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federal register

WEDNESDAY, JULY 27, 1977



highlights

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

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

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED

New York, N.Y., 8–15, 8–16, 8–17, 8–18, 8–19
(Details: 42 FR 36040, 7/13/77)
For reservations call: Dorothy Gemmallo
at (212) 264–3514

Boston, Mass., 9–7, 9–8, 9–9
(Details: 42 FR 37261, 7–20–77)
For reservations call: Mrs. Louise Conboy
at (617) 223–7121

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/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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Executive Order 12005 • **July 23, 1977**

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*; 88 Stat. 2073, 19 U.S.C. 2483), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. In order to redefine an existing item for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) are modified by deleting from item 791.74, TSUS, the description:

> "In part of textile materials the aggregate weight of which exceeds the weight of any individual non-textile material contained therein",

and substituting therefor the following description:

> "Containing 50% or more by weight of cotton, wool, or man-made fibers, or any combination thereof, or containing 50% or more by weight of textile materials with wool comprising 17% or more by weight of the article.".

SEC. 2. The amendment made by this order shall be effective with respect to articles that are both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse, for consumption on or after March 1, 1977.

Jimmy Carter

THE WHITE HOUSE,
July 23, 1977.

[FR Doc.77-21768 Filed 7-25-77;5:02 pm]

rules and regulations

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

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

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—CONSERVATION OPERATIONS

PART 610—TECHNICAL ASSISTANCE

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

ACTION: Final rules for furnishing technical assistance through conservation operations of the Soil Conservation Service.

SUMMARY: These rules codify policies and procedures of the Soil Conservation Service for furnishing technical assistance in conservation operations. They describe the kinds of technical assistance, the recipients, and how such assistance is given.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Administrator, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, 202-447-4531.

SUPPLEMENTARY INFORMATION: On August 27, 1974, the Soil Conservation Service published in the FEDERAL REGISTER (39 FR 30934) for comment its proposed guidelines for technical assistance. Interested persons were given 30 days to submit comments.

DISCUSSION OF MAJOR COMMENTS

Several comments received suggested restricting SCS assistance to farms, ranches, and other agricultural land units. The suggestions were not incorporated in their entirety. The public welfare would not be served by arbitrarily restricting the availability of technical assistance. In counseling on conservation problems, SCS encourages recipients to use professional assistance from private sources and, in providing technical assistance, makes frequent use of private consultants in lieu of existing staff.

One comment was received on the paragraphs on interdisciplinary assistance. Material in § 610.5 (a) and (b) that was informational and in question has been deleted.

The Soil Conservation Service, in accordance with section 1(3) of Executive Order 11593, herewith publishes its final rules for Part 610, "Technical Assistance."

Dated: July 18, 1977.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Programs.

Sec.

610.1 Purpose.
610.2 Scope.
610.3 Assistance through conservation districts.
610.4 Technical assistance furnished.
610.5 Interdisciplinary assistance.

AUTHORITY: Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590 a-f, q).

§ 610.1 Purpose.

This part sets forth Soil Conservation Service (SCS) policies and procedures for furnishing technical assistance in conservation operations.

§ 610.2 Scope.

Conservation operations, including technical assistance, is the basic soil and water conservation program of SCS. This program is designed to provide assistance to (a) Reduce soil losses from erosion; (b) Help solve soil, water, and agricultural waste management problems; (c) Bring about adjustments in land use as needed; and (d) Reduce damage caused by excess water and sedimentation. The Soil Conservation Service is the technical agency of the U.S. Department of Agriculture for providing assistance to conservation districts and other organizations in planning and carrying out their conservation programs. SCS works with individuals, groups, and units of government to help them plan and carry out conservation decisions to meet their objectives.

§ 610.3 Assistance through conservation districts.

(a) Technical assistance is provided through and in cooperation with conservation districts in the 50 States, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. These districts, formed under authority of State laws, are operated and controlled by local citizens. They provide the leadership and the program needed to meet the conservation objectives of the district.

(b) SCS furnishes technical assistance to conservation districts as specified in memorandums of understanding. Soil conservationists assigned to conservation districts work directly with land users and others according to the program needs and the priorities established by the conservation districts.

(c) The practical experience of land users is combined with the scientific knowledge and skills of professional conservationists to plan and carry out locally formulated conservation programs.

(d) When requested, technical assistance may be provided to owners, operators, or groups using land that is under the jurisdiction of the United States Department of the Interior if such land is included in a conservation district or if assistance is in accordance with memorandums of understanding identifying the coordination of agency activities.

§ 610.4 Technical assistance furnished.

The Soil Conservation Service provides technical assistance to land users and others who are responsible for making decisions and setting policies that influence land use, conservation treatment, and resource management. Technical assistance furnished by SCS consists of: (a) program assistance; (b) planning assistance; (c) application of conservation practices; and (d) assistance in the technical phases of USDA cost-share programs.

(a) Program assistance is provided to conservation districts and other organizations concerned with the conservation of soil, water, plant, and wildlife resources. This assistance includes providing resource inventory data and identifying conservation problems and needs in order for districts to develop long-range soil and water conservation programs. Individuals, groups, and organizations requesting SCS assistance through conservation districts include:

(1) Farmers, ranchers, and other land users concerned with the conservation of land and water resources.

(2) County and other local government units such as park authorities, departments of public works, planning, zoning (rural, urban, and flood plain), school, and institution boards, highway departments, and tax assessors.

(3) Citizen groups, youth groups, recreation groups, and garden clubs.

(4) State and local units of government (highway, health, recreation, water resources, and regional planning) involved in establishing public policy regarding the use of resources.

(5) Federal departments and agencies such as Defense, Housing and Urban Development, Public Roads, Health, Education, and Welfare; and Interior.

(6) Professional consultants who provide services such as engineering, planning, environmental assessment, tax assessment, and forest management.

(b) Planning assistance includes evaluation of soil, water, vegetation, and other resource data needed for making land use, environmental and conservation treatment decisions. SCS helps land users make conservation plans for farms, ranches, and other land units. This help includes onsite planning assistance in making conservation plans. The plans

are based on a soil survey and interpretations for the intended land uses and conservation treatment. Plans may also include other inventories of soil, water, plant, and related resources needed in the planning process. Information about the responses of each kind of soil and the conservation practices and resource management needed for different land uses is provided. The land user's decisions recorded in the plan are based on his conservation objectives. Conservation plans provide for the orderly installation of conservation practices. Conservation plans reflect changing conditions.

(c) Application assistance is provided to help land users apply and maintain planned conservation work. SCS assistance for applying the conservation practices in the plan may include: (1) Designing, constructing, and maintaining conservation practices; (2) Selecting management alternatives and cultural practices needed to establish and maintain vegetation; and (3) Other conservation practices needed to protect land and water resources.

(d) The Soil Conservation Service assists in carrying out certain phases of USDA soil and water conservation cost-share programs. SCS assists individual program participants with conservation plans needed for long-term cost-share agreements. SCS is assigned responsibility by the Secretary of Agriculture for technical phases of applying conservation practices on the land. This assignment includes: (1) Determining what practices are needed and feasible to install, (2) Selecting sites and planning and designing practices, (3) Providing assistance for installing practices, and (4) Certifying that the work done is in accordance with SCS standards and specifications.

§ 610.5 Interdisciplinary assistance.

Technical assistance is based on the principle that soil, water, plant, and related resources are interdependent and must be managed accordingly. Soil conservationists integrate the various technical fields in providing for the conservation of land and water resources. Staff scientists and specialists develop conservation standards, prepare necessary specifications, provide training, and review work performance. SCS uses consultants for conservation problems that require special expertise.

[FR Doc.77-21535 Filed 7-26-77;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket No. AO-86-A37; Milk Order No. 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order amends the Nebraska-Western Iowa Federal milk marketing order. The order as amended is in response to industry proposals considered at a public hearing in October 1976. More than the required two-thirds of dairy farmers affected approved the order as amended. This determination was made by a polling of dairy farmer cooperatives.

A principal amendment reduces the quantity of milk that a supply plant must ship to distributing plants to be a fully regulated plant under the order. This will help supply plants avoid costly milk shipments that might otherwise be made just to keep the plant qualified as a regulated pool plant. Another amendment is intended to simplify the administration of the order by altering the manner in which a cooperative association is paid for farm bulk tank milk that is delivered to a regulated pool plant. This will not affect a plant operator's cost of milk or the level of payments to producers.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 202-447-7183.

SUPPLEMENTARY INFORMATION:

PRIOR DOCUMENTS IN THIS PROCEEDING

Notice of Hearing, issued September 15, 1976; published September 20, 1976 (41 FR 40495).

Notice of Extension of Time for Filing Briefs, issued November 12, 1976; published November 17, 1976 (41 FR 50696).

Recommended Decision, issued May 10, 1977; published May 16, 1977 (42 FR 24744).

Notice of Extension of Time for Filing Exceptions to the Recommended Decision, issued June 2, 1977; published June 6, 1977 (42 FR 28897).

Final Decision, issued July 18, 1977; published July 22, 1977.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. The hearing was held according to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined according to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1977. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Administrator was issued May 10, 1977, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 18, 1977. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1977, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means according to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE OF HANDLING

It is therefore ordered, That on and after the effective date hereof, the han-

dling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1065.7, the word "July" where it appears in paragraph (d)(3) is changed to "August", and paragraph (b) is revised to read as follows:

§ 1065.7 **Pool plant.**

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section (excluding fluid milk products trasferred from any such distributing plant to the supply plant or to any other plant operated by the operator of the supply plant) is not less than 40 percent of the Grade A milk received at such plant from dairy farmers (including receipts of producer milk diverted from the plant pursuant to § 1065.13) and handlers described in § 1065.9(c) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August unless the plant operator requests of the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments.

* * * * *

2. In § 1065.13, paragraphs (a) and (b) are revised to read as follows:

§ 1065.13 **Producer milk.**

* * * * *

(a) Received at a pool plant directly from a producer or a handler described in § 1065.9(c);

(b) Received by a handler described in § 1065.9(c) from producers in excess of the quantity delivered to pool plants; or

* * * * *

3. In § 1065.41, paragraph (b)(1) is revised to read as follows:

§ 1065.41 **Shrinkage.**

* * * * *

(b) * * *

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1065.9(c));

* * * * *

4. In § 1065.42, the semicolon at the end of paragraph (a)(1) is changed to a period; the word "and" immediately following is deleted; all of paragraph (a)(2) is revoked; and the introductory text of paragraph (a) is revised to read as follows:

§ 1065.42 **Classification of transfers and diversions.**

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as follows:

* * * * *

5. In § 1065.44, paragraphs (a)(8)(ii) (b) and (13) are revised to read as follows:

§ 1065.44 **Classification of producer milk.**

* * * * *

(a) * * *

(8) * * *

(ii) * * *

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

* * * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1065.42(a); and

* * * * *

6. In § 1065.45, paragraph (d) is revised to read as follows:

§ 1065.45 **Market administrator's reports and announcements concerning classification.**

* * * * *

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

7. In § 1065.73, paragraph (d)(2) is revised to read as follows:

§ 1065.73 **Payments to producers and to cooperative associations.**

* * * * *

(d) * * *

(2) On or before the 14th day after the end of each month not less than the value of such milk at the uniform price as adjusted by the butterfat differential specified in § 1065.74 applicable at the location of the receiving handler's plant, less payment made pursuant to paragraph (d)(1) of this section;

* * * * *

8. In § 1065.85, paragraph (a) is revised to read as follows:

§ 1065.85 **Assessment for order administration.**

* * * * *

(a) Producer milk (including such handler's own production);

* * * * *

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

Effective date: August 1, 1977.

Signed at Washington, D.C. on July 21, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

[FR Doc.77-21555 Filed 7-26-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R-0072]

PART 226—TRUTH IN LENDING

Discounts for Payment by Cash, Check, or Similar Means; Exemption From Disclosure as Finance Charges

AGENCY: Federal Reserve System.

ACTION: Final amendments.

SUMMARY: These amendments clarify the conditions under which merchants who offer discounts for payment by cash, check, or similar means, rather than by credit card, are exempt from disclosing such discounts as finance charges. The amendments implement Pub. L. 94–222 which distinguishes between discounts and surcharges, declares that surcharges are illegal until February 27, 1979, and provides that discounts qualifying for non-disclosure shall not be considered a charge for credit under State usury, disclosure, and other credit laws.

EFFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 202–452–2412.

SUPPLEMENTARY INFORMATION: On December 28, 1976 the Board proposed to amend Part 226 (Regulation Z) to implement changes and clarifications made by Pub. L. 94–222. One of the purposes of that law was to clarify the fact that section 167 of the Truth in Lending Act (15 U.S.C. 1666(f)) was intended by Congress to exempt from disclosure certain discounts given to customers paying by cash, check, or similar means, but was not intended to provide a similar exemption for surcharges imposed upon users of credit cards. Pub. L. 94–222 not only stated that surcharges do not qualify for the section 167 exemption from disclosure, but also prohibited the imposition of surcharges on the users of credit cards for three years. The clarifying

statutory amendments also provided that any discount qualifying for non-disclosure under section 167 shall not be considered a charge for credit under State usury, disclosure, and other credit laws.

DISCUSSION OF MAJOR COMMENTS

Most substantive comments focused upon three areas of concern. First, it was suggested that "regular price" be redefined so as to impose a more subjective standard than proposed. Commenters proposed definitions related to the price that a merchant expects to receive without taking into account the method of payment which a customer uses. The Board has carefully considered the alternative ways of defining "regular price," since any meaningful and practical distinction between a discount and a surcharge ultimately depends upon establishing the standard, intermediate price. It is of paramount importance that however "regular price" is defined, it provide sufficient certainty for those who wish to offer or take advantage of discounts. The Board believes that an objective definition of that term will better encourage merchants to offer discounts to their customers, and will facilitate enforcement of the Congressional prohibition of surcharges. Consequently, the Board has decided to leave the proposed definition of "regular price" essentially unchanged.

A second area of concern involves potential conflicts with State law. A number of States require disclosure of the "cash price" or "cash sale price" when goods or services are purchased on credit. Commenters indicated that such laws may mean that periodic billing statements would have to disclose two prices for each transaction, one of which (cash price) may not be readily available to the card issuer. To the extent that this presents a problem, the Board does not believe the problem arises from requirements imposed by either Regulation Z or the Truth in Lending Act. Any needed remedy would be more appropriately fashioned by the governmental body imposing the requirement.

