participate. All hearing sessions will be open to all persons on a space available basis. The Presiding Officer may accelerate the hearing agenda to enable early adjournment if the progress of the hearing is more expeditious than planned.

(c) All hearing sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be docketed. It is the FAA's intent to tape record the sessions.

(d) The FAA will not consider material presented at the hearing by participants on any issue that is not within the scope of the hearing. Position papers or other hand-out material may be accepted at the discretion of the Presiding Officer.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

#### DRAFTING INFORMATION

The principal authors of this document are Adolfo O. Astorga, Flight Standards Service, and Joseph D. Jeffrey, Office of the Chief Counsel.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.47.)

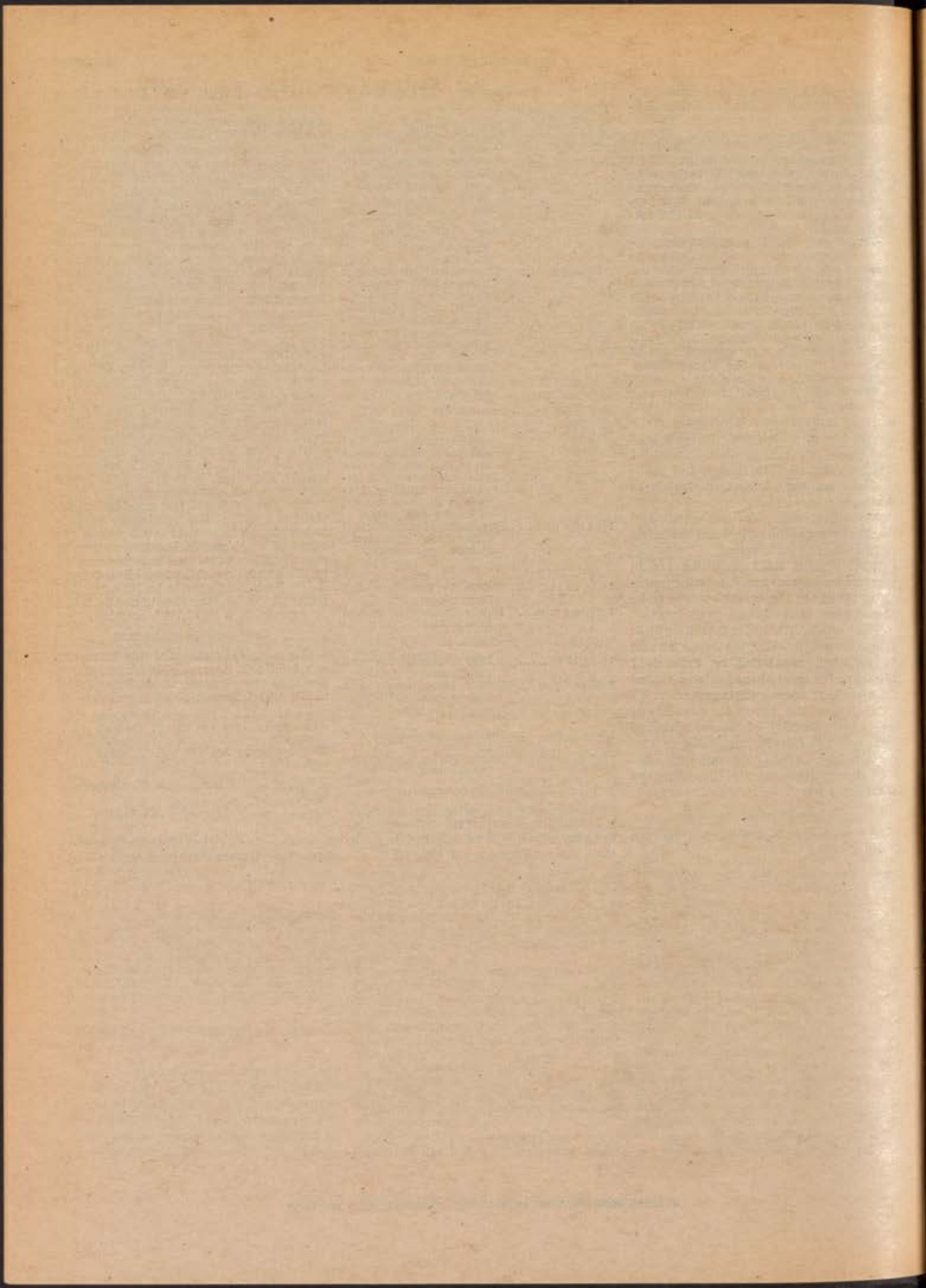
Issued in Washington, D.C., on July 11, 1977.

R. P. SKULLY,  
Director,

Flight Standards Service.

[FR Doc.77-20316 Filed 7-15-77; 8:45 am]







MONDAY, JULY 18, 1977

PART VI



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DEPARTMENT OF  
COMMERCE

National Oceanic and  
Atmospheric Administration

REGIONAL FISHERY  
MANAGEMENT  
COUNCILS

Interim Regulations



## Title 50—Wildlife and Fisheries

## Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

## PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

## PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

## Interim Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Interim regulations.

SUMMARY: NOAA is issuing Interim Regulations to supplement Final Regulations published on July 5, 1977, which affect the activities of eight Regional Fishery Management Councils established pursuant to the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The action is intended to provide the Councils with needed guidance for their effective operation.

DATES: Effective date: July 18, 1977.  
Comment: September 16, 1977.

ADDRESS: Comments should be addressed to: Director, National Marine Fisheries Service, Washington, D.C. 20235.

## FOR FURTHER INFORMATION CONTACT:

Richard H. Schaefer, Chief, Fisheries Management Operations Division, 202-634-7454; or Donald J. Leedy, Fishery Administrator, Fisheries Management Operations Division, 202-634-7436, National Marine Fisheries Service, Washington, D.C. 20235.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

On September 15, 1976, Chapter VI, entitled Fishery Conservation and Management, was added to Title 50 of the Code of Federal Regulations (41 FR 39436). This chapter was issued by the Secretary of Commerce to carry out certain statutory mandates contained in the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (hereinafter the "Act"). It addresses, among other things, the National Standards for fishery conservation and management, and the responsibilities and functions of the eight Regional Fishery Management Councils established under the Act. Some sections of the Interim Regulations published on September 15, 1976, were reserved. The purpose of reserving the sections was to allow time for thoughtful resolution and clarification of identified legal, scientific, and policy questions requiring consultation with appropriate Federal agencies, the States and the Councils. Final Regulations (42 FR 34449) were published on July 5, 1977, to provide essential clarifications of guidance for the effective functioning of the Councils. Certain sections were reserved to allow additional time for resolution and further clarification of identified legal and policy questions.

## PURPOSE

50 CFR, Chapter VI, is therefore being amended by withdrawing the reserved designation of certain sections of the Final Regulations and by adding new text. Specific subjects addressed concern the definition of highly migratory species, and the establishment of (a) inter-council boundaries, (b) financial procedures and standards, (c) contents of fishery management plans, and (d) a suggested standard format for fishery management plans. The text of § 602.3, Contents of fishery management plans, was originally published as Interim Regulations on September 15, 1976, and was reserved in the Final Regulations. This section has been extensively revised to correlate with, and provide explanatory comments for, § 602.4, Standard format for fishery management plans—a section previously reserved. Names of fishes are taken from "A List of Common and Scientific Names of Fishes from the United States and Canada," (Third Edition), American Fisheries Society Special Publication No. 6, 1970.

## NEED FOR EFFECTIVE DATE

These regulations constitute integral and essential clarifications of Final Regulations. They are consequently issued as Interim Regulations in accordance with 5 U.S.C. 553(d) (3), and become effective on July 18, 1977.

## PUBLIC COMMENT

Interested parties, Councils, and governmental agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All such submissions received on or before September 16, 1977, will be considered prior to publication of these sections as final regulations.

The Associate Administrator for Marine Resources of the National Oceanic and Atmospheric Administration, is delegated authority to approve these regulations in Department of Commerce Organization Order 25-5A, Section 3.01dd, Amendment 4 (dated September 30, 1976) and NOAA Directives Manual 05-57 (dated December 1, 1976).

(Secs. 301(b), 302(f) (6), 304(f), 305(g), Fishery Conservation and Management Act of 1976 (16 U.S.C. 1851, 1852, 1854, 1855).)

Issued: July 13, 1977.

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

In consideration of the foregoing, 50 CFR Parts 601 and 602 are revised as follows:

1. Section 601.2 is amended by adding paragraph (j) as follows:

## § 601.2 Definitions.

(j) *Highly migratory species.* The following, among others, are considered highly migratory species for the purposes of the Act:

## TUNA

Albacore, *Thunnus alalunga*;  
Bigeye tuna, *Thunnus obesus*;  
Bluefin tuna, *Thunnus thynnus*;  
Southern bluefin tuna, *Thunnus maccoyii*;  
Yellowfin tuna, *Thunnus albacares*; and  
Skipjack tuna, *Euthynnus pelamis*.

2. The heading of § 601.12 entitled "Method of determination" is changed to "Intercouncil boundaries" and new text is added as follows:

## § 601.12 Intercouncil boundaries.

(a) *New England and Mid-Atlantic Fishery Management Councils.*—(1) *Description.* The boundary commences at the intersection point of Connecticut, Rhode Island and New York at 41°18'16.249" latitude and 71°54'28.477" longitude and proceeds S 37°22'32.75" E to the point of intersection with the outward boundary of the fishery conservation zone as specified in Title I, sec. 101 and Title II, sec. 202(d) of the Act.

(2) *Method of Determination.* The boundary between the New England and Mid-Atlantic Councils continues the agreed state boundary between New York and Rhode Island (to which Congress granted consent on July 1, 1944, Pub. L. 78-399) seaward to the 200 mile boundary of the fishery conservation zone.

(b) *Mid-Atlantic and South Atlantic Fishery Management Councils.*—(1) *Description.* The boundary commences at the seaward boundary between the States of Virginia and North Carolina, and proceeds due East to the point of intersection with the outward boundary of the fishery conservation zone as specified in Title I, sec. 101, and Title II, sec. 202(d) of the Act.

(2) *Method of determination.* The boundary between the Mid-Atlantic and South Atlantic Councils continues the agreed State boundary between Virginia and North Carolina seaward to the 200-mile boundary of the fishery conservation zone and, when drawn, would be a line of constant latitude described as 36°33'00.8" N.

(c) *South Atlantic and Gulf of Mexico Fishery Management Councils.*—(1) *Description.* The boundary commences at the seaward boundary between counties of Dade and Monroe in the State of Florida, and proceeds due East to the intersection with the outward boundary of the fishery conservation zone as specified in Title I, sec. 101, and Title II, sec. 202(d) of the Act.

(2) *Method of Determination.* The boundary between the South Atlantic and Gulf of Mexico Councils continues the agreed county boundary between Dade and Monroe Counties to minimize potential difficulties for fishermen, the affected Councils, and outward bordering countries.

## § 601.13 [Deleted]

3. The heading of § 601.13 entitled "Description" is deleted.

4. New text is added in § 601.23(c) (3) as follows:



§ 601.23 Administrative practices and procedures.

(3) \* \* \* The Councils shall be governed by the requirements of Office of Management and Budget Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations" (41 FR 32016) as published July 30, 1976, and the following standards:

(i) *Procurement.* The Councils shall establish their own procurement policies and procedures, which shall be included in the Statement of Organization, Practices, and Procedures (see § 601.25). However, all Councils shall adhere to the requirements set forth in OMB Circular A-110, Attachment 0, paragraphs 3 and 4.

(ii) *Financial management system.* The fiscal year will coincide with the Federal Government's fiscal year. A Cash Receipts and Disbursement Journal with a monthly Summary of Accounts is required as a minimum bookkeeping system. In addition, a Statement of Income and Expenses for the Council shall be prepared monthly for the Council membership. Each cash disbursement shall be approved by an individual(s) designated by the Council Chairman. The approval authority shall be included in any Statement of Organization, Practices, and Procedures published after the effective date of this regulation. A uniform classification of accounts shall be used by all Councils in maintaining accounting records in accordance with the Model Accounting System issued by NMFS on November 26, 1976 and provided to the Councils. When budget estimates are submitted to the Director, the uniform account classification titles shall be used.