One commenter suggested that another area of potential conflict with State laws may exist to the extent that such laws prohibit or restrict the posting, advertising, or disclosure of gasoline prices on service station premises. Regulation 2 requires that the availability of a discount be "clearly and conspicuously disclosed by a sign or display posted at or near each public entrance to the seller's place of business * * *" (§ 226.4(i)(1)(ii)). Because the suggested conflict does not affect retailers generally, the Board believes that it would be inappropriate to deal with such an issue within the language of Regulation Z itself. The concerns which have been voiced by oil companies can be better resolved by official staff interpretation of § 226.4(i)(1)(ii) as it applies to gasoline service stations.

The third major concern of commenters was that the amendments appear to distinguish between whether or not credit is being extended to finance a transaction, rather than whether or not a credit card is being used by a customer. To some degree the very use of a credit card is definitionally tied, by the Truth in Lending Act, to the extension of credit. In the amendments, as finalized, the Board has distinguished between payment by use of an open end credit card account, and payment by use of cash, check, or similar means. As indicated by the express language of the amendment, use of an open end credit card account is meant to include verbal orders or purchases by mail, even though the credit card is not physically used. It is not meant to include transactions that involve an extension of credit on an open end account through use of a personal check (overdraft), cash advance check, or similar instrument. The Board believes that its amendment, in all salient provisions, reflects the language and import of the Truth in Lending Act.

EXPANATION OF AMENDMENT

The amendment makes a variety of changes in and additions to Regulation Z. Definitions of three new terms, "discount," "surcharge," and "regular price," are added to § 226.2.

An explanatory footnote is added to § 226.4(i)(1), minor, clarifying changes are made in §§ 226.4(i)(1)(i), 4(i)(1)(iii), 4(i)(2), and 226.13(i)(1)(i), and a technical modification is made in § 226.-5(a)(3)(ii). A new sentence in § 226.4(i)(1)(iii), a substitute paragraph § 226.4(i)(4), and a new paragraph (5) are added to § 226.4.(i).

1. New definitions.—Three newly-defined terms—"regular price," "discount," and "surcharge"—are added to § 226.2. When read in conjunction with those definitions, § 226.4(i) provides that only discounts and not surcharges qualify for the exemption from finance charge disclosure contained in § 167 of the Truth in Lending Act. The definition of "discount" read together with that of "regular price" is intended to clarify that the price differential resulting from a pricing system in which the merchant tags or posts both a credit card price and a cash price is a discount which qualifies for non-disclosure under § 167.

The final definition of "regular price" has been modified in two respects. First, some restructuring has been done for the sake of clarity with no substantive change intended. Second, the phrase "by use of an open and credit card account," along with a limitation on the scope of that phrase, have been substituted for the term "credit card purchases." Frequently people are given an opportunity to purchase some item by mail or telephone order, and have the option of paying by use of their credit card account. Due to the lack of personal contact in the transaction, however, a person's credit card is not physically used to effect payment. Most commonly the person will supply only the number identifying the underlying credit card account. It is the Board's intent to permit non-disclosure of discounts offered for payment by cash, check, or similar means in such situations. The phrase "by use of an open end credit card account," however, would ostensibly include situations where the existence of a credit card is unrelated to the method of payment selected by a customer. For example, under an overdraft checking plan where the amount of an overdraft is debited to an open end credit account, a person paying by check may well also be paying by use of that account. The Board believes that these types of transactions are not equivalent to credit card transactions and, consequently, makes such a distinction within the definition of "regular price."

The definition of "discount," except for an additional cross-reference to the use of that term in § 226.13(i), remains unchanged from the proposed version.

The definition of "surcharge" has been altered in two respects. First, the phrase "use of an open end credit card account" and the limitation on that phrase have been substituted for "credit card purchases" for the same reasons previously discussed. Second, the definition has been rephrased to clarify that a surcharge is an additional amount imposed at the point of sale as a consequence or condition of payment by use of an open end credit card account. This is to insure that a literal reading of the definition would not include such things as sales tax.

Under the definitions of "regular price," "discount," and "surcharge," the following examples of pricing situations would involve "discounts" that would not have to be disclosed if offered in accordance with the requirements of § 226.4(i):

1. Merchant posts or tags goods with a single price which is charged for credit card purchases and offers a five percent discount off this price if payment is made by cash, check, or similar means.

2. Merchant posts or tags goods with both a credit card price and a price for payment by cash, check, or similar means which is no more than five per cent lower than the credit card price.

3. Merchant does not tag or post prices, but offers purchasers paying by cash, check, or similar means a price which is no more than five per cent lower than that offered to credit card purchasers.

Any pricing system in which the only price tagged or posted is a cash price which is not available to someone purchasing with a credit card would involve a "surcharge" and would, therefore, be illegal until February 27, 1979.

2. Minor clarifying changes.—The amendments add a footnote to § 226.4(i)(1) which limits the meaning of the phrase "use of an open end credit card account" in the same manner as discussed in the definition of "regular price" above. The term "regular price" has been substituted for the phrase "tag, posted, or advertised price" in § 226.4(i)(1)(i) to insure uniform application of defined terms. The Board believes that if the regular price already includes sales and other related taxes (e.g., in pricing of gasoline at service stations), then the discount may be calculated on the basis of such "gross" selling price.

The changes in §§ 226.4(i)(2) and 226.13(l)(1)(i) are intended to eliminate the descriptions of a discount as being for cash payment since the statute refers to discounts for payment by check and other means as well. A similar change was made in § 226.4(i)(1)(iii).

3. Addition to § 226.4(i)(1)(iii).—The sentence which is being added to § 226.4(i)(1)(iii) has been modified in two respects. First, the phrase "a discount for cash" now reads "such a discount." This change was made for the same reason discussed in the previous section. Second, the requirement that the regular price be disclosed if an advertisement specifies the discounted price has been dropped. In its place is a requirement that if a merchant advertises only a discounted price, that price must be clearly identified as being unavailable to credit card purchasers. This change prevents consumers from being misled by a low advertised price, and yet permits merchants to be more flexible in their advertising.

4. Section 226.4(i)(4).—This language completely replaces former paragraph (4). The original proposal has been shortened because the definition of "surcharge" is sufficiently self-contained. The paragraph repeats the Congressional prohibition on surcharges, together with the date on which that prohibition ends.

5. New § 226.4(i)(5).—This new paragraph essentially mirrors the statutory language which states that a discount which qualifies for non-disclosure under § 167 of the Truth in Lending Act shall, in addition, not be considered a charge for credit for purposes of State laws on usury, credit cost disclosure, and permissible credit charges. The only change made from the proposed version of paragraph (5) is the elimination of the words "for cash" since the discount would also be applicable to payment by check or similar means.

6. Technical modification.—Due to the fact that a footnote was added to § 226.4(i)(1) and numbered sequentially as "5a," the existing footnote designation in § 226.5(a)(3)(ii) has been changed from "5a" to "5b."

C. Text of Amendment

Pursuant to the authority granted in 15 U.S.C. 1604, and to implement Pub. L. 94-222, the Board amends 12 CFR Part 226 as follows:

1. Section 226.2 is amended by adding new paragraphs (tt), (uu), and (vv) as set forth below:

§ 226.2 Definitions and rules of construction.

* * * * *

(tt) "Regular price" means (1) The tag or posted price charged for the property or service if a single price is tagged or posted; or (2) The price charged for the property or service when payment is made by use of an open end credit card account if either (i) No price is tagged or posted, or (ii) two prices are tagged or posted, one of which is charged when payment is made by use of an open end credit card account and the other when payment is made by use of cash, check, or similar means. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment made by use of that account.

(uu) "Discount," as used in §§ 226.4(i) and 226.13(l), means a reduction made from the "regular price," as defined in paragraph (tt) of this section.

(vv) "Surcharge," as used in § 226.4(i), means any amount added at the point of sale to the "regular price," as defined in paragraph (tt) of this section, as a condition or consequence of payment being made by use of an open end credit card account. For purposes of this definition, payment by check, draft, or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment made by use of that account.

§ 226.4 [Amended]

2. Section 226.4 is amended as follows:

a. Paragraph (i)(1) is amended by adding footnote "5a" after the word "used" (i.e., "* * * whether or not a credit card is physically used,[5a] * * *"), the text of which footnote shall be as follows:

[5a] For purposes of this section, payment by check, draft, or other negotiable instrument which may result in the debiting of a cardholder's open end account shall not be considered payment made by use of that account.

b. Paragraph (i)(1)(i) is amended by deleting the words "tag, posted, or advertised" and substituting therefor the word "regular."

c. Paragraph (i)(1)(iii) is amended by:

1. Changing the phrase, "the availability of a discount for payments in cash must be clearly and conspicuously disclosed" to read as follows: "the availability of such a discount must be clearly and conspicuously disclosed;" and

2. By adding at the end of paragraph (i)(1)(iii) a new sentence as follows:

* * *If a price other than the regular price, as defined in § 226.2(tt), is disclosed in an advertisement, telephone contact, or other correspondence promoting goods or services for which such a discount is offered, than the advertisement, telephone contact, or other correspondence shall also indicate that such price is not available to credit card purchasers.

d. Paragraph (i)(2) is amended by deleting the words "for cash."

e. Paragraph (i)(4) is deleted and new paragraph (i)(4) as follows is added in lieu thereof:

* * * * *

(i) * * *

(4) No creditor in any sales transaction may impose a surcharge. This paragraph shall cease to be effective on February 27, 1979.

f. New paragraph (i)(5) is added as follows:

* * * * *

(i) * * *

(5) Notwithstanding any other provisions of this Part, any discount which, pursuant to paragraph (i)(1), of this section is not a finance charge for purposes of this Part shall not be considered a finance charge or other charge for credit under the laws of any State relating to:

(A) Usury; or

(B) Disclosure of information in connection with credit extensions; or

(C) The types, amounts, or rates of charges, or the element or elements of charges permissible in connection with the extension or use of credit.

§ 226.5 [Amended]

3. Section 226.5(a)(3)(ii) is amended by deleting the footnote designation "5a" and inserting, in lieu thereof, the designation "5b".

§ 226.13 [Amended]

4. Section 226.13(l)(1)(i) is amended by deleting the word "cash" which appears immediately before the word "discounts."

By order of the Board of Governors, July 20, 1977.

Theodore E. Allison,
Secretary of the Board.

[FR Doc.77-21575 Filed 7-26-77;8:45 am]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0094—FC-0099]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2412.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpre-

tation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

§ 226.15(a). Two sides of a single page may be used when making consumer leasing disclosures in a combined contract-disclosure statement.

JUNE 20, 1977.

This is in response to your letter of * * *, which requested an official staff interpretation of Regulation Z. You inquire whether § 226.15(a)(1) permits, where the lessor has combined the consumer leasing disclosures and the lease contract, the use of two sides of a single page, if the required disclosures are made together and above the place for the lessee's signature.

It is the staff's opinion that § 226.15(a)(1) permits the use of two sides of a single page when making the consumer leasing disclosures required by § 226.15(b) in a combined contract-disclosure statement. As you point out in your letter, § 226.15(a)(1) should be contrasted with § 226.8(a)(1). That subparagraph states that all Truth in Lending disclosures for a consumer credit transaction must be made *"on the same side of the page* and above the place for the customer's signature." (Emphasis added.) Section 226.15(a)(1), on the other hand, states that "All of the disclosures shall be made together on * * * [t]he contract or other instrument evidencing the lease *on the same page* and above the place for the lessee's signature * * *." (Emphasis added.)

You state in your letter that the signature must be at the end of the second side to fulfill the requirements of § 226.15(a)(1). While that may be true if both sides of the single page contain required disclosures, it is the staff's opinion that compliance with § 226.15(a)(1) may also be achieved by placing the lessee's signature at the bottom of the first side, so long as *all* the required consumer leasing disclosures are made together on the first side of the two-sided document. This would permit the placement of the signature on the first side of the page and the incorporation of other non-disclosure contract provisions from the second side into the body of the contract in those instances where operational limitations (e.g., the use of carbons to make multiple copies) would dictate the use of a signature on the bottom of the first side. It should be pointed out, however, that there is no signature requirement in the regulation and that the requirement that all the disclosures be above the place for the lessee's signature applies only where, for contract or evidentiary purposes, the lessor wishes to have the lessee sign the combined contract and disclosure document.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.15(b). Proper methods of disclosure of security interests under § 15(b)(9) in consumer leasing transactions.

JUNE 29, 1977.

This is in reply to your request for an official staff interpretation clarifying the meaning of the security interest disclosure requirement in Regulation Z, § 226.15(b)(9), pertaining to consumer leases.

You indicate that your bank makes loans to leasing companies and takes assignments of consumer leases generated by those companies as security for your loans. You are concerned whether the assigned leases properly make the disclosures required under the cited section of the regulation. Your letter describes four different kinds of disclosures that either are being made or might be made in attempts to comply with the regulatory requirement:

1. You suggest that § 226.15(b)(9) might be interpreted to require disclosure only when the lessor takes a security interest in property other than the leased goods. You question whether this is normal business practice as well as whether it is the intended meaning of the regulation.

As in the case of credit transactions, the purpose of this requirement in the Consumer Leasing Act and in the regulation is to assure that consumers are aware of when their defaults might affect their continued right to possession and use of property. The staff can find no indication in the legislative history or elsewhere that this disclosure is applicable only when the lessor takes a security interest in property other than the leased goods. The fact that a lessor has taken a formal security interest in the very goods which were leased may not give the lessor any significant additional rights to those a lessor would normally enjoy, but the lessor's status as a secured party under the Uniform Commercial Code, for example, could affect the lessor's rights and duties with respect to the procedures for retaking the goods on default, or with respect to the consumer's liability for a deficiency judgment. Consequently, staff concludes that disclosures must be made whether the security interest is in the leased property or in other property.

2. As another approach, you indicate that some leases disclose that a third party financier will take a security interest in the lessor's reversionary interest in the goods and in the lessor's right to payment under the lease itself. This presumably refers to commercial security interests in the lessor's receivables retained by banks or others who make commercial loans to the lessors.

By the explicit language of § 226.15(b)(9), however, a security interest need be described only when it is "held or to be retained *by the lessor* in connection with the lease." The concern of the regulation is with interests security the lessee's obligation to the lessor, and not with secondary security interests in the chattel paper held by commercial financiers. The staff would conclude, therefore, that the disclosure of third-party security interests is inappropriate.

3. Apparently, State law in your area requires that for certain vehicle leases the lessee must be shown on the registration and title certificates as the "registered owner," and the lessor as the "legal owner." These are the same designations that would be used to describe the debtor and creditor in a traditional credit sale. You indicate that because of this requirement some lessors are disclosing the existence of a security interest in the leased vehicle whenever the lessee is designated the "registered owner."