(iii) *Advance of funds and letters of credit.* Grant funds in an amount less than \$250,000 will be disbursed from the Department of the Treasury upon receipt in NOAA of a properly executed Advance of Funds request (Form SF-220). OMB Circular A-110 limits the amounts of funds that can be disbursed and requires that transfer of funds from the Treasury be made as soon as possible to the time of disbursement by the grantee. A Letter of Credit will be established for grants in excess of \$250,000. Drawdowns from the Treasury will be made through the commercial bank and a Federal Reserve Bank. The Council shall initiate each drawdown at approximately the same time that checks are issued by the Council in payment of Council liabilities. Drawdowns should not be made more frequently than daily or in amounts less than \$10,000. These requirements are under the Department of the Treasury Circular 1075, "Regulations Governing Withdrawal of Cash from the Treasury for Advances Under Federal Grants and Other Programs" (38 FR 5242) as published February 27, 1973.

(iv) *Audit.* Independent audit is required not less than every two years. Annual audits may be performed at the Council's discretion. All Councils are subject to audit by the Secretary of Commerce and the Comptroller General of

the United States. The scope of audit may include: Conduct of financial operations; compliance with applicable laws and regulations; economy and efficiency of administrative procedures; and achievement of results.

(v) *Financial Reports.* Reports are required which summarize total expenditures made and Federal funds unexpended for each award, and the status of Federal cash received. The Report of Federal Cash Transactions (Form SF-272) is required from each Council quarterly and should be submitted to the NOAA Grants Officer no later than 15 working days after the end of the quarter. A final report is required upon completion of the grant, to be submitted within 90 days after completion of the grant. The Financial Status Report (Form SF-269) is required from each Council quarterly and should be submitted to the NOAA Grants Officer no later than 15 working days after the end of the quarter. A final report is required upon completion of the grant. Guidance for the preparation of these reports and other financial reporting procedures is in Attachment G of OMB Circular A-110.

5. Section 602.3 is revised as follows:

§ 602.3 Contents of fishery management plans.

(a) *General.* Section 303 of the Act addresses, among other things, required and discretionary contents of fishery management plans prepared either by the Council or by the Secretary. This section provides explanatory comments and gives guidance with respect to the contents of plans to assist the Councils in preparation of plans consistent with the National Standards (see § 602.2) and the standard format (see § 602.4). Those provisions which are discretionary under sec. 303(b) of the Act are marked "Discretionary" in the following comments.

(b) *Explanatory comments.*—(1) *Cover sheet.* Provide a cover sheet for the purpose of ready identification of the plan, the subject fishery, and the responsible Council(s), date of Council approval, and the signature(s) of the responsible Council official(s).

(2) *Summary.*

(3) *Table of contents.*

(4) *Introduction.* Describe the development (or amendment) of the plan by the responsible Council(s) and the overall management objectives.

(5) *Description of the stock(s) comprising the management unit.*—(i) *Species or group of species and their distribution.* Provide a biological description and the geographical distribution of the species or group of species comprising the management unit as identified by the Council.

(ii) *Abundance and present condition.* Assess and specify the present abundance and biological condition of the stock(s).

(iii) *Ecological relationships.* Describe the relationship of the stock(s) with fish, animals, or plants, including discussions of relevant food chain and predator-prey relationships.

(iv) *Estimate of MSY.* Specify the MSY of the stock(s) based upon the best scientific information available. Summarize the information used in making the specification.

(v) *Probable future condition.* Specify the probable future condition of the stock(s), if present conditions and trends continue.

(6) *Description of habitat of the stock(s) comprising the management unit.*—(i) *Condition of the habitat.* Describe the habitat, factors affecting its productivity, and probable future condition, if present condition and trends continue.

(ii) *Habitat areas of particular concern.* Identify and describe the habitat areas which are of particular concern because of a requirement in the life cycle of the stock(s), e.g., spawning grounds, nurseries, migratory routes, etc. Identify those areas which are currently or potentially threatened with destruction or degradation.

(iii) *Habitat protection programs.* Describe programs to protect or restore the habitat of the stock(s) from destruction or degradation, including the relationship of any approved Coastal Zone Management Programs in the affected State(s). The plan proposed by a Council should be consistent with such approved program(s) in accordance with the Coastal Zone Management Act (See § 601.21(b)(3)).

(7) *Fishery management jurisdiction, laws, and policies.*—(i) *Management institutions.* Identify and describe the institutions which have fishery management authority over the stock(s) throughout their range.

(ii) *Treaties or international agreements.* Identify and describe applicable treaties with foreign nations or international fishery agreements which affect the management unit, either directly by control of fishing or indirectly by control of fishing for a related stock, e.g., a predator or prey of the subject stock(s).

(iii) *Federal laws, regulations, and policies.* Identify and describe the impact of any applicable Federal laws, regulations, and policies upon the management unit or fishing thereon.

(iv) *State laws, regulations, and policies.* Identify and describe the impact of any applicable State laws, regulations, and policies upon the management unit or fishing thereon.

(v) *Local and other applicable laws, regulations, and policies.* Identify and describe the impact of any local and other applicable laws, regulations, and policies upon the management unit or fishing thereon. This includes, where applicable, Indian treaty fishing rights embodied in treaties, case law, or other agreements.

(8) *Description of fishing activities affecting the stock(s) comprising the management unit.*—(i) *History of exploitation.* Summarize the historical fishing practices, both foreign and domestic. Identify past user groups, vessel and gear types and quantities, and fishing areas.

(ii) *Domestic commercial and recreational fishing activities.* A complete de-



scription of current domestic fishing activities involving the management unit is required including commercial, recreational, subsistence, and Treaty Indian fishing. The description shall include, where applicable:

- (A) Participating user groups;
- (B) Vessels and fishing gear;
- (C) Employment in recreational and commercial sectors;
- (D) Fishing and landing areas utilized throughout the range of life stock;
- (E) Conflicts among domestic fishermen involving competition for fishing areas, gear damage, etc.;
- (F) Amount of landings/catches;
- (G) Assessment and specification of the U.S. harvesting capacity; and
- (H) Assessment and specification of the extent to which, on an annual basis, U.S. fishing vessels will harvest the optimum yield as specified by the Council.

Detailed tables may be included in the Appendix.

(iii) *Foreign fishing activities.* The description of current foreign fishing activities shall include, where applicable:

- (A) Participating nations;
- (B) Vessels, harvesting and support, and fishing gear;
- (C) Fishing and landing areas; and
- (D) An enumeration of landings and value as distributed among the stock(s) comprising the management unit.

(iv) *Interactions between domestic and foreign participants in the fishery.* Describe the interactions between domestic and foreign fishermen utilizing the stock(s) including gear or other conflicts. Identify any problems caused by fishermen of one nation taking as by-catch, a target fish of another nation's fishery.

(9) *Description of economic characteristics of the fishery—(i) Domestic harvesting sector.* Describe the value of the catch (ex-vessel). Identify the method of value determination, especially when the value is estimated or based upon non-market pricing. The description of the economic statistics of the commercial fleet should include: gross income, investment, costs and revenues, measurement of effort, measurement of efficiency, and measurement of productivity. The description of the economic statistics of recreational fishing should include: investment, revenues, and tourism.

(ii) *Domestic processing sector.* Describe the wholesale products and their value. Specify the capacity of the processing sector, as well as the degree of its dependence upon products from the fishery.

(iii) *International trade.* Describe the international trade in relevant fishery products. Describe and discuss existing and proposed international business arrangements affecting the stock(s).

(10) *Description of the businesses, markets, and organizations associated with the fishery—(i) Relationship among harvesting, brokering, and processing sectors.* Describe the relationships among the harvesting, brokering, and processing sectors which catch, sell,

transport, and process the catch from the domestic fishery.

(ii) *Fishery cooperatives or associations.* Identify the fishery cooperatives or associations involved with the fishery.

(iii) *Labor organizations.* Identify the labor organizations involved with the harvesting and processing sectors.

(iv) *Foreign investment.* Describe the foreign investment in the domestic sectors of the fishery.

(11) *Description of social and cultural framework of domestic fishermen and their communities—(i) Ethnic character, family structure, and community organization.*—Describe where relevant.

(ii) *Age and education profiles of fishermen.*

(iii) *Employment opportunities and unemployment rates.* Identify the employment opportunities within the fishery, in other fisheries, and in non-fishing related work in the geographical area concerned. Compare the current unemployment rate among fishermen and the applicable labor force in the same geographical area. Describe the relationship of seasonality in fishing employment to alternate forms of employment, or to unemployment.

(iv) *Recreational fishing.* Describe the social and cultural characteristics of fishermen who participate in the recreational sector of the fishery. Identify the social and cultural benefits generated by the recreational sector of the fishery.

(v) *Economic dependence on commercial or marine recreational fishing and related activities.* Describe the economic dependence of fishermen and others on commercial or marine recreational fishing, including fishery related activities, e.g., gear manufacture and repair.

(vi) *Distribution of income within the fishery communities.* Describe the sources and distribution of income within the communities of fishermen.

(12) *Determination of optimum yield—(i) Specific management objectives.*—Each fishery management plan must specify the management objectives to be attained.

(ii) *Description of alternatives.* Describe the alternative optimum yields considered and their advantages and disadvantages.

(iii) *Analysis of beneficial and adverse impacts of potential management options.* In considering various conservation and management measures in order to determine which are necessary and appropriate for the conservation of the fishery resource, management of the fishery, and to achieve the optimum yield, the beneficial and adverse impacts of such measures must be analyzed. These impacts should be identified and described, to the extent possible, in summary form. Additional detail may be included in the Appendix of the plan.

(iv) *Tradeoffs between the beneficial and adverse impacts of the preferred or optimal management option(s).* Conservation and management measures shall be identified which are deemed by the Council to be the preferred or optimal means of achieving optimum yield. Such

measures will, in all likelihood, contain or represent tradeoffs between the specific management objectives identified in the plan. It may not be feasible or possible to optimize each management objective as some may contain unavoidable conflicting aspects. The tradeoffs between the beneficial and adverse ecological, social, and economic impacts of the preferred or optimal management option(s) should be described in summary form. Detailed analyses or comparisons may be included in the Appendix of the plan.

(v) *Specification of optimum yield.* Each fishery management plan shall assess and specify the optimum yield determined to be the amount of fish, with respect to the yield from the fishery, which will provide the greatest overall benefit to the Nation (see sec. 3(18) of the Act).

(13) *Measures, requirements, conditions, or restrictions specified to attain management objectives—(i) Permits and fees.*—(Discretionary) A plan may require a permit to be obtained from and fees to be paid to, the Secretary with respect to any fishing vessel of the United States fishing, or wishing to fish, in the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone. The amount of fees charged domestic fishermen is to be established by the Secretary, but shall not exceed the administrative costs incurred by the Secretary in issuing permits.

(ii) *Time and area restrictions.*—(Discretionary) A plan may designate zones or areas where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear. These restrictions must be related to the management objectives of the plan.

(iii) *Catch limitations—(A) Total allowable level of foreign fishing.*—Where a portion of the optimum yield can be made available for foreign fishing, the Council shall specify the total allowable level of such foreign fishing.

(B) *Types of catch limitations.*—(Discretionary) The plan may specify limitations on the catch of fish (based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors), which are necessary and appropriate for the conservation and management of the fishery.

(iv) *Types of vessels, gear, and enforcement devices.*—(Discretionary) A plan may prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the Act.

(v) *State, local, and other laws and policies.*—(Discretionary) The plan may incorporate (consistent with the National Standards, the other provisions of the Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery (or local government or other entity).