4. You also indicate that some lessors are making a blanket statement that a security interest as defined in the Uniform Commercial Code, or as defined in Regulation Z, is being retained, and that such statements reflect an "excess of caution" by lessors who are uncertain whether a court might later treat their transactions as security interests under either of those definitions.

These latter two types of disclosures share common characteristics. In both, the lessor apparently does not intend to take a formal security interest in the leased goods and does not contract for one in the lease agreement. (Indeed it would be somewhat inconsistent with the lessor's desire to engage in "leasing" transactions to do so.) Rather, these lessors are apparently fearful that courts might subsequently find that their leases fall within the definition of a security interest in Regulation Z or in provisions of State law and are disclosing a security interest merely as a precaution. Staff believes, however, that the mere filing of a Uniform Commercial Code financing statement, or the description of the lessee as the "registered owner" on a title certificate, does not convert a true lease into a secured transaction. Such filings or notations may serve purposes quite different from *creating* a security relationship between a lessor and a lessee. Those purposes might include protecting the lessor's right from the claims of a lessee's creditors, or determining the applicability of automobile financial responsibility laws. Thus, the staff would conclude that disclosure of a security interest under § 226.15(b)(9) is not required unless the lessor in fact intends to create or reserve a security interest to secure the lessee's performance under that lease.

The staff recognizes that lessors may find themselves in something of a dilemma: if they do not mean to take a security interest and so do not disclose one, a court may later determine that the "lease" nonetheless constituted a secured transaction, and that the lessor has violated the Act by failing to disclose the security interest. The staff is not convinced, however, that the uncertainty is so great that lessors cannot make safe judgments. Since the Truth in Lending Act first went into effect in 1969, lessors have had to make similar judgments as to whether or not their "lease" transactions fit within the definition of "credit sale" under § 226.2(t) of Regulation Z, thus requiring the full range of Truth in Lending credit disclosures.

We appreciate that, with the limited scope just described, there may be relatively few instances in which true leases will need to contain security interest disclosures. Nothing in the legislative history of the Consumer Leasing Act suggests any intent to re-characterize any true lease as one constituting or containing a security interest. Those determinations remain within the province of State law and the agreement of the parties.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its applicability to the facts and issues outlined herein. We trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.8(g). The 8(g) disclosures constitute "all other material disclosures" referred to in 9(a) so as to begin running of the rescission period; the 8(h) disclosures along, however, are insufficient.

§ 226.8(h). The 8(g) disclosures constitute "all other material disclosures" referred to in 9(a) so as to begin running of the rescission period; the 8(h) disclosures alone, however, are insufficient.

§ 226.9(a). The 8(g) disclosures constitute "all other material disclosures" referred to in 9(a) so as to begin running of the rescission period; the 8(h) disclosures alone, however are insufficient. Right of rescission applies to each transaction on an open end account.

JULY 8, 1977.

This is in reply to your letter of * * *, in which you request an official staff interpretation concerning the operations of your client, a company selling building materials to customers who construct their own homes. Pursuant to a written agreement, the company provides the customer with the materials needed to build the "basic home." The customer agrees to pay in full within three years from the first delivery of materials, and the obligation is secured by the home being

built and the land on which it is located. The company provides the disclosures for the sale of these basic home materials as well as the notice of the customer's right to rescind.

The company also grants the customer an option to purchase certain additional materials, such as kitchen cabinets, plumbing, heating, floor tile, etc., at prices prevailing at the time of purchase. The customer may exercise the option with respect to any or all of the additional materials, and any purchase resulting from that exercise is added to the total obligation to the company. Some, but not all, of these additional purchases are secured by the company's security interest in the home. Your question concerns the manner in which you propose to treat the purchase of the additional purchases.

Where local law permits, the company intends to adopt an open end credit system, establishing a line of credit for each customer against which all of the additional purchases will be charged. Prior to the first transaction on the account, the company will provide the disclosures required by § 226.7(a) and, thereafter, will provide the disclosures required by § 226.7(b) on periodic billing statements. Whenever the amount of a particular purchase will be added to the portion of the total obligation secured by the home, the company will provide the customer with a notice of the rescission right as required by § 226.9. The company will send the notice to the customer upon receipt of the customer's order for additional materials, inserting a date in the notice for the end of the rescission period six days from the date it mails the notice to the customer. The company will delay shipping the additional material until three days following the expiration of the customer's right to rescind. The customer will be advised that, in those instances where the amount of an additional purchase will not be added to the amount secured by the home, no notice of rescission will be sent.

It is staff's opinion that the procedures described above comply with the requirements of Regulation Z, provided that the estimated dates inserted in the § 226.9(b) notice and the delay for shipping make full allowance for mailing time. It has long been staff's position that each transaction on an open end account secured by the customer's home is subject to the right to rescind. Consequently, the § 226.9(b) notice should be provided in each case, and the company should delay its performance (i.e., shipping of the additional purchases) in accordance with § 226.9(c).

In those States in which the company is precluded from utilizing an open end credit plan, it will structure its practices to comply with §§ 226.8(g) and 226.8(h). At the time the customer enters the contractual relationship with the company, he or she will be informed of the right to make additional purchases. The company will require the customer's approval of the annual percentage rate to be applied to the additional purchases as well as the method of treating any unearned finance charge on an existing outstanding balance in computing the finance charge. We understand that the company retains no security interest in property for which it has received payments equaling the sale price of that property plus any finance charge attributable thereto.

When the customer indicates a desire to exercise the option, the company mails printed information describing the additional items available, from which it is possible to determine the cash price, downpayment, finance charge, deferred payment price, annual percentage rate, and the number, frequency and amount of the payments with respect to any of the additional purchases. The specific disclosures concerning each such additional purchase will be deferred until the month during which the first payment is made with respect to that purchase. In those cases where the cost of the additional purchase will be secured by the security interest in the home, the notice of the right of rescission will be sent to the customer in the same manner set forth above in connection with the open end plan. In those instances in which the purchase price of additional materials will not be added to the amount so secured, the company will clearly indicate that fact to the customer.

You ask whether these procedures for the closed end credit plan, in which specific disclosures for a particular purchase of additional materials are delayed until the time the first payment for that purchase is due, comply with the requirements of Regulation Z. In particular, you wish to know if the timing of the rescission notice is proper and if the company has properly delayed performance in accordance with § 226.9(c).

Section 226.9(a) provides that the three-day right of rescission begins on the date the transaction is consummated or the date of delivery of the rescission notice "and all other material disclosures required by this Part, whichever is later." It is staff's opinion that where a creditor is making use of the provisions of § 226.8(g) and has provided its customers with printed information from which the items listed in that section can be determined, this information constitutes the "other material disclosures" referred to in § 226.9(a). The purpose behind the requirement that the rescission period begin only after delivery of the material Truth in Lending disclosures is to ensure that the customer has knowledge of the important credit terms and can properly evaluate whether to continue with the transaction. Since the printed information provided by the company supplies these terms, the customer should be in a position to intelligently choose whether or not the transaction should be rescinded.

Staff does not believe, however, that the information provided pursuant to § 226.8(h) would by itself be sufficient to constitute the "other material disclosures" referred to in § 226.9(a). The § 226.8(h) disclosures concern only the annual percentage rate and treatment of unearned finance charges on the existing balance; they do not provide enough information concerning all of the important credit terms so as to allow the customer to intelligently make a decision concerning rescission. Of course, since your client will be making the disclosures listed in both paragraphs (g) and (h) of § 226.8, the customer will have the necessary information to make the decision.

In the situation described above, where your client makes use of both paragraphs (g) and (h) of § 226.8, the rescission period will begin upon delivery of the § 226.9(b) notice to the customer. Since the company will delay shipping of the additional purchases until three days following expiration of the rescission period, compliance with the delay of performance requirements of § 226.9(c) will be achieved, provided again that full allowance has been made for mailing time when the company inserts the dates in the rescission notice and delays shipping of the materials.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the rgulation and limited to the facts and issues presented herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§§ 226.808, 226.810, and 226.8(b)—Where credit plan involves both variable rates and uneven payment amounts, creditors may combine procedures under §§ 226.808 and 226.810 until Oct. 10, 1977, and §§ 226.808 and 226.8(b)(8) thereafter.

JULY 8, 1977.

This is in response to your letter of * * *, wherein you request an official Board interpretation or official staff interpretation as to whether the procedures outlined in Board Interpretations §§ 226.808 and 226.810 may be combined when making disclosures for closed end loans involving both a variable rate feature and payments which include a constant principal component and a finance charge component which is not constant. In addition, you ask whether § 226.8(b)(8), which was still in the proposed stage when you wrote your letter, and the provisions of § 226.808 may be combined when making disclosures for such loans when § 226.8(b)(8) becomes effective.

You indicate that your client makes consumer loans with repayment terms as follows:

Consecutive equal monthly instalments of principal and consecutive monthly instalments of accrued interest. The rate of interest shall be equal to 3 percent above the prime rate of creditor in effect from time to time for ninety-day loans to substantial and responsible commercial borrowers, each change in such rate to take effect on the day (whether or not a business day) such changes in such prime rate shall become effective; *Provided, however,* That the interest rate shall at no time be less than eight percent per annum or exceed fourteen and one-fourth percent per annum.

Staff believes that combining the disclosures called for in §§ 226.808 and 226.810 is permissible. The basic approach outlined in your letter by which you plan to combine the disclosures is satisfactory. Unfortunately, due to limited time and resources, staff has a policy of not reviewing individual creditors' forms. Consequently, staff cannot state whether the proposed language you submitted complies with the regulation in this regard.

You also ask several questions regarding the recent amendment to Regulation Z (§ 226.8(b)(8)) concerning variable rate disclosures. The amendment, as adopted, differs from the one proposed for comment in October, 1976, and I am enclosing a copy of the press release and related FEDERAL REGISTER material which discusses the differences. Since your questions relate to aspects of the proposed amendment which were changed in the final version, it would not be useful to answer them. Instead, I would draw your attention to the fact that § 226.8(b)(8), as finally adopted, requires disclosure of information relating only to increases in the annual percentage rate, rather than to both increases and decreases. Information concerning rate decreases may, however, be given as additional information pursuant to § 226.6(c), if the creditor so desires. You will also note that § 226.8((b)(8) (iii) and (iv) require that the hypothetical examples showing the effect of a rate change be based on an increase in the annual percentage rate of one quarter of one percent, whether or not the credit contract provides for limitations on the rate.

Section 226.8(b)(8) becomes effective on October 10, 1977, and Board Interpretation § 226.810 will be rescinded on the same date. Accordingly, your client may thereafter comply with the requirements of § 226.8(b)(8) and § 226.808 in a combined format if it wishes.

This is an official interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. It is limited in its scope to the questions presented herein. I trust this is responsive to your inquiry.

Sincerely.

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.6(b), 226.6(c), and 226.8(d)—State-required disclosure of per diem finance charge in connection with demand loans secured by residential real property is not inconsistent with required disclosure of total amount of finance charge and may be disclosed as additional information.

JULY 8, 1977.

This is in response to your letter of * * *, requesting an interpretation of Regulation Z with regard to a recently enacted amendment to Maryland's law.

Your letter indicates that Senate Bill No. 216, 1977, amends Md. Ann. Code, Comm'l. Law Art., Tit. 12, Subtit. 1, § 12-106(b)(1)(i) to state that before the execution of a loan contract, the lender shall furnish to the borrower a written statement which sets forth:

The total principal amount of the loan and the total amount of finance charge as defined in the Federal Truth-in-Lending Act to be paid, stated in dollars, except that on loans payable on demand, the total amount of finance charge to be paid shall be stated on a per diem basis * * *.

You state that the bill further provides:

Paragraph (1)(i) of this subsection shall not apply to any loan subject to the disclosure provisions of the Federal Truth-In-Lending Act, if the lender complies with the applicable disclosure provisions of the Federal Act and its regulations provided, however, that the disclosures required by paragraph (1)(i) of this subsection shall be made in connection with any loan secured by residential real property.

In Maryland, by virtue of the above-quoted statute, in addition to required Truth in Lending disclosures, the per diem finance charge must be disclosed in connection with consumer credit transactions involving demand loans secured by residential real property. You ask whether this State law disclosure is inconsistent with Truth in Lending requirements within the meaning of § 226.6(b)(1) and, therefore, must be disclosed in the manner prescribed by § 226.6(c)(1) or (2), or whether the State law disclosure is simply additional information which may be intermingled with the disclosures required by the Truth in Lending Act and Regulation Z.

In connection with demand loans, Regulation Z requires the creditor to disclose the total amount of the finance charge based upon the assumption that the loan will mature in one-half year or on an alternate maturity date if any is stated in connection with the loan. (See § 226.8(d)(3) and § 226.4(g).) However, staff is of the opinion that also stating the finance charge on a per diem basis is not inconsistent with the federally required statement of the total amount of the finance charge. The per diem finance charge required to be disclosed by Maryland law is merely a fractional part of the total finance charge and may be shown with the required Truth in Lending disclosures as long as it is not "stated, utilized, or placed so as to mislead or confuse the customer * * * or contradict, obscure, or detract attention from the information required * * * to be disclosed" under Regulation Z. (See § 226.6(c).)

Finally, it should be noted that § 226.8(d)(3) of Regulation Z does not require the creditor to disclose the total amount of the finance charge in the case of a loan secured by a first lien or equivalent security interest on a dwelling and made to finance the purchase of that dwelling. Hence, if a demand loan involves this type of security, disclosure of the per diem finance charge as required by Maryland law would clearly not be inconsistent with any Truth in Lending requirement but would simply be additional information to be disclosed in accordance with § 226.6(c).

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

§ 226.2(d)—Market research material made available to customers which contains triggering terms is not an advertisement.

JULY 6, 1977.

This is in response to your letter of * * *, in which you requested an official staff interpretation regarding §§ 226.2(d) and 226.10(c) of Regulation Z.

In your letter, you stated your client (a bank) currently operates an open end credit check overdraft plan (old plan). The bank is considering the advisability of terminating the old plan and offering a revised form of check overdraft credit (new plan), and wishes to conduct a market research project to aid in its determination of whether to convert from the old plan to the new plan. This market research project would involve interviewing approximately 400 to 600 customers of the bank at random when they came into a branch of the bank. Those interviewees who are users of the old plan would be presented with a brief description of the new plan and asked their reaction (i.e., whether they view it as more favorable, less favorable, or no different from the old plan). In addition, they would be presented with brief written comparisons on cards indicating the more fundamental differences between the old plan and the new plan. They would then again be asked what differences they perceived between the old plan and the new plan, which they would prefer, and whether they would convert to the new plan should it be offered by the bank. Interviewees who indicate that they would not wish to convert would be shown a card setting forth the effect upon their participation in the existing old plan if they did not convert and if the conversion to the new plan were effected by the bank. They would then be asked, based upon that description, whether they would convert to the new plan or decline the new plan and, if the latter, whether they would seek a similar line of credit from another bank.

You indicate that the descriptive cards which would be shown to the interviewees will disclose the differences between the monthly instalment requirements under the old plan ($\frac{1}{20}$ of the credit line) and under the new plan (at the customer's election, $\frac{1}{12}$, $\frac{1}{24}$, or $\frac{1}{36}$ of his credit line, or of the balance outstanding at the end of the last month in which a loan was made, whichever is less). You point out that the disclosure in an advertisement of the number of instalments in which a loan may be repaid would constitute a disclosure of the "period of repayment" and would trigger the requirement under § 226.10(c) that the additional disclosures provided for therein be made. You have asked whether the proposed market research as described above would be considered an "advertisement" within the meaning of § 226.2(d).

Staff is of the opinion that the market research plan that you have outlined which involves the disclosure of the period of repayment for the old plan and the new plan would not be considered an advertisement as defined in § 226.2(d). The program does not constitute a solicitation for the old plan since only current participants therein will be interviewed. No extension of credit is offered or will be extended in connection with any interview, and the results of the interview could conceivably, together with other relevant considerations, result in a determination by the bank not to offer the new plan. The interviews are designed to elicit reactions, and the disclosures made are only for the purpose of providing to the interviewee the background necessary to respond to the questions. Staff does not feel that the market research outlined involves commercial messages so as to constitute an advertisement under § 226.2(d).

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation and confined to the facts as stated. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, July 20, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-21648 Filed 7-26-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 153—ANTIDUMPING

Cast Iron Soil Pipe From Poland; Revocation

AGENCY: United States Treasury Department.

ACTION: Revocation of a finding of dumping.

SUMMARY: This notice is to inform the public that cast iron soil pipe from Poland is no longer being sold at less than fair value under the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or third countries. As a result of this action, shipments of this merchandise which were entered or withdrawn from warehouse, for consumption on or after February 10, 1977, will not be liable for special dumping duties.

EFFECTIVE DATE: February 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William T. Trujillo, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 2, 1967, a finding of dumping with respect to cast iron soil pipe from Poland was published in the FEDERAL REGISTER as T.D. 67-252 (32 FR 15155). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" applicable to this merchandise was published in the FEDERAL REGISTER of February 10, 1977 (42 FR 8446-7).

Reasons for the tentative determination were published in the above-mentioned notice, and interested persons were afforded an opportunity to provide written submissions or request the op-

portunity to present oral views in connection therewith.

No written submission or requests having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," cast iron soil pipe from Poland is no longer being, nor is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), and the above-mentioned finding of dumping is hereby revoked.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is hereby amended by deleting from the column headed "*Merchandise*," the words "Cast Iron Soil Pipe," from the column headed "*Country*," the word "Poland," and from the column headed "T.D.," reference to T.D. 67-252.

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

HENRY C. STOCKWELL, Jr.,
Acting General Counsel
of the Treasury.

JULY 21, 1977.

[FR Doc.77-21538 Filed 7-26-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 736-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Land and Natural Resources Division

DELEGATION OF AUTHORITY UNDER PUB. L. 87-852, APPROVED OCTOBER 23, 1962 (40 U.S.C. 319)

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Under 40 U.S.C. 319 the Attorney General is authorized to grant easement rights in, over or upon real property of the United States under the control of the Department of Justice. This order delegates authority to make the requisite grants and determinations to the Assistant Attorney General, Land and Natural Resources Division.

EFFECTIVE DATE: July 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Anthony C. Liotta, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, 202-739-5092.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, Subpart M of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new section 0.69 to read as follows:

§ 0.69 Delegation of Authority to make determinations and grants.

The Assistant Attorney General in charge of the Land and Natural Resources Division, or such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by Pub. L. 87-852, approved October 23, 1962 (40 U.S.C. 319), with respect to making the determinations and grants necessary in carrying out the purposes of that Act, except those acts and instruments which in the opinion of the Assistant Attorney General involve questions of policy or for any other reason require the personal attention of the Attorney General.

Dated: July 13, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-21534 Filed 7-26-77;8:45 am]

[Order No. 738-77]

PART 16—PRODUCTION OR DISCLOSURE OF INFORMATION

Exemption of a System of Records Under the Privacy Act; Correction

AGENCY: Department of Justice.

ACTION: Final rule; correction.

SUMMARY: This is a correction to final rulemaking by the Department of Justice to exempt a system of records maintained by the U.S. Attorneys Offices, the Pre-Trial Diversion Program Files, published as JUSTICE/USA-015, from certain provisions of the Privacy Act. This rulemaking was proposed on January 27, 1977, and published at 42 FR 5104-5105. It was adopted at 42 FR 23506.

EFFECTIVE DATE: July 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry L. Gastley, Administrative Counsel, Office of Management and Finance, Department of Justice, Washington, D.C. 20530 (202-739-5361).

In FR Doc. 77-13142, appearing at page 23506 in the FEDERAL REGISTER of May 9, 1977, paragraph (b)(1) of § 16.81 is corrected by adding after the second line, the following omitted line: "for disclosures pursuant to the routine."

Dated: July 19, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-21607 Filed 7-26-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATION

Naval Restricted Areas in Cooper River, Charleston, South Carolina

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This rule establishes two restricted areas in the Cooper River and Charleston Harbor South Carolina Area. These areas are required by the U.S. Naval Degaussing Stations to prevent interference with the highly sensitive magnetic measurements conducted at the degaussing stations.

DATES: Effective on 15 July 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Eppard, 202-693-5070.

SUPPLEMENTARY INFORMATION: We published proposed regulations in the FEDERAL REGISTER on 28 April 1977 (42 FR 21622) concerning the establishment of the two Naval restricted areas in the Cooper River and Charleston Harbor. We received no comments and accordingly, we are establishing final regulations in 33 CFR 207.164c to govern the use, administration and navigation of the two restricted areas as set forth below.

Dated: June 27, 1977.

CHARLES R. FORD,
Acting Assistant Secretary
of the Army (Civil Works).

§ 207.164c Cooper River and Charleston Harbor, South Carolina: restricted areas

(a) *The Restricted Areas.* (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at "a" Latitude 32°-50'14", Longitude 79°56'11"; thence to "b" Latitude 32°50'14", Longitude 79°-55'37"; thence to "c" Latitude 32°49'41", Longitude 79°55'37"; thence to "d" Latitude 32°49'41", Longitude 79°55'52"; thence to "e" Latitude 32°49'47", Longitude 79°56'09"; and thence returning to "a" Latitude 32°50'14", Longitude 79°56'11".

(2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at "a" Latitude 32°46'27", Longitude 79°55'31"; thence to "b" Latitude 32°46'39", Longitude 79°55'11"; thence to "c" Latitude 32°46'39", Longitude 79°54'51"; thence to "d" Latitude 32°46'28", Longitude 79°54'47"; thence to "e" Latitude 32°46'17", Longitude 79°54'51"; thence to "f" Latitude 32°46'17", Longitude 79°55'11"; and thence returning to "a" Latitude 32°46'27", Longitude 79°55'31".

(b) *The regulations.* (1) There shall be no introduction of magnetic material or magneto-electric field sources with the area.

(2) Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

[FR Doc.77-21536 Filed 7-26-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 211—ADMINISTRATION

Administrative Review Procedures; Correction

AGENCY: Forest Service, USDA.

ACTION: Correction of final rule.

SUMMARY: In FR Doc. 77-18492 appearing at page 32780 in the FEDERAL REGISTER of June 28, 1977, the effective date as shown in the preamble on page 32780 is corrected to read July 28, 1977.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013, 703-235-8139.

JAMES NIELSON,
Deputy Assistant Secretary for Conservation, Research and Education.

JULY 21, 1977.

[FR Doc.77-21539 Filed 7-26-77;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 742-5]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Fluid Catalytic Cracking Unit Catalyst Regenerators

Correction

In FR Doc. 77-18129, appearing at page 32426, in Part VI of the issue of Friday, June 24, 1977, the EFFECTIVE DATE should be changed to read "June 24, 1977".

[FRL-752-2]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Units and Abbreviations

Correction

In FR Doc. 77-20557, appearing on page 37000 in the issue for Tuesday, July 19, 1977, in the second column, § 60.3(a) should be changed so that the last abbreviation reads as follows:

"μg—microgram—10^{-6} gram".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Reregulation of Radio and Television Broadcasting; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This document corrects the final rule that appeared at page 36823 in the FEDERAL REGISTER of July 18, 1977 (42 FR 36823).

EFFECTIVE DATE: July 18, 1977.

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

FOR FURTHER INFORMATION CONTACT:

John W. Reiser, Broadcast Bureau (202-632-9660).

SUPPLEMENTARY INFORMATION:

Released: July 21, 1977.

In the Order in the above proceeding released on July 15, 1977 (FCC 77-476), 42 FR 36823, paragraph 5 of the Appendix § 73.43(c) should have referred to an "informal" application instead of an "information" application and paragraph 35 of the Appendix incorrectly shows the amended rule as § 74.482, whereas the amended rule should have been shown as § 74.582. The corrected portions of Appendix paragraphs 5 and 35 should read as follows:

§ 73.43 Changes in equipment and antenna system.

* * * * *

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

* * * * *

35. In § 74.582, paragraph (a) is amended to read as follows:

§ 74.582 Station identification.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21645 Filed 7-26-77;8:45 am]

[Docket No. 20967; RM-2669]

PART 73—RADIO BROADCAST SERVICES

Noncommercial Educational FM Channel Assignments Under the U.S.-Mexico FM Broadcast Agreement; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This document corrects the final rule that appeared at page 36460 in the FR of July 15, 1977 (42 FR 36460).

EFFECTIVE DATE: August 1, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Broadcast Bureau (202-632-5414).

SUPPLEMENTARY INFORMATION: Released: July 21, 1977.

In the matter of amendment of § 73.507(a), Noncommercial Educational FM Channel Assignments Under the U.S.-Mexico FM Broadcast Agreement (Austin, Boerne, Brady, New Braunfels, San Antonio, Sequin, and Victoria, Texas).

In the Report and Order in the above-entitled proceeding, adopted June 29, 1977, 42 FR 36460, the FM Channels assigned to San Antonio, Texas, were incorrectly listed. The correct assignments should read as follows:

City:	*Channel No.*
San Antonio, Tex.	206, 211A, 219A.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21646 Filed 7-26-77;8:45 am]

[Do.'s 20638, 20880; FCC 77-483]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Modifying the Capabilities of Ship Stations, and Providing a Service of Public Correspondence for Vessels, Their Passengers and Crew

AGENCY: Federal Communications Commission.

ACTION: Final Report and Order in Dockets 20638 and 20880.

SUMMARY: Amendment of the rules to redefine marine utility stations, require public correspondence service by certain classes of vessels, and to provide for an associated portable ship unit. These actions were generated by the Commission to clarify its rule definitions and augment the operational flexibility of mobile stations.

EFFECTIVE DATE: August 29, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Robert DeYoung or Bruce Franca, Aviation and Marine Division, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTAL INFORMATION:

Adopted: July 13, 1977.

Released: July 25, 1977.

In the matter of amendment of the rules to remove locality restrictions from marine utility stations and to modify the capabilities of ship stations to meet certain operational requirements of ships. Amendment of Parts 81 and 83 to require licensees of vessels subject to Part II of Title III of the Communications Act to provide a service of public correspondence for their passengers and crew.

1. Notices of Proposed Rulemaking in the above-captioned Dockets 20638 and 20880 were released on December 2, 1975, and July 27, 1976, respectively. Because of overlapping considerations affecting marine utility stations, it will be useful to discuss both in this consolidated Report and Order.

2. In Docket No. 20638, comments were filed by American Waterway Operators, Inc., (AWO), Hawaiian Tug and Barge Co. Ltd. (HTB), the Northern California Marine Radio Council (NCMRC), Santa Fe Communications, Inc. (SF), and Tug Communications, Inc. (TUGCOM). In Docket 20880, comments were filed by the American Institute of Merchant Shipping (AIMS) and the Offshore Marine Service Association (OMSA).

DISCUSSION OF MARINE UTILITY STATIONS

3. Docket 20880 deleted the definitions of marine utility ship station and marine utility coast station and redefined the term "marine utility station". Docket 20638 proposed to delete the locality restrictions in those same definitions. All comments received on this subject in Docket 20638, strongly favored deletion of the locality restrictions in the definitions of marine utility stations. No comments in Docket 20880 opposed deletion or modification of these definitions as therein proposed. In addition, TUGCOM suggested certain references to marine utility stations and to geographic area or location should be deleted.[1]

4. For these reasons, the proposed rule amendments will be adopted with the deletions suggested by TUGCOM and with minor modification of the definition for the sake of clarity.

DISCUSSION OF ASSOCIATED PORTABLE SHIP UNITS

5. Many of the comments received seem to confuse the functions of on-board communications, utility stations, and the ship associated portable unit. The Commission expressly stated that the associated portable ship unit is not intended to be a substitute for other forms of operational communications necessary for certain vessels. The unit has the rather limited purpose of providing a ship station with a capability to work with auxiliary launches, dinghies or any other small vessel associated with e.g., launched from, the ship or principal vessel itself. The purpose of the restrictions set forth is to insure that the unit is not abused and is not used as a means of avoiding use of public coast, limited coast, marine-utility or on-board communications or for communicating on land. It is anticipated that the unit will be used primarily by recreational vessels. Commercial vessels, depending on their operational requirements, will normally obtain licenses permitting operation of marine-utility or on-board communications.

6. With these considerations in mind, it is necessary to retain the restrictions set forth in the proposed § 83.166. For purposes of clarity, certain minor additions of an editorial nature have been inserted in § 83.166 (a) and (b). Further, a provision for an appropriate unit designator has been added in §83.364.

[1] These references appear in §§ 81.40(a)(1), 81.355(c), and 81.362 of part 81 of the rules. TUGCOM also suggested other rule sections be analyzed in light of these amendments. This has been done, but no further modification of the rules is deemed necessary.

DISCUSSION OF A REQUIREMENT TO PROVIDE PUBLIC CORRESPONDENCE

7. All comments were in substantial agreement with the Notice on this question. AIMS concurred with the intent of the rule making, but expressed concern over the deletion of the reference to the order of priority of communications in § 83.304. They felt that this could be interpreted as allowing a person to transmit public correspondence during the course of emergency or rescue operations. Since this was never the intention of this rule making and to avoid any misinterpretation, the reference to the order of priority has been included in § 83.304. Although OMSA agreed that crew and passengers should have access to the ship's radio station, they felt there was some conflict between the words "reasonable demand" of the § 83.304 and "at least four hours daily" of § 83.304(b). They felt that the four hour requirement was excessive aboard small vessels (300 to 1600 gross tons) which carry no passengers and have crew sizes between 10 and 14 persons. OMSA suggested less hours, alternate days, or once weekly with some obligation to consider requests of an urgent nature. The Commission does not feel that the four hour requirements is excessive or unduly burdensome on voyages of more than 24 hours duration. Furthermore, the four hours could be divided throughout the day at the convenience of the vessel's master or the station licensee.

8. In Docket No. 20862, the Commission has amended § 83.159 to allow a person holding a radiotelephone third-class operator permit (P-3) to operate direct-printing radiotelegraph equipment. This change has been included in the attached Appendix.

9. Accordingly, *It is ordered*, That, pursuant to the authority contained in Sections 4(i), 303 (c), (h) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth in the attached Appendix, effective August 29, 1977.

10. *It is further ordered*, That, these proceedings are terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In 81.3, paragraphs (l) and (m) are deleted and reserved, and paragraph (n) is revised, as follows:

§ 81.3 Maritime mobile service.

* * * * *

(l) [Reserved]

(m) [Reserved]

(n) *Marine-utility station.* A station in the maritime mobile service, consisting of one or more portable radiotelephone units licensed under a single station authorization, which operates under the rules applicable to ship stations when the portable unit is aboard a vessel, and under the rules applicable to limited coast stations when the portable unit is on land.

* * * * *

2. Section 81.40(a)(1) is amended by deleting the references to use and operation in the same geographic area, as follows:

§ 81.40 One application for plurality of stations.

(a) * * *

(1) Applications for station licenses for marine-utility stations;

* * * * *

(3) Section 81.355(c) is amended by deleting its first sentence, as follows:

§ 81.355 Nature of service.

* * * * *

(c) Each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations except it may be operated at unspecified points ashore.

4. Section 81.362(a) is deleted and designated [Reserved].

§ 81.362 Limitations on use of marine-utility stations.

(a) [Reserved]

1. Section 83.2(i) is amended to include reference to "associated portable ship units" as follows:

§ 83.2 General.

* * * * *

(i) *Ship station license.* A license authorizing the operation of a ship station, a survival craft station associated with a ship, a ship radionavigation station, and an associated portable ship unit or units for use in the vicinity of the ship with which it is associated.

* * * * *

2. § 83.3, subparagraphs (f), (g), (h) and (i) are revoked and reserved, and subparagraph (j) is revised, as follows:

§ 83.3 Maritime mobile service.

* * * * *

(f) [Reserved]
(g) [Reserved]
(h) [Reserved]
(i) [Reserved]

(j) *Marine-utility station.* A station in the maritime mobile service, consisting of one or more portable radiotelephone units licensed under a single station authorization, which operates under the rules applicable to ship stations when the portable unit is aboard a vessel, and under the rules applicable to limited coast stations when the portable unit is on land.

* * * * *

3. In § 83.22, subparagraphs (a) and (b) are revised, and subparagraphs (c) and (d) are deleted and reserved, as follows:

§ 83.22 Administrative classification of stations.

(a) Stations in the maritime mobile service subject to this part are licensed

according to the class of station normally as designated below:

(1) Ship stations.
(2) Marine-utility stations.
(3) Survival craft stations.

(b) Ship stations employing telegraphy are divided into four categories for the international public correspondence service by the International Radio Regulations (see Art. 25).

(c) [Reserved]

(d) [Reserved]

* * * * *

4. Section 83.103 is amended by adding a reference to associated ship portable units, as follows:

§ 83.103 Location of station.

All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations on this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 83.75, (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship for the purpose of assuring compliance with any applicable safety radio requirement of law, or (c) to associated ship portable units which may be used in accordance with the conditions contained in § 83.186 of this part

§ 83.107 [Amended]

5. Section 83.107 is amended by deleting the word "public" where it appears before the words "ship station" in paragraph (a).

6. Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for non-compulsory stations.

Description of station:	*Minimum operator authorization*
Ship telegraph, except direct-printing	T-2
Ship direct-printing telegraph	P-3
Ship telephone, more than 250 watts carrier power or 1,000 watts peak envelope power	P-2
Ship telephone, not more than 250 watts carrier power or 1,000 watts peak envelope power	P-3
Ship telephone, not more than 100 watts carrier power or 400 watts peak envelope power	RP
Marine-utility	RP
Ship radiolocation-test, using radar only	[1] P-2
Ship earth station	RP

[1] With ship-radar endorsement.

7. Subpart G is amended by adding a new section as follows:

§ 83.186 Operational conditions on use of associated portable ship units.

Use of an associated portable ship unit is restricted as follows:

(a) It shall be operated only on the safety and calling frequncy 156.8 MHz (Channel 16), and on commercial or non-commercial VHF intership frequencies appropriate to the class of ship station with which it is associated.

(b) Except for safety purposes, it shall be used to communicate only with the ship station with which it is associated or with associated ship portable units of the same ship station but portable units may not be used from or on shore.

(c) It shall be equipped to transmit on Channel 16 and at least one appropriate intership frequency.

(d) Calling shall occur on Channel 16 unless, by prearrangement, provision is made for calling and working on an intership frequency.

(e) Power is limited to one watt.

(f) The call sign of the ship station with which it is associated and an appropriate unit designator shall be used.

8. Section 83.301 is amended to read as follows:

§ 83.301 Supplemental eligibility requirements.

A ship station may be granted only to the owner or operator of the vessel, or to a subsidiary communications corporation of the owner or operator of the vessel, for which the station authorization is requested; or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of Section 301 of the Communications Act.

9. Section 83.302 is amended to read as follows:

§ 83.302 Points of communication.

Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio channels, ship stations and marine-utility stations on board ships are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communications.

10. Section 83.304, headnote and text, are amended to read as follows:

§ 83.304 Service requirements for Title III, Part II vessels.

Each ship station provided for compliance with Part II of Title III of the Communications Act shall, without discrimination and upon reasonable demand, provide, subject to the order of priority prescribed in § 83.177, a service of public correspondence on voyages of more than 24 hours for any person who, while on board in any status requests the service covering any subject matter that legally may be transmitted by radio.

(a) Vessels subject to the radiotelegraph requirements of Part II of Title III shall provide this service during the hours the radio operator is normally on duty.

(b) Vessels subject to the radiotelephone requirements of Part II of Title III shall provide this service for at least four hours daily. The hours shall be designated by the station licensee or the master of the vessel, and shall be prominently posted at the principal operating location of the station.

§ 83.305 [Reserved]

11. Section 83.305 is deleted and reserved.

12. Section 83.364 is amended by adding a new paragraph (f) to read as follows:

§ 83.364 Identification of station.

* * * * *

(f) Associated portable ship units may, in lieu of furnishing station identication as specified in paragraph (a) of this section, be identified by use of a unit identifier provided that identification by transmission of the assigned call sign is made at the end of an exchange of communications with any other station, or at least once each 15 minutes whenever an exchange of communications with any other station is sustained for a period exceeding 15 minutes.

§ 83.371 [Amended]

13. Section 83.371 is amended by deleting the word "public" where it appears before the words "ship station" in the first sentence.

§ 83.372 [Amended]

14. Section 83.372 is amended by deleting the word "public" where it appears before the words "ship station" in the first sentence.

[FR Doc.77-21644 Filed 7-26-77;8:45 am]

[Docket No. 21028; FCC 77-479]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Installation of VHF Transmitting Apparatus

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This amendment permits ship station licensees to install "pre-tested" VHF radiotelephones without performing additional transmitter measurements at the time and place of installation, and to require that manufactures "pre-test" all VHF transmitters. The Commission found that not all licensees were aware that they could perform this installation. The action is taken to clarify past Commission policy on installation and testing of VHF radiotelephones.

EFFECTIVE DATE: August 23, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Bruce A. Franca, Aviation and Marine Division, S&SRS Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER; PROCEEDING TERMINATED

Adopted: July 1, 1977.

Released: July 15, 1977.

In the matter of Amendment of Part 83 of the rules regarding the installation of VHF transmitting apparatus and the performance of transmitter measurements.

1. A Notice of Proposed Rule Making and a Notice of Inquiry in the above-entitled matter was released on January 4, 1977, and was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2088). The period for comments and reply comments has passed.

2. The Commission by interpretation of its rules has allowed the licensee of a ship station to install a pre-tested VHF transmitter in his ship station, without performing additional transmitter measurements at the time and place of installation. In the Notice, it was proposed to amend the rules to more clearly reflect this policy, and to require that all channels furnished with the radio by the manufacturer be "pre-tested". The Commission also solicited comments on the method of recording these measurements and labeling the transmitter to this effect.

3. Comments were filed by the Northern California Marine Radio Council (NCMRC) and ITT Mackay Marine.

4. All comments were in substantial agreement with the Notice. NCMRC suggested that the rules should emphasize the fact that the licensee is solely responsible for compliance with the requirement to maintain transmitter operation within the carrier stability and modulation deviation tolerances. NCRMC also believed that documentation by the manufacturer, or vendor should include the actual frequencies measured on each channel and the maximum deviation due to modulation. They felt that these measurements should be signed by the appropriate licensed operator and that the transmitter should be internally labeled to identify the specific VHF channels equipped at the time of testing. ITT Mackay Marine indicated that in the case of vessels on which EPIRB's are installed on a mandatory basis that it would not be in the public interest to allow the installation to be made by anyone other than a licensed technician. They also indicated that they felt that the present wording of the proposed rules would require that the manufacturer measure each individual frequency for frequency synthesized equipment. They felt that a single measurement would be sufficient. They also believe that the present system of including a log sheet should be continued and that a label system would be impractical.

5. Although we share NCMRC's concern that the licensee be knowledgeable of his responsibility for the proper technical operation of his station, we feel that the present rules sufficiently emphasize this fact. We also do not feel that it is necessary to have a licensed radio operator install an EPIRB as indicated by ITT Mackay Marine. EPIRB's are small, readily portable devices that operate from a self-contained battery source. There are generally no electrical connections of any type made during their installation. On vessels required by law to carry EPIRB's, these installations are routinely inspected by the Coast Guard.

6. In the case of frequency synthesized equipment, it was never intended to require that these radios be tested on every channel or frequency. Transmitter measurements are only required on channel 16 (156.8 MHz) and the highest and lowest transmit frequencies. The Appendix, as it appeared previously in the Notice, has been amended accordingly. The Appendix also contains minor editorial changes. Since ITT Mackay Marine was the only equipment manufacturer to comment in this proceeding, and since they opposed the use of a label, we feel that the method of including a log or data sheet with each radio should be continued for the present.

7. To allow sufficient time for all manufacturers to comply with these requirements, the rules contained in the attached Appendix will not be effective until August 23, 1977.

8. Accordingly, *It is ordered*, That, pursuant to the authority contained in Sections 4(i), 303 (l) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth below, effective August 23, 1977.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 82.111 paragraph (a), (c), and (d) are amended to read as follows:

§ 83.111 Transmitter measurements.

(a) Except as provided for in paragraph (d) of this section, a determination shall be made that the carrier frequencies of each transmitter are within prescribed tolerance as follows:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequencies or stability thereof;

(3) Upon receipt of an official notice of off-frequency operation.

* * * * *

(c) Except as provided for in paragraph (d) of this section, a determination shall be made that each radiotelephone transmitter is properly adjusted to produce peak modulation between 75 and 100 percent insofar as practicable as follows:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect its modulation characteristics.

(d) The determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench, provided the load conditions are equivalent to those of actual operation. In the case of transmitters manufactured after August 23, 1977 and operating in the VHF band, these determinations shall be performed by the manufacturer for each channel or frequency installed at the point of manufacture or, in the case of frequency synthesized equipment, on channel 16 (156.8 MHz) and the highest and lowest transmit frequencies. This shall be in lieu of these measurements being performed when the transmitter is initially installed.

* * * * *

2. Section 83.162, is amended to read as follows:

§ 83.162 Adjustment of transmitting apparatus.

All adjustments of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, shall be performed by or under the immediate supervision and responsibility of a person holding a first- or second-class operator license, who shall be responsible for the proper functioning of the station equipment; *Provided, however*, That:

(a) Only persons holding a first- or second-class radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code;

(b) Only persons holding first- or second-class operator license, containing a ship radar endorsement shall perform such functions on radar equipment.[1]

3. Section 83.164, headnote and text, are amended to read as follows:

§ 83.164 Activities not requiring an operator authorization.

(a) No radio operator authorization is required for the operation of a survival craft station or an emergency position indicating radiobeacon station while it is being used solely for survival purposes or to facilitate search and rescue operations.

(b) No radio operator authorization is required for the installation of a VHF transmitter in a ship station, where the installation is performed by or under the immediate supervision of the licensee of the ship station.[2]

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[1] This does not prevent persons not holding such licenses, or not holding such licenses so endorsed, from making replacement of fuses or of receiving-type tubes.

[2] This does not authorize the licensee of the ship station to add or substitute channels or to make any modifications to the transmitter.

(c) No radio operator license is required for the operation onboard ship, during the course of normal rendition of service, of a ship radar station: *Provided*, That the following conditions are met or provided for by the licensee of the station:

(1) The radar equipment shall employ as its frequency determining element a nontunable, pulse type magnetron except that other fixed tuned devices shall be used in the band 14.0 to 14.05 GHz.

(2) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls.

(d) No radio operator license is required for the operation of an on-board station: *Provided*, That the limitations set forth in § 83.160(a) (1) and (2) shall apply.

[FR Doc.77-21514 Filed 7-26-77;8:45 am]

[FCC 77-511]

PART 87—AVIATION SERVICES

Allowing an Aeronautical Utility Mobile Station to Utilize a Frequency in the Band 121.600–121.925 MHz Not Shown on its Station License for a Temporary Period Until Its License Can Be Modified

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Amendment of the Commission's rules to allow an aeronautical utility mobile station to utilize a frequency not shown on its station license in the band 121.600–121.925 MHz, for a temporary period until its license can be modified. This has been a routine condition of grant for aeronautical utility mobile stations. This rule making will incorporate this condition of grant into the Commission's rules.

EFFECTIVE DATE: July 29, 1977.

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

FOR FURTHER INFORMATION CONTACT:

John Hays, Safety and Special Radio Services Bureau, 202–632–7197.

SUPPLEMENTARY INFORMATION:

Adopted: July 14, 1977.

Released: July 22, 1977.

In the matter of amendment of Part 87 of the Commission's rules to allow an aeronautical utility mobile station to utilize a frequency in the band 121.600–121.925 MHz not shown on its station license for a temporary period until its license can be modified.

1. Aeronautical utility mobile stations are mobile stations used for communications at airdromes with the aeronautical utility land station, the airdrome control station, the FAA flight service station, ground vehicles, and aircraft on the ground. Communications are limited to the management of ground traffic. The stations usually are authorized to operate on one of fourteen frequencies in the band 121.600–121.925 MHz. The frequency that is assigned to the aeronautical utility stations at an airport is the frequency that is used by the aeronautical utility land station, the airdrome control station or the FAA flight service station at the airport to communicate with ground vehicles.

2. Sometimes the Federal Aviation Administration (FAA) is required to change this frequency on short notice. To ensure continuous communication with the aeronautical utility land station, the airdrome control station or the FAA flight service station, our licensees of aeronautical utility mobile stations must be able to respond quickly and change their frequencies to coincide with the FAA change in frequency. Consequently, for the past twelve years a condition of grant permitting the licensees to make this change immediately has been typed on all aeronautical utility mobile licenses.

3. This condition of grant has proven to be in the public interest. It grants a licensee special temporary authority to use the new frequency for a period of 90 days and requires him to submit an application for modification of his station to specify the new frequency within ten days from the date he commences using the frequency.

4. Since this is a condition of grant for every aeronautical utility mobile station license, it is, in effect, a rule and should be incorporated into the Commission's rules rather than placed on the station license. It is the purpose of this order and attached appendix to accomplish this. Moreover, this will preclude considerable typing now being performed by the Commission's licensing personnel.

5. Under this rule making the frequency to which the licensee may change is restricted to one of the fourteen frequencies in the band 121.600 through 121.925 MHz which are the air traffic control frequencies generally used as utility frequencies.

6. Because this amendment is intended to place in the rules the agency's old standing procedures for obtaining special temporary authority to operate an aeronautical utility mobile station on a different frequency and does not impose any new restrictions, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply. Authority for this amendment appears in Sections 4(i), 303(c) and 303(r) of the Communications Act of 1934, as amended.

7. In view of the above, *it is ordered*, That the rule amendment set forth in the attached Appendix is adopted effective July 29, 1977.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In Subpart J, Aeronautical Utility Mobile Stations, a new § 87.439 is added to read as follows:

§ 87.439 Frequency change.

In the event that the utility frequency is changed by the Federal Aviation Administration to another frequency in the band 121.600–121.925 MHz, the licensee has temporary authority for a period of 90 days to use the new frequency in place of the one listed on the license; provided, that an application for modification of the station license to specify the new frequency is submitted within ten days from the date that the station commences operation on the new frequency.

[FR Doc.77-21647 Filed 7-26-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 324]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Standards and Expeditious Procedures for Establishing Railroad Rates Based on Seasonal, Regional, or Peak-Period Demand for Rail Services

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: Rules governing the cancellation of demand-sensitive rates have been revised to preclude the suspension of a rate which otherwise would expire on a date set forth in the tariff. The purpose of the change is to redress the carriers' concern about being unable to extricate themselves from demand-sensitive rates which fail to meet expectation, a concern which they argue deters the publication of such rates in the first place.

EFFECTIVE DATE: August 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202–275–7693.

SUPPLEMENTARY INFORMATION: The need for this change was argued by the Association of American Railroads in its petition for reconsideration of the rules adopted by the Commission in its report and order of February 4, 1977.

49 CFR 1109.10(h) is revised to read as follows:

§ 1109.10 Standards and expeditious procedures for establishing railroad rates based on seasonal, regional, or peak-period demand for rail services.

* * * * *

(h) *Cancellation of a demand rate.* A demand rate published pursuant to this section and not having an expiration date in it may be cancelled on 30 days' notice and the cancellation supplement will not be suspended within 3 years of the date of its initial publication, unless an affected shipper makes a showing pursuant to paragraph (e)(7) of this section. A demand rate published pursuant to this section with an expiration date of three years or less from the date of the initial publication, once effective, will be allowed to expire on that date without suspension of said expiration date.

* * * * *

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc.77-21652 Filed 7-26-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Foreign Fishing Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: This document is being published to correct and clarify those sections of the regulations which deal with the retention of an allocated species taken incidentally in a directed fishery. The effect of this amendment will be to make the affected species a "prohibited species" in that once the allocation of a species has been reached, foreign fishing vessels will no longer be specifically authorized to retain that species.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7454.

SUPPLEMENTARY INFORMATION: The effect of this amendment will be to make the affected species a "prohibited species" as defined in § 611.13(a) of the Foreign Fishing Regulations in that once the allocation of a species has been reached, foreign fishing vessels will no longer be specifically authorized to retain that species. This amendment will reconcile the incidental catch provision in paragraph (g) of §§ 611.50 through 611.53 with paragraph (f) of § 611.20 which cautions foreign nations not to exceed their allocation. An incidental catch provision was permitted recognizing that other allocated species are taken in trawl nets while fishing in a directed fishery. However, an incidental catch of an allocated species in a directed fishery must be counted as part of the total allocation for that incidentally-caught allocated species.

For example, if a nation has an allocation of 1,000 tons of a given species, it may take all of this quantity in a directed fishery, or it may reserve part of this quantity as an incidental catch in another directed fishery. Which method a nation uses depends on its fishing strategy. However, in no case may a nation exceed its total allocation for a species whether taken incidentally or in a directed fishery. Thus, if the nation caught 900 tons of a species in its directed fishery, it could take the remaining 100 tons as an incidental catch in another directed fishery. But, when a total quantity of 1,000 tons of that species is taken, all taking of that species by that nation must cease. Then the species shall be considered as a prohibited species. The incidental catch of an allocated species is not in addition to the allocation, but part of the total allocation for that species.

When the allocation of a species has been taken, counting both the directed fishery and incidental catch, the taking and retention of such species shall cease. This change in the regulation does not reduce or alter the species allocations provided to a foreign nation, but rather clarifies the intent of the regulations to a foreign nation to carefully manage its fishing vessels in taking the allocation.

§§ 611.50—611.53 [Amended]

Paragraph (g) in §§ 611.50, 611.51, 611.52, and 611.53 is revised to read as follows:

* * * * *

(g) *Incidental catch.* The taking of any species for which the foreign nation has an allocation is permitted as an incidental catch in any directed fishery. The total quantity taken of an allocated species, however, both as incidental catch and in a directed fishery, shall not exceed the allocation of that species provided to that foreign nation by § 611.20. When the quantity allocated has been reached, counting both the incidental catch and directed fishery catch, that species becomes a prohibited species.

* * * * *

Issued on July 21, 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-21674 Filed 7-26-77;8:45 am]

PART 611—FOREIGN FISHING

Foreign Fishing Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: The Foreign Fishing Regulations under the Fishery Conservation and Management Act of 1976, are amended concerning vessels of foreign countries authorized to conduct fishery support operations. This action is taken to eliminate the inconsistency between the regulations and the understanding by foreign nations that support operations can be conducted by vessels of one nation in support of vessels of another nation.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7454.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service has been advised that the provision for fishery support operations in paragraph (b) of § 611.10 of the foreign fishing regulations published in the FEDERAL REGISTER (42 FR 8813 on February 11, 1977) is inconsistent with the understanding by foreign nations that support operations can be conducted by vessels of one foreign nation in support of another foreign nation providing that both nations have a Governing International Fishery Agreement (GIFA) in force and the required permits. During discussions with several nations concerning the development of GIFA's, this issue was raised relative to fishery support operations. It was made clear to the foreign nations that if any foreign nation operating in support of any other foreign nation has a signed GIFA and the required vessel permits, the conduct of fishery support operations is authorized. This amendment does not reduce or modify the requirements under the Act concerning permits and fees, and causes no adverse action to the conservation of the resource. The requirements of 5 U.S.C. 553 are not required because this amendment falls within the foreign affairs exception of the Administrative Procedures Act.

Therefore, paragraph (b) of § 611.10 is revised to read is follows:

§ 611.10 Fishery support operations.

* * * * *

(b) Fishery support operations by foreign vessels within the fishery conservation zone are allowed only in those areas and during those times in which vessels of the same foreign countries are authorized to conduct directed fisheries, and in such other areas as may be designated in this part or in an Existing International Fishery Agreement, except on a case-by-case basis in those situations where the directed fishery nation has no support capacity in the directed fishery area.

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

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-21675 Filed 7-26-77;8:45 am]

proposed rules

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

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

[5 CFR Part 1705]

PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Compliance With Privacy Act and Freedom of Information Act

AGENCY: Advisory Commission on Intergovernmental Relations.

ACTION: Proposed rule.

SUMMARY: Under the Freedom of Information Act, 5 U.S.C. 552 and section 3 of the Privacy Act, 5 U.S.C. 552a, each agency is required to inform individuals how they may gain access to records and request correction or amendment of records about themselves maintained in a system of records. On October 3, 1975, the Advisory Commission on Intergovernmental Relations published proposed regulations 40 FR 46062 to conform with the Privacy Act, but through oversight never adopted them. No Freedom of Information Act regulations were published. To comply with both Acts, the Commission proposes regulations relating to the disclosure of information under both Acts.

DATE: Comments on or before August 26, 1977.

ADDRESS: Comments to Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575.

FOR FURTHER INFORMATION CONTACT:

Franklin A. Steinko, Jr., Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575 (202-382-1464).

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written comments to the above-named individual. These comments must be received within thirty days of the issuance of this publication. Comments will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m,. Monday through Friday. No oral hearings are contemplated.

By virtue of the authority vested in me by 42 U.S.C. 4271, 5 U.S.C. 552 and 552a, and as Executive Director of the Advisory Commission on Intergovernmental Relations, Part 1705 of Chapter VII of Title 5 of the Code of Federal Regulations is proposed as follows:

PART 1705—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION UNDER 5 U.S.C. 552 AND 552a

Sec.

1705.1 Purpose and scope.
1705.2 Definitions.
1705.3 Procedures for requests pertaining to individual records in a records system.
1705.4 Times, places, and requirement for identification of individuals making requests.
1705.5 Disclosure of requested information.
1705.6 Special procedures: medical records.
1705.7 Request for correction or amendment to record.
1705.8 Agency review of request for correction or amendment to record.
1705.9 Appeal of initial adverse agency determination on correction or amendment.
1705.10 Disclosure of record to person other than the individual to whom it pertains.
1705.11 Fees and copies of records.

AUTHORITY: 42 U.S.C. 4271, 5 U.S.C. 552 and 552a.

§ 1705.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public about procedures by which records subject to the Freedom of Information and Privacy Acts may be obtained from the Advisory Commission on Intergovernmental Relations. The regulations also set forth procedures by which records subject to the Privacy Act may be corrected or amended.

§ 1705.2 Definitions.

For the purposes of this Part, unless otherwise required by the context—

(a) "ACIR" means the agency, the Advisory Commission on Intergovernmental Relations.

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to the United States.

(c) "Maintain" means maintain, hold, collect, use, or disseminate.

(d) "Record" means: any item, collection, or grouping of information about an individual that is maintained by ACIR including, but not limited to, his education, financial transactions, medical history, and criminal or employment history; that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) "System of records" means a group of any records under the control of ACIR from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.

§ 1705.3 Procedures for requests pertaining to individual records in a records system.

Individuals desiring to know if a specific system of records maintained by ACIR contains a record pertaining to them should submit written requests, stating that the request is made under the Privacy Act of 1974. Individuals desiring to know if a specific system of records maintained by ACIR contains a record pertaining to third parties should submit written requests stating that the request is made under the Freedom of Information Act.

§ 1705.4 Times, places, and requirement for identification of individuals making requests.

(a) Written requests should be addressed to the Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575, or may be delivered to the above address during the hours of 9 a.m. to 5 p.m., Monday through Friday (except holidays).

(b) Satisfactory identification (i.e., employee identification number, other identifying number, name, current address, and other information deemed necessary for complete identification) must be provided to ACIR prior to review of the record. The requestor will be provided the opportunity to review the records between the hours of 9 a.m. and 5 p.m., Monday through Friday (except holidays) at the address in paragraph (a) of this section.

(c) The individual seeking access to his record may also have another person accompany him during his review of the records. However, the requestor must sign a statement, to be furnished to the ACIR representative at the time of the inspection, authorizing such other person to accompany him. Copies of the statement may be obtained from the ACIR representative.

§ 1705.5 Disclosure of requested information.

The Assistant to the Executive Director or his designated representative will advise the requestor in writing within 10 working days of receipt of the request whether, to what exent, and approximately when and where access shall be granted. Within 10 days of receipt of

the request, the records will be made available for review at the address listed in § 1705.4(a).

§ 1705.6 Special procedures: Medical records.

(a) If medical records are requested for inspection which contain information about which a prudent physician would hesitate to inform the subject of the record as to the exact nature and probable outcome, these records will be furnished only to a licensed physician designated by the requestor or his guardian in writing. Prior to such disclosure, the requestor or his guardian must furnish a signed, written authorization to ACIR for this purpose and the physician must furnish a written request to the Assistant to the Executive Director for the particular records.

(b) Vertification of the requestor's signature will be accomplished by a comparison of signatures if such authorization is not executed within the presence of an ACIR representative.

§ 1705.7 Request for correction or amendment to record.

(a) If the individual disagrees with the information in the record relating to himself, he may request that the record be amended by addition or deletion. Such a request must be in writing and directed to the Assistant to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575. The request must also specifically outline the amendment sought.

(b) Routine request of ACIR personnel, vendors, and mailing list recipients for such matters as address and change of title or organization may be made in writing to the Assistant to the Executive Director. If such routine requests involve other types of amendments, then the procedure to be followed is that outlined in paragraph (a) of this section.

§ 1705.8 Agency review of request for correction or amendment to record.

(a) The Assistant to the Executive Director or his designated representative will acknowledge receipt of the request within 10 working days from the date of receipt of such request. Under normal circumstances, not later than 10 days after receipt of the request for amendment or correction, the Assistant to the Executive Director will either:

(1) Amend or correct the record and notify the requestor in writing of the determination and to what extent the record is amended or corrected; or

(2) If the amendment or correction is denied in whole or in part, notify the requestor in writing of the determination and the reason for the denial and the requestor's right to request review by the Executive Director.

§ 1705.9 Appeal of initial adverse agency determination on correction or amendment.