(vi) *Limited access systems.* (Discretionary) A plan may establish a system for limiting access to the fishery in order to achieve optimum yield if, in developing such system, the following considerations are taken into account and discussed in the plan:

(A) Present participation in the fishery;

(B) Historical fishing practices in, and social and economic dependence on, the fishery;

(C) The economics of the fishery;

(D) The capability of fishing vessels used in the fishery to engage in other fisheries or other pursuits;

(E) The cultural and social framework relevant to the fishery; and

(F) Any other relevant considerations such as existing State conservation and management measures. Any plan containing a limited entry system shall also discuss why other management measures are inadequate for conservation and management of the fishery. Limited access is a management technique that is directed at economic as well as biological objectives. This technique is used to reduce the congestion and economic waste that often occurs from the "open access" condition of common property fisheries. Any system of limited access shall be for the purpose of conservation and management, and economic allocation shall not be its sole purpose (see also § 602.2 (e) and (f)).

(vii) *Habitat preservation, protection, and restoration.* A plan may propose measures which are intended to preserve, protect, and restore habitat determined to be necessary for the life functions of the stock(s). Where the Secretary does not have the authority to implement such measures, the appropriate State, Federal, or international entity will be informed by the Secretary of the findings and the proposed measures.

(viii) *Development of fishery resources.* A plan may identify those fishery resources associated with the stock(s) which are underutilized or not utilized by U.S. fishermen. Such information may be useful in encouraging the development of such fisheries (see sec. 2(b) (6) of the Act).

(ix) *Management costs and revenues.* Describe the estimated governmental costs and revenues likely to be incurred and received in implementation of the proposed measures.

(14) *Specification and source of pertinent fishery data.*—(i) *General.* The plan shall specify pertinent data that shall be submitted to the Secretary by participants in the fishery. Specifications of data shall take into account the effort necessary to collect such data. Effort should be minimized through careful selection and standardization of data elements, the periodicity of collection, recordkeeping, and reporting. Regulations with regard to the confidentiality of these statistics are set forth in Part 603. [Reserved].

(ii) *Domestic and foreign fishermen.* The data specified shall include, but are not limited to, information as to type

and quantity of gear, catch by species in numbers of fish or weight, fishing effort, fishing areas, time of fishing, number of hauls, and other data considered pertinent.

(iii) *Processors.* The plan may specify the data that shall be submitted by fish buyers, processors, etc. who purchase, transport, and process the catch of the stock(s).

(15) *Relationship of the recommended measures to existing applicable laws and policies.*—(i) *Fishery management plans.*—Identify and discuss the relationship of the recommended measures for the fishery to other approved fishery management plans for other fisheries prepared by a Council or the Secretary.

(ii) *Treaties or international agreements.* Identify and discuss the relationship of the recommended measures for the fishery to any treaties with foreign nations or international fishery agreements which affect the stock(s) or fishing thereon.

(iii) *Federal law and policies.* Identify and discuss existing applicable Federal laws and policies which may constrain implementation of the recommended measures and provision of specified fishery data.

(iv) *State, local, and other applicable laws and policies.* Identify and discuss existing applicable laws and policies which may constrain implementation of the recommended measures and provision of specified fishery data. This shall not be construed to mean that a recommended measure shall abrogate any Indian Treaty fishing rights embodied in treaties, case law, or other agreements.

(16) *Council review and monitoring of the plan.*—Discuss generally the procedures the Council and its advisory groups would use to review and revise the plan.

(17) *References.* List the references cited in the plan.

(18) *Appendix.*—(i) *Sources of data and methodology.*—Identify the sources of data presented in summary form in the plan. Detailed data, analyses thereof, and methodology may be included.

(ii) *List of public meetings and summary of proceedings.* List the public meetings held in the development of the plan, with each meeting identified by location, date, number of the public attending, and a brief summary of comments received.

6. New text is added in § 602.4 as follows:

§ 602.4 Standard format for fishery management plans.

(a) *General.* One of the guidelines established to assist the Councils in the development of fishery management plans is a standard format. The format is a broad framework within which individual plans for specific fisheries may be designed in accordance with § 602.2, National standards for fishery conservation and management, § 602.3, Contents of fishery management plans, and sec. 302 of the Act. The format is recommended to the Councils as a uniform structure for the organization and pres-

entation of the major elements that must be addressed in a plan to be reviewed by the Secretary. If any portion of the standard format is inappropriate for any plan, the responsible Council may modify the format accordingly.

(b) *Format.* (1) Cover sheet.

(2) Summary.

(3) Table of contents.

(4) Introduction.

(5) Description of stock(s).

(i) Species or group of species and their distribution.

(ii) Abundance and present condition.

(iii) Ecological relationships.

(iv) Estimate of MSY.

(v) Probable future condition.

(vi) Other.

(6) Description of habitat.

(i) Condition of habitat.

(ii) Habitat areas of particular concern.

(iii) Habitat protection programs.

(iv) Other.

(7) Fishery management jurisdiction, laws, and policies.

(i) Management institutions.

(ii) Treaties or international agreements.

(iii) Federal laws, regulations, and policies.

(iv) State laws, regulations, and policies.

(v) Local and other applicable laws, regulations, and policies.

(8) Description of fishing activities.

(i) History of exploitation.

(ii) Domestic commercial and recreational fishing activities.

(iii) Foreign fishing activities.

(iv) Interactions between domestic and foreign participants in the fishery.

(9) Description of economic characteristics of the fishery.

(i) Domestic harvesting sector.

(ii) Domestic processing sector.

(iii) International trade.

(10) Description of businesses, markets, and organizations associated with the fishery.

(i) Relationship among harvesting, brokering, and processing sectors.

(ii) Fishery cooperatives or associations.

(iii) Labor organizations.

(iv) Foreign investment.

(11) Description of social and cultural framework of domestic fishermen and their communities.

(i) Ethnic character, family structure, and community organization.

(ii) Age and education profiles of fishermen.

(iii) Employment opportunities and unemployment rates.

(iv) Recreational fishing.

(v) Economic dependence on commercial or marine recreational fishing and related activities.

(vi) Distribution of income within the fishery communities.

(vii) Other.

(12) Determination of optimum yield.

(i) Specific management objectives.

(ii) Description of alternatives.

(iii) Analysis of beneficial and adverse impacts of potential management options.



## RULES AND REGULATIONS

(iv) Tradeoffs between the beneficial and adverse impacts of the preferred or optimal management option(s).

(v) Specification of optimum yield.

(13) Measures, requirements, conditions, or restrictions specified to attain management objectives.

(i) Permits and fees.

(ii) Time and area restrictions.

(iii) Catch limitations.

(A) Total allowable level of foreign fishing.

(B) Types of catch limitations.

(iv) Types of vessels, gear, and enforcement devices.

(v) State, local, and other laws and policies.

(vi) Limited access systems.

(vii) Habitat preservation, protection, and restoration.

(viii) Development of fishery resources.

(ix) Management costs and revenues.

(x) Other.

(14) Specification and source of pertinent fishery data.

(i) General.

(ii) Domestic and foreign fishermen.

(iii) Processors.

(15) Relationship of the recommended measures to existing applicable laws and policies.

(i) Fishery management plans.

(ii) Treaties or international agreements.

(iii) Federal law and policies.

(iv) State, local, and other applicable laws and policies.

(16) Council review and monitoring of the plan.

(17) References.

(18) Appendix.

(i) Sources of data and methodology.

(ii) List of public meetings and summary of proceedings.

[FR Doc. 77-20446 Filed 7-15-77; 8:45 am]



Register  
Federal Order

MONDAY, JULY 18, 1977

PART VII



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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 555]

## 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 Government of the Union of Soviet Socialist Republics, and are published herewith.

Dated: July 12, 1977.

ALBERT L. ZUCCA,  
Director, Office of Fisheries Affairs.

UR-77-0507

UR-77-0507

2.

## FISHING VESSEL IDENTIFICATION FORM (FOURTH)

Permit Period Applied For 1.07. - 31.12.77  
Application No. \_\_\_\_\_  
For Use of Issuing Office \_\_\_\_\_  
State USSR

1. Name of Vessel YELIX  
2. Vessel No: Hull No. \_\_\_\_\_ Registration No M-25184  
3. Name and Address of Owner

Name Latvijas kara jostas armijas kara jostas parohodstvo

Address Pudonja Bul., 2

Riga, USSR

Name and Address of Charterer Vishakaya Baza Rafisharohomogo Flota  
Atlantijas, 7, Riga, USSR

4. Homeport and State of Registry Riga, USSR

5. Type of Vessel tanker

6. Tonnage (gross) 7948 Net 3928

7. Length 145.5 m 8. Breadth 10.44m 9. Draught 8.5m

10. Horsepower 5000 11. Maximum Speed 12.9 kt

12. Propulsion: Diesel ( ☒ ) Steam ( ☐ ) Diesel/electric ( ☐ )

Other \_\_\_\_\_

13. Date Built 1960

14. Number and Nationality of Personnel 57, USSR

Officers 14 Crew 23 Other (Specify) \_\_\_\_\_

15. Communications: VHF-MF ( ☒ ), AM/SSB, Voice ( ☒ )

Telegraphy ( ☒ ) Other \_\_\_\_\_

International Radio Call Sign UR01 2462 kHz

Radio Frequencies Monitored 3023.5, 5680, 156, 6015, 500, 512, 8164

Other Working Frequencies 325, 444, 468, 480 kHz

Schedule 242, 142N, 01A1, F-5

16. Navigation Equipment: Loran C ( ☐ ) Loran A ( ☒ )

Omega ( ☐ ) Decca ( ☒ ) Eureka ( ☒ )

Radar ( ☐ ) Fathometer ( ☐ )

Other Direction Finder - 1, Depth Sounder - 1

17. Cargo Capacity (MT) 10500

Salted Fish \_\_\_\_\_ Fresh Fish \_\_\_\_\_

Frozen Fish \_\_\_\_\_ Fish Meal \_\_\_\_\_

Other \_\_\_\_\_

18. Cargo Space

Number 6 x 3 Name Fuel Tanks

Dry Hold \_\_\_\_\_

Tanks Fuel Tanks ( 6 x 3 )

Other \_\_\_\_\_

UR-77-0507

3.

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
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<u>B - 6</u>	<u>1.07. - 31.07.77</u>			
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For fishing and transport vessels of the USSR, Cuba and

Poland fuel supply

21. Name and Address of Agent appointed to Receive Any Legal Process  
Issued in the United States



PERMIT VESSEL IDENTIFICATION FORM (FORM 1)  
 ФОРМА ДО ПЕЛЕТ-САМО ИДЕНТИФИКАЦИОННО-ТЕХНИЧЕСКИХ  
 ДАННЫХ РЫБОЛОВНОГО СУДНА

UR-77-0508

2.

Permit Period Applied For:  
 Временной на которой  
 разрешается рыболовство:  
 one year  
 один год

Application No. UR-77-0508  
 Страна USSR

For Use of Issuing Office  
 Для использования выдающего  
 учреждения:  
 МОТТРАНСФЛОТ

State of:  
 Страна USSR  
CCCP

1. Name of Vessel SKALISTY BEZBO  
 Название судна ТР "Скалистый берег"  
 2. Vessel No.: Hull No. KT-0209 Registration No. KT-0209  
 В судне В корпусе  
 3. Name and Address of Owner МОТТРАНСФЛОТ Name and Address of Charterer МОТТРАНСФЛОТ  
 Владелец и адрес судновладельца Владелец и адрес фрахтователя  
 Name МОТТРАНСФЛОТ  
 Имя Управление Мортранспорта  
 Address 30. Gvardeysky str.,  
 Адрес CCCP  
Kaliningrad 901, USSR  
г. Калининград, Калининградская  
область, 90  
 Cable Address МОТТРАНСФЛОТ Калининград  
 Телеграфный адрес МОТТРАНСФЛОТ Калининград