(a) The requestor within thirty days may appeal any determination of the Assistant to the Executive Director not to amend or correct a record by submitting a written request for review of refusal to amend or correct a record to the Executive Director, Advisory Commission on Intergovernmental Relations, 726 Jackson Place NW., Washington, D.C. 20575. Such a request shall indicate the specific corrections or amendments sought. Not later than thirty days from receipt of a request for review (unless such period is extended by the Executive Director for good cause shown), the Executive Director will complete such a review and make a final determination on the request, and shall advise the requestor in a written letter of determination whether and to what extent the correction or amendment is denied, in whole or in part. The letter of determination will specify the reasons for such denial.

(b) If the Executive Director makes a final determination not to amend the record, the individual may provide ACIR a concise written statement for inclusion in the record explaining the reasons for disagreement with the refusal.

(c) In addition, the individual may file a civil action in the U.S. District Court to seek an order compelling ACIR to amend the record as requested.

§ 1705.10 Disclosure of record to person other than the individual to whom it pertains.

(a) The requestor seeking access to his record may also designate another person or persons to review the records. In such instance, the requestor must sign a statement, to be furnished to, and verified by, the ACIR representative at the time the designated individual appears to review the record. Copies of the statement may be obtained from the ACIR representative.

(b) A parent of a minor, upon presenting suitable personal identification, may have access on behalf of the minor of any record pertaining to the minor maintained by ACIR in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of the documents authorizing the legal guardian to so act, and upon suitable personal identification of the guardian.

(c) Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1705.11 Fees and copies of records.

(a) Rules governing requests for copies of records are the same as those for the granting of access to the records.

(b) Fees may be assessed at a rate of five dollars per hour for services expended in locating or making available records or copies thereof under the Freedom of Information Act. Fees may only be assessed for actual copies of materials furnished pursuant to the Privacy Act.

(c) The Assistant to the Executive Director may, at no charge, provide copies of a record if it is determined the production of the copies is in the public interest.

(d) Fees will be charged as provided below except as provided in paragraphs (b) and (c) of this section.

(1) Records will be duplicated at a rate of $0.10 per page for all copying of four or more pages There is no charge for duplicating three or fewer pages.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requestor to consult with ACIR personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requestor.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a money order.

FRANKLIN A. STEINKO, JR.,
Assistant to the Executive Director.

[FR Doc.77-21572 Filed 7-26-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Notice of Proposed Expenses, Rate of Assessment and Late Payment Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $31,800 and a rate of assessment of two-tenths cent per hundred weight of potatoes for the functioning of the Oregon-California Potato Committee. The regulation would enable the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

DATE: Comments due August 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and all counties in Oregon, except Malheur County. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Oregon-California Potato Committee, established under the order, is reponsible for its local administration.

The proposals are as follows:

§ 947.330 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $31,800.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.002 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (Pub. L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41(a), late payment charges per month of $1.00 or one percent, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1978, may be carried over as a reserve to the extent authorized in § 947.41(b).

(e) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: July 22, 1977.

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

[FR Doc.77-21556 Filed 7-26-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 371, 372a, 373, 378, 378a]

[EDR-329; SPDR-59; Docket No. 30766; Dated: July 21, 1977]

REEXAMINATION OF MINIMUM CHARTER GROUP-SIZE REQUIREMENTS

Advance Notice of Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of rulemaking.

SUMMARY: The Civil Aeronautics Board is undertaking a complete reexamination of its requirements for the minimum group size for all types of charter flight groups. The present requirement is generally that where more than one charter group is carried on a chartered aircraft, at least 40 seats must be allocated for each group. This action was instituted in response to a petition filed by two charter tour operators who requested elimination of the 40-seat requirement for certain types of charters.

DATES: Comments by September 12, 1977.

ADDRESSES: Interested persons may file comments in this rulemaking by submitting 20 copies of written data, views, or arguments addressed to Docket 30766, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so by submitting comments in letter form to the same address, without having to file additional copies. Docket comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Office of the General Counsel, Civil Aeronautics Board (202–673–5442).

SUPPLEMENTARY INFORMATION: Each of the Board's various charter types is, generally speaking, subject to a requirement that where less than the entire capacity of an aircraft is chartered for a single group (a so-called split charter), a minimum of 40 seats must be allocated to each charter group.[1] This minimum group-size requirement is applicable to all forms of split charters regardless of the types of charter groups or the number of chartereres involved. Thus, the 40-seat minimum is equally applicable to a single charterer who engages the entire capacity of an aircraft for use of more than one charter group and to two or more charterers who share the capacity for the use of several groups. On the other hand, there is no minimum group size required where the entire capacity of an aircraft is chartered for the use of one group.

By petition dated April 20, 1977, American Institute for Foreign Study, Inc., and Unitours, Inc., jointly request amendment of the Inclusive Tour Charter (ITC), Study Group Charter (SGC), and One-stop-inclusive Tour Charter (OTC) rules[2] to eliminate the 40-seat minimum requirement in cases where the entire aircraft capacity is contracted by a single charter or tour operator. In the alternative, petitioners seek a reduction of the minimum seat requirement to 20.

Petitioners allege that the 40-seat minimum is an anachronism and a hindrance to efficient charter operations. Petitioners contend that the requirement is legally unnecessary since each of the charter modes is subject to substantial restrictions, apart from the minimum group-size provision, which preserve the charter concept and distinguish individually ticketed services. It is claimed that the practical effect of the restriction is to limit the number of ground packages available to tour participants, to lead to a waste of aircraft seats when a tour attracts fewer than 40 participants, and sometimes to cause entire flights to be canceled. The public, it is asserted, ultimately bears the cost of these inefficiences.

Answers to the petition were filed by American Express Company (Amexco), jointly by Anne Storch International and ASTI Tours, Inc. (ASTI), Charter Travel Corporation, Charter Ventures, Inc. (CVI), Spantax S.A., United States Tour Operators Association, Inc., and jointly by three supplemental carriers, Overseas National Airways, Trans International Airlines, and World Airways (supplementals). All of the answers supported the petition at least in part, but differences were expressed over the correct interpretation of the existing minimum group-size requirements[3] and the degree of relief which should be granted. ASTI supports a reduction of the seat requirement to 20, Amexco favors elimination of the requirement altogether or a reduction to 10, and Spantax contends that any restrictions in this matter should be phrased in terms of the number of groups per flight rather than on the number of participants per group. CVI requests a broadening of the relief to include the ABC rule, and seeks expedited action to that effect without the normal notice and comment procedures. The supplementals request amendment of all the Board's special charter rules to eliminate the 40-seat minimum on all types of split charters so long as the charter of tour operator contracts for at least 40 seats in the aggregate.

The requirement of the 40-seat minimum dates to the early development of split charters in the 1960's and was initially designed to accommodate small affinity groups which, while otherwise charterworthy, had difficulty filling the entire capacity of the 80-or-more seat piston aircraft then in use in the transatlantic charter market. In 1964 the Board authorized split affinity charters to allow such groups to contract for one-

[1] See 14 CFR 207.11(c), 208.6(c), 212.8(b), 214.7(b), 371.10(b), 372a.10(b), 373.2 (definition of "Study group charter"), 378.2 (definition of "Inclusive tour"), 378a.10(b). The Advance Booking Charter (ABC) rule (14 CFR Part 371) provides that, on aircraft having a capacity of less than 80 seats, a split charter may be for as little as 20 seats. There is pending before the Board a proposal to amend its other charter rules in a similar manner, so that all split charters on small aircraft would be subject to a 20-seat minimum. EDR-304/SPDR-49, 41 FR 41926, September 24, 1976.

[2] 14 CFR Parts 378, 373, and 378a, respectively.

[3] The petition and some of the answers indicated some misunderstanding of the minimum group-size requirement, particularly under the ABC rule. We are, therefore, including in this notice an explanation of the group-size requirement as it applies generally, under all our charter rules, and a clarification that ABC groups are subject to the same 40-seat minimum (except for small aircraft, see note 1 *supra*), in the same manner as other charter types. See the interpretation of Supplementary Services Division, Bureau of Operating Rights to that effect in "ABC's Questions and Answers," p. 3, September 20, 1976.

half (i.e., at least 40 seats) of aircraft capacity. [4] In 1966, in recognition of the larger aircraft coming into use by the supplemental carriers, the Board permitted the supplementals to operate split charters of no more than three groups, each consisting of at least 40 persons.[5] At the same time, The Board first authorized ITC's and included in that rule a similar provision allowing a maximum of three groups of 40 or more persons per aircraft.[6] Since that time, the three-group limitation has been discarded with respect to all of our charter rules, but the 40-seat minimum has been retained for all types of split charters,[7] with the limited exception, discussed above, for 20-seat ABC's.

While the petition and several of the answers suggest that the Board has simply carried over the minimum seat requirement unthinkingly through the years, an examination of the legislative history of our charter rules indicates that the Board has deliberately retained this requirement, as one element of the necessary legal distinction between scheduled and charter services.[8] However, upon consideration of the petition and answers, we are persuaded that, with the passage of time since this requirement was first prescribed and the intervening change in charter service during the recent past, it would now be desirable to reexamine generally the basic concept —as well as the actual size—of a minimum seat number for all types of split charters.

On the other hand, we will not at this time propose the specific amendments requested by the petitioners. The differences of opinion among the several participants in this proceeding concerning the scope of any liberalization of the group-size requirements indicates that a limited amendment of only two or three charter rules, as sought by the petitioners, would be inadequate. For example, the supplemental carriers argue that any relaxation of the group-size requirements should apply equally to split charters arranged by two or more tour operators as well as to those arranged by a single operator. Nevertheless, there may be good reasons for applying a more restrictive group-size rule to the former case than should apply to the latter, in recognition of the fact that the danger of cancellation of a split charter flight tends to increase with the number of charterers sharing the capacity. Thus, a relaxation of the group-size requirement could facilitate involving larger numbers of charterers per flight and concomitantly increasing the risk of cancellations. Without prejudicing our ultimate decision, we believe that questions such as this should be addressed in the further course of this proceeding.

Consequently, the Board is inviting tour operators, direct carriers, other members of the industry, and the general public to comment on the advisability of eliminating or modifying the minimum group size requirements in our various charter regulations. In order to focus that discussion, we specifically invite comment on the following issues:

1. Should the minimum group-size requirements be retained in their present form, reduced to some lesser number, or eliminated entirely?

2. Should any relaxation of the group-size requirements be uniformly applied to all split charters, regardless of the number of charterers sharing the capacity of the aircraft?

3. Should any modification of the group-size requirements be uniformly applied to all types of charter groups?

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-21673 Filed 7-26-77;8:45 am]

[4] Transatlantic Charter Investigation, Order E-20776, 40 C.A.B. 233 at 266 (1965).

[5] Supplemental Air Service Proceeding, 45 C.A.B. 231 at 346 (1966).

[6] 45 C.A.B. at 291, 376 (1966).

[7] The minimum group-size requirement originally specified that each tour group must actually have 40 participants. In 1971 the charter rules were amended to require each group to contract for at least 40 seats in order to allow the charterer to avoid cancellation of the tour if only 39 or fewer persons participated. ER-659, 36 FR 2486 February 5, 1971 and SPR-99/100, 41 FR 7743, February 20, 1976.

[8] See, for example, the preamble to Regulation ER-659 (mimeo), at 13 et seq., adopted January 29, 1971, 36 FR 2486, February 5, 1971.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release Nos. 33-5845; IC-9864; File No. S7-705]

ADVERTISING BY INVESTMENT COMPANIES

Extension of Comment Period for Proposed Rulemaking

AGENCY: Securities and Exchange Commmission.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on the notice published June 14, 1977 proposing a new rule and an amendment to an existing rule regarding advertising by investment companies. The proposed rule under the Securities Act of 1933 ("1933 Act") would permit any investment company registered under the Investment Company Act of 1940 which has filed a registration statement under the 1933 Act to advertise with respect to the securities covered by such registration statement subject to certain restrictions and conditions. The proposed amendment to an existing rule would remove the restriction limiting the use of expanded tombstone advertisements to investment companies whose registration statements under the 1933 Act have become effective. These proposals would permit inclusion of more information in such existing laws and rules.

DATES: Comments must be received on or before August 24, 1977.

ADDRESSES: Comments should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549 and should refer to File No. S7-705.

FOR FURTHER INFORMATION CONTACT:

Stanley B. Judd, Esq., Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: Notice was published on June 8, 1977, 33-5833, IC-9811 (42 FR 30379, June 14, 1977) proposing the adoption of Rule 434d (17 CFR 230.434d) and an amendment to Rule 134 (17 CFR 230.134) under the Securities Act of 1933 (15 U.S.C. 77a et seq.). A request for an extension of time to August 24, 1977 was submitted on behalf of the Investment Companies and Investment Advisers Subcommittee of the American Bar Association Federal Regulation of Securities Committee ("ABA"). The ABA stated that because of the personal commitments and schedules of members of the Subcommittee, it would not be feasible for it to comment by July 25, 1977, the present expiration date of the comment period. In view of this request, the Commission has authorized an extension until August 24, 1977 of the due date for submitting comments with respect to the proposed rule and amendment. The Commission believes that this extension is appropriate and will not result in undue delay.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 21, 1977.

[FR Doc.77-21597 Filed 7-26-77;8:45 am]

[17 CFR Parts 270 and 274]

[Release No. IC-9861; File No. S7-710]

DEREGISTRATION OF CERTAIN INVESTMENT COMPANIES AND QUARTERLY REPORTS OF MANAGEMENT INVESTMENT COMPANIES

Form for Deregistration, and Reporting Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed adoption and revision of rules and forms.

SUMMARY: The Commission today released for public comment proposed rules, a proposed form and a proposed amendment to a form, which would: (1) Create a form to be used by certain investment companies registered under the Investment Company Act of 1940 (the "Act") in requesting orders of the Commission declaring that such companies have ceased to be investment companies as defined by the Act, and (2) require the quarterly reports of management investment companies to contain specified

information in the event that any such company was the surviving company of a merger or consolidation with another registered investment company, so as to provide, among other things, a basis for a determination that the latter company has ceased to be an investment company. These proposals represent another step in the Commission's program to examine its regulation of investment companies and institute appropriate modifications where practicable. The Commission believes that such rules and forms would facilitate the deregistration under the Act of companies which have ceased to be investment companies as defined in the Act.

DATE: Comments must be received on or before September 4, 1977.

ADDRESS: Send comments in triplicate to George A Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 (Refer to File No. S7-710).

FOR FURTHER INFORMATION CONTACT:

Anne Flannery, Esq., or Brenda Sneed, Esq., Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-0225.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission has published for comment:

(1) Proposed Form N-8F (17 CFR 274.218), a form to be used as an application for an order of the Commission pursuant to Section 8(f) (15 U.S.C. 80a-8(f) of the Act (15 U.S.C. 80a-1 et seq.) declaring that a registered company has ceased to be an investment company as defined in the Act, in cases where the applicant company: (a) Has distributed substantially all of its assets to its shareholders, and has effected, or is in the process of effecting, a winding-up of its affairs; (b) has never made a public offering of its securities, has not more than one hundred securityholders for the purposes of section 3(c)(1) of the Act (15 U.S.C. 80a-3(c)(1)) and the rules thereunder, and does not propose to make a public offering or engage in business of any kind; or (c) has (i) sold substantially all of its assets to another registered investment company, or (ii) merged into or consolidated with another registered investment company.

(2) Proposed Revision of Form N-1Q (17 CFR 274.106), the form for quarterly reports of registered management investment companies, to include in such form a requirement that such a company provide certain information where, during the applicable quarter, it became the surviving company after merger or consolidation with another registered investment company. Such information is designed to provide, among other things, a basis upon which the Commission could determine that such other company had ceased to be an investment company.

(3) Proposed Rule 8f-1, and Proposed Form N-8F (17 CFR 274.218), and a proposed amendment of Form N-1Q (17 CFR 274.106), to implement the foregoing proposals as forms prescribed for use under the Act and to incorporate such forms by reference into the Code of Federal Regulations.

The purpose of these proposals is to provide the Commission with reasonably current information respecting certain mergers and consolidations involving registered investment companies and to facilitate the procedures involved in determining that companies have ceased to be investment companies as defined by the Act.

Section 8(f) of the Act provides, in part, that where the Commission, upon its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that, upon the taking effect of such order, the registration under the Act of such company shall cease to be in effect. The Commission believes that, through the use of proposed Form N-8F, certain applicants requesting orders pursuant to Section 8(f) of the Act may better be able to provide the specific information needed to process applications for deregistration. Although the use of proposed Form N-8F as an application will be limited to the situations described above, the Form might also be of assistance to other applicants as an indication of the nature of the information the Commission would consider to be significant with respect to its consideration of applications pursuant to Section 8(f) of the Act.

The Commission would encourage the use of proposed Form N-8F by registered investment companies which have merged into or consolidated with another registered investment company. However, where a registered investment company had ceased to exist because of merger or consolidation with another company, and the surviving company is itself a registered management investment company, the proposed revision of Form N-1Q is designed to provide the Commission with information concerning the merger or consolidation which would, should an application for deregistration not be filed on behalf of the non-surviving company, provide a basis for a Commission determination, on its own motion, that such company had ceased to be an investment company.

Together, these proposed measures should enable the Commission to process the more routine applications pursuant to Section 8(f) of the Act in a more expeditious manner and should assist applicants in the preparation of such applications.

In light of the above, the Commission has proposed to adopt or amend the following sections of Chapter II, Title 17 of the Code of Federal Regulations, under the Investment Company Act of 1940:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Section 270.84-1 is added as follows:

§ 270.8f-1 Form for application by certain registered investment companies for orders that such companies have ceased to be investment companies as defined by the Act.

Form N-8F is hereby prescribed as the form for application for an order pursuant to Section 8(f) of the Act where a registered investment company (a) Has distributed substantially all of its assets to its shareholders and has effected, or is in the process of effecting, a winding-up of its affairs, or (b) Has never made a public offering of its securities, has not more than 100 security-holders for the purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind, or (c) Has (1) Sold substantially all of its assets to another registered investment company, or (2) merged into or consolidated with another registered investment company.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Section 274.218 is added as follows:

§ 274.218 Form N-8F, for application by certain registered investment companies applying for orders pursuant to Section 8(f) of the Investment Company Act of 1940 declaring that such a company has ceased to be an investment company.

This form shall be used as the application for an order of the Commission pursuant to section 8(f) of the Act in cases where the applicant (a) Has distributed substantially all of its assets to its shareholders, and has effected, or is in the process of effectiving, a winding-up of its affairs; (b) has never made a public offering of its securities, has not more than one hundred security holders for the purposes of section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind; or (c) Has (1) Sold substantially all of its assets to another registered investment company, or (2) merged into or consolidated with another registered investment company. (Text of proposed Form N-8f appears below.)

§ 274.106 [Amended]

This form is amended by: 1. Renumbering current Item 12 as Item 13 to Form N-1Q; 2. Adding new Item 12 to Form N-1Q; and 3. Adding new Instruction 7 to Item 13 of Form N-1Q, as follows:

* * * * *

Item 12. Mergers

If, during the calendar quarter, registrant has acquired substantially all assets of, or securities issued by, a registered investment company through merger or consolidation, furnish the following information:

(a) Give the name of such registered company so acquired.

(b) State the circumstances and details of such merger or consolidation, including the date and terms thereof, and the corporate or legal proceedings related thereto. State any other facts relevant to a Commission consideration of whether such registered investment company has ceased to be an investment company.

Item 13. Exhibits

* * * * *

7. Copies of any merger or consolidation agreement, and other documents relevant to the information sought in Item 12, above.

STATUTORY BASIS

Proposed Form N-8F (17 CFR 274.218) and proposed Rule 8f-1 would be promulgated pursuant to the provisions of Section 38(a) of the Act (15 U.S.C. 80a-37(a)). The proposed revisions of Form N-1Q (17 CFR 274.106) would be promulgated pursuant to Sections 14(b), 30(b), and 39(a) of the Act. (15 U.S.C. 80a-14(b), 80a-29(b), 80a-37(a)).

All interested persons are invited to submit their written views and comments on the matters discussed above. These comments should be sent, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 4, 1977. Such communications should refer to File No. S7-710, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 21, 1977.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM N-8F

Application pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") and Rule 8f-1 thereunder for Order Declaring that Company Has Ceased to be an Investment Company.

Name of Applicant: _____

Address of Principal Executive Office: (No. and Street, City, State, Zip Code).

Classification of Applicant (face-amount certificate company, unit investment trust, or management company):

Investment Adviser(s):

Name: _____
Address: _____

Principal Underwriter(s):

Name: _____
Address: _____

If Applicant is a management company, check appropriate box:

Open-end:	Closed-end:
☐ Diversified	☐ Diversified
☐ Non-diversified	☐ Non-diversified

If Applicant is a unit investment trust:

Depositor: _____
Name: _____
Address: _____
Trustee: _____
Name: _____
Address: _____

Designate the basis upon which the application is being made:

A. Applicant has never made a public offering of its securities, has not more than 100 securityholders for purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind ("Abandonment" or "Type A").

B. Applicant (1) has distributed substantilly all of its assets to its securityholders and has effected, or is in the process of effecting, a winding-up of its affairs ("Liquidation" or "Type B"), and (2) is not a "Type C" company as defined below.

C. Applicant has (1) sold substantially all of its assets or securities to another investment company; or (2) merged into or consolidated with another registered investment company ("Merger" or "Type C").

This form shall serve as an application only for such companies as defined in Rule 8f-1 adopted under the Act (17 CFR 270.8f-1). It shall be filed in the manner described in Rule 0-2 (a) and (b) promulgated under the Act (17 CFR 270.0-2 (a), (b)). The filing of this application shall be accompanied by the authorizations described in Rule 0-2(c) (17 CFR 270.0-2(c)), and by any applicable fees, in the manner and account prescribed by Rule 0-5 (17 CFR 270.0-5).

Every amendment to this application shall be filed in accordance with the provisions of Rule 0-2 in its entirety.

Any other registered investment company may use this form as a guide in the preparation of an application for an order pursuant to section 8(f) of the Act. However, in such case, the provisions of Rule 0-2, in its entirety, shall apply.

I. *ALL APPLICANTS.* — The following items shall be completed by all Applicants:

1. State the date Applicant registered under the Act, and the date any registration statement was filed by Applicant (excluding amendments thereto) pursuant to section 8(b) of the Act.

2. Describe briefly any registration statements filed, with respect to securities issued by Applicant, pursuant to the Securities Act of 1933 (excluding post-effective amendments thereto), including the date(s) of filing, the amounts, titles and classes of securities covered by such registration statements, and the date(s) on which (i) such statements became effective, and (ii) any initial public offering(s) commenced.

3. State the present status of Applicant's legal existence under the state law pursuant to which it was created.

4. State whether, within the last 18 months, Applicant has, for any reason, transferred any of its assets to a separate trust, the beneficiaries of which were or are security holders of Applicant. If such an entity has been created, describe fully the circumstances of its creation and attach a copy of all instruments relating to its creation, including a description of any assets placed therein.

5. Describe fully the method and amount of all distributions to securityholders of Applicant made in connection with the winding-up of Applicant's affairs pursuant to such company's dissolution, liquidation, or merger, including the date such event took place.

6. Describe the value of and nature of any assets retained by Applicant at the time of filing this form and the purposes for which such assets have been retained. State whether such assets have or will be invested in any securities.

7. Describe briefly the nature of any debts, other than face-amount certificates if Applicant is a face-amount certificate company, or other liabilities of Applicant which remain outstanding.

8. State whether Applicant is party to any litigation or administrative proceedings and, if so, describe the nature of such proceedings and the position taken by the Applicant therein.

9. State the number of securityholders (if any) of Applicant at the time of filing of this application.

10. State whether Applicant is now engaged, or proposes to engage, in any business activities other than those necessary for the winding-up of its affairs. If any activities other than winding-up are taking or will take place, describe the nature and extent of such activities.

11. State any other facts relevant to a consideration that Applicant has ceased to be an investment company.

II. *ABANDONMENTS.*—The following item shall be completed by Applicants designated as Type A:

12. State whether any sales were made by Applicant of securities of which it is the issuer. Indicate the date(s) and amount(s) of such sales, and the consideration received therefor.

III. *LIQUIDATIONS OR MERGERS.*—The following items shall be completed by Applicants designated as Type B or Type C:

13. State title, classes and number of securities outstanding, and net asset value attributable to each such class (in aggregate and per share) as of the nearest date practicable preceding liquidation or merger.

14. Describe the expenses incurred in connection with the liquidation or merger and how such expenses were allocated and to whom.

15. State the existence of any securityholders of Applicant to whom distributions in complete liquidation of their interests have not been made and describe briefly the plans, if any, for the distribution to, or the preservation of the interests of, such securityholders.

16. Describe briefly the disposition of portfolio securities and any other assets of the Applicant in connection with the liquidation or merger (other than distributions made to Applicant's securityholders), the basis of the price received, and the means of sale and any brokerage commissions paid thereon. Attach a balance sheet for Applicant, prepared in accordance with generally accepted accounting principles, as of a date within 90 days immediately preceding the liquidation or merger.

17. Describe briefly any legal action taken to effect the liquidation or merger, including:

(a) Any action taken by the Board of Directors or similar body authorizing or recommending such events, including the date any such action took place;

(b) Any securityholder authorization which was obtained in connection with such event, including any vote required by law and the results of any such vote;

(c) The distribution of any proxy material to securityholders regarding such event; state whether such material was filed with the Commission;

(d) The filing of any application for an order of the Commission respecting such liquidation or merger, and the disposition thereof by the Commission; and

(e) Any action required by state law; state whether Applicant has filed, or intends to file, any article of merger, certificate of dissolution, or similar document pursuant to state law.

IV. *MERGERS.*—The following items shall be completed by Applicants designated as Type C:

18. State the name of the company which Applicant has merged into, sold substantially all its assets or securities to, or which resulted from the consolidation of Applicant and any other company.

19. Briefly state the circumstances and details of such merger or consolidation, including the date and terms thereof.

Attach copies of any and all documents described in paragraphs 17 (c) and (d) above, and, in the case of a merger, a copy of the merger or reorganization agreement: any such documents which have previously been

filed with the Commission may be incorporated herein by reference.

(Name of Company)

by ---
(Name)

(Title)

VERIFICATION

State of ---
County of ---, ss:

The undersigned being duly sworn deposes and says that he has duly executed this application, dated ---, 19---, for an order pursuant to Section 8(f) of the Investment Company Act of 1940 declaring that

---
(Name of company)

has ceased to be an investment company, for and on behalf of such company; that he is the ---
(Title of officer)

of ---;
(Name of company)

and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument have been taken. Deponent further says that he is familiar with such instrument, and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

(Signature)

(Type or print name beneath)

Subscribed and sworn to before me, a --- this ---
(Title of Officer)

day of ---, 19---.

[OFFICIAL SEAL]

My commission expires ---

[FR Doc.77-21598 Filed 7-26-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 170, 194, and 201]

[Notice No. 308]

PREPARATION, DISTRIBUTION, AND USE OF DEVICES OTHER THAN STRIP STAMPS ON CONTAINERS OF DISTILLED SPIRITS AS EVIDENCE OF TAX DETERMINATION

Advance Notice of Proposed Rulemaking

AGENCY: Bureau of Alcohol, Tobacco, and Firearms.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, and Firearms (ATF) is issuing this advance notice to gather information from consumers and industry members on the impact, technical aspects, and feasibility of preparing, distributing and using alternatives to strip stamps on containers of distilled spirits as evidence of tax determination. The information thus obtained will be used in writing regulations to implement Public Law Law 94-569 (approved October 20, 1976), which authorizes the use of alternatives to strip stamps.

DATES: Comments must be received on or before September 26, 1977.

ADDRESSES: Comments may be submitted to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226 (Attn.: Chief, Regulations and Procedures Division).

FOR FURTHER INFORMATION CONTACT:

Wayne Miller, Coordinator, Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking is being issued in keeping with ATF's policy of implementing rules that will pose the least administrative burden to industry members while providing the most protection to Federal revenues and to consumers. An advance notice is issued when it is found that the resources of ATF and reasonable outside inquiry do not provide sufficient information to identify the best course of action, or where it would be helpul to obtain public participation in identifying the best course of action. Following is a discussion of existing requirements regarding strip stamps, proposed regulatory requirements regarding alternative devices, and a list of specific questions regarding those proposed requirements and the impact of the proposals on affected industry members.

The proposed regulatory requirements would permit the Director to authorize (1) the use of devices other than strip stamps as evidence of tax determination on containers of distilled spirits, and (2) persons outside the Treasury Department to prepare and distribute the alternative devices under such controls as are necessary to protect Federal revenues. The added flexibility thus provided would allow the Treasury Department and members of the distilled spirits industry to benefit from modern technological advances in the container closure industry, to improve efficiency of operations, and to reduce manufacturing and administrative costs.

Drafting Information

The principal author of this document is Wayne Miller of the Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the document, both on matters of substance and style.

Public Participation

Interested persons may submit written comments or suggestions regarding these proposals, in duplicate, to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226 (Attn.: Chief, Regulations and Procedures Division) on or before September 26, 1977.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco, and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. All communications received during the 60-day comment period will be considered by the Director before proposal