4. Homeport and State of Registry: Kaliningrad, USSR  
 Порт и страна прописки CCCP, Калининград  
 5. Type of Vessel transport refrigerator  
 Тип судна транспортный рефрижератор  
 6. Tonnage (Gross) 7406 (Net) 6554  
 Тоннаж (гр./нет) 7406 (гр./нет) 6554  
 7. Length 154.09 m 8. Breadth 22.20 m 9. Draft 7.8 m  
 Длина 154.09 м Ширина 22.20 м Осадка 7.8 м

10. Horsepower 3000 shp. 11. Maximum Speed 17.10 kt.  
 Мощность двигателя 3000 л.с. Максимальная скорость 17.10 уз.

11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ),  
 Двигатель: Дизельный ( ), Паровой ( ), Дизель/Электрический ( ),  
 Other (Specify) None  
 Другое (укажите) None

12. Date Built 1977  
 Дата постройки 1977

13. Number and Nationality of Personnel 57, Russians  
 Количество и национальность экипажа 57, русские  
 Officers 21 Crew 46 Other (Specify) None  
 Командный состав 21 Экипаж 46 Другое (укажите) None

14. Communications: VHF-F2 ( ), AM/FM, Voice ( ),  
 Связь: ВЧ-Ф2 ( ), АМ/ФМ, Голос ( ),  
 Other (Specify) None  
 Другое (укажите) None

Telegony ( ) Other (Specify) None  
 Телеграф ( ) Другое (укажите) None

International Radio Call Sign SKAL  
 Международная радиосвязь SKAL

Radio Frequency Monitored 1.6-25, 6MHz; 410-512kHz A1; A2H  
 Контролируемая радиочастота 1.6-25, 6 мГц; 410-512 кГц А1; А2Н

Other Working Frequencies 300-2100, 6773, 8154kHz, A2, A3  
 Другие рабочие частоты 300-2100, 6773, 8154 кГц, А2, А3

Schedule None  
 Режим работы None

15. Navigation Equipment: Loran C ( ), Loran A ( ),  
 Навигационное оборудование: Лоран С ( ), Лоран А ( ),  
 Other (Specify) None  
 Другое (укажите) None

Other (Specify) None  
 Другое (укажите) None

Other (Specify) None  
 Другое (укажите) None

UR-77-0508

3.

19. Cargo Capacity (MT)  
 Грузоподъемность (мт)  
 20. Cargo Space  
 Грузовое пространство  
 Number  
 Количество

Salted Fish Freezer  
 Соленая рыба морозильник 12 м.кв.

Fresh Fish Dry Hold  
 Свежая рыба сухой трюм 4

Frozen Fish 2500  
 Замороженная рыба 2500

Fish Meal 225  
 Рыбная мука 225

Other None  
 Другое None

21. Processing Equipment (Indicate daily capacity, MT)  
 Технологическое оборудование (укажите суточную производительность в метрических тоннах)  
None  
None  
None  
None  
None

22. Fisheries for which Permit is Requested  
 Рыболовство для которого запрашивается разрешение:  
 Ocean Area None Period None Species None Other (Specify) None  
 Район океана None Период None Вид None Другое (укажите) None  
 (H.V.)

North Western Atlantic

working period: since 24th May 1977 till 24th May 1978.

Central-Southern Atlantic

24 May 1977 to 24 May 1978

23. Name and Address of Agent appointed to receive any legal  
 process issued in the United States:  
 Имя и адрес агента, назначенного для получения в судьях  
 США любых процессов, касающихся судна, экипажа и груза.



PERMIT VESSEL IDENTIFICATION FORM (FORAIG)  
 ПОРТА НА РЕГИСТРАЦИЯ НА РЕГИСТРАЦИЯ-ИДЕНТИФИКАЦИЯ  
 ЛАНИНГ НА РЕГИСТРАЦИЯ НА РЕГИСТРАЦИЯ

UR-77-0509  
 2.

Permit Period Applied For: 1 year  
 Application No. UR-77-0509  
 For Use of Towing Office  
 For use of Towing Office  
 For use of Towing Office

State: USSR  
 Country: USSR

1. Name of Vessel: YANTARY NERVO  
 Name of Vessel: YANTARY NERVO

2. Vessel No.: Hull No. 87-0772 Registration No. 8-31173  
 Vessel No.: Hull No. 87-0772 Registration No. 8-31173

3. Name and Address of Owner: Name and Address of Charterer  
 Name and Address of Owner: Name and Address of Charterer

Name: YANTARY NERVO  
 Name: YANTARY NERVO

Address: 10, Gagarinsky pr., Kalinin-  
 Address: 10, Gagarinsky pr., Kalinin-

City: Kaliningrad, USSR  
 City: Kaliningrad, USSR

Cable Address: YANTARY NERVO  
 Cable Address: YANTARY NERVO

YANTARY NERVO Kaliningrad  
 YANTARY NERVO Kaliningrad

4. Homeport and Date of Registry: Kaliningrad, USSR  
 Homeport and Date of Registry: Kaliningrad, USSR

5. Type of Vessel: transport refrigerator  
 Type of Vessel: transport refrigerator

6. Tonnage (Gross): 7406 (Net): 6554  
 Tonnage (Gross): 7406 (Net): 6554

7. Length: 154.8m 8. Breadth: 22.20 m 9. Draft: 7.7m  
 Length: 154.8m Breadth: 22.20 m Draft: 7.7m

10. Horsepower: 3000 shp. 11. Maximum Speed: 17.38 kt.  
 Horsepower: 3000 shp. Maximum Speed: 17.38 kt.

11. Propulsion: Diesel (1), Steam ( ), Diesel/Electric ( ),  
 Propulsion: Diesel (1), Steam ( ), Diesel/Electric ( ),

12. Date Built: 1975  
 Date Built: 1975

13. Number and Nationality of Personnel: 67, Russians  
 Number and Nationality of Personnel: 67, Russians

14. Officers: 21 Crew: 46 Other (Specialty): 4  
 Officers: 21 Crew: 46 Other (Specialty): 4

15. Communications: 9M-12 ( ), 4M-12B, Police (4),  
 Communications: 9M-12 ( ), 4M-12B, Police (4),

16. Navigation Equipment: Loran C ( ), Loran A (1),  
 Navigation Equipment: Loran C ( ), Loran A (1),

17. Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz  
 Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz

18. Other Working Frequencies: 425:454:468:480:512KHz  
 Other Working Frequencies: 425:454:468:480:512KHz

19. Schedule: 1.6 - 25MHz 1.6 - 3MHz  
 Schedule: 1.6 - 25MHz 1.6 - 3MHz

20. Navigation Equipment: Loran C ( ), Loran A (1),  
 Navigation Equipment: Loran C ( ), Loran A (1),

21. Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz  
 Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz

22. Other Working Frequencies: 425:454:468:480:512KHz  
 Other Working Frequencies: 425:454:468:480:512KHz

23. Schedule: 1.6 - 25MHz 1.6 - 3MHz  
 Schedule: 1.6 - 25MHz 1.6 - 3MHz

24. Navigation Equipment: Loran C ( ), Loran A (1),  
 Navigation Equipment: Loran C ( ), Loran A (1),

25. Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz  
 Radio Frequencies Monitored: 1.6 - 25MHz 1.6 - 3MHz

26. Other Working Frequencies: 425:454:468:480:512KHz  
 Other Working Frequencies: 425:454:468:480:512KHz

UR-77-0509  
 3.

UR-77-0509

19. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

16. Cargo Space: 9900  
 Cargo Space: 9900

17. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

18. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

19. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

20. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

21. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

22. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

23. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

24. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

25. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

26. Cargo Capacity (MT): 9900  
 Cargo Capacity (MT): 9900

19. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

20. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

21. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

22. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

23. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

24. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

25. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

26. Processing Equipment (Indicate daily capacity, MT)  
 Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

21. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

22. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

23. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

24. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

25. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

26. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

27. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

28. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

29. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

30. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

31. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

32. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

33. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

34. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

35. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

36. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

37. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

38. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

39. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

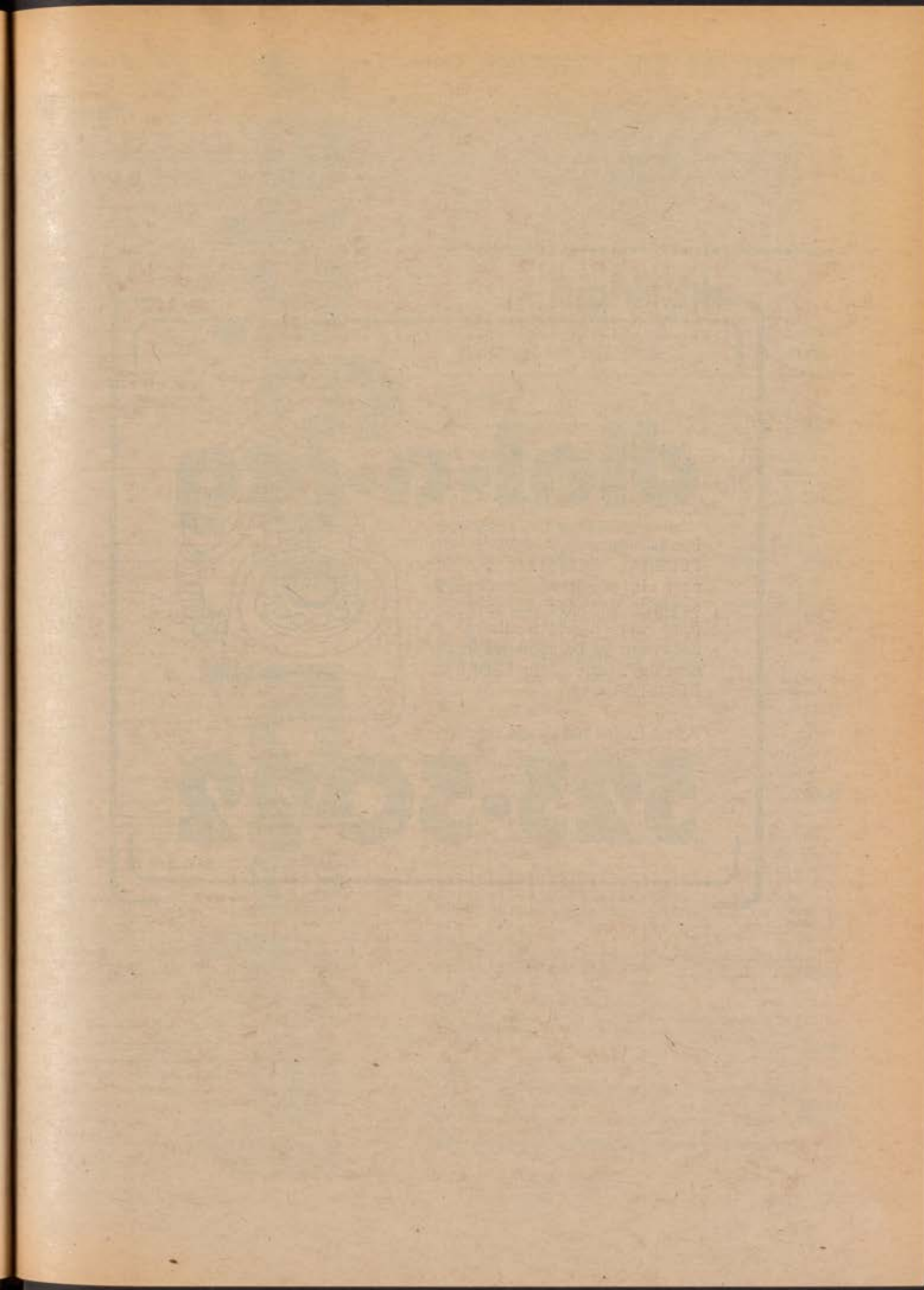
40. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

41. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

42. Fisheries for which Permit is Requested:  
 Fisheries for which Permit is Requested:

[FB Doc.77-20526 Filed 7-15-77; 8:45 am]







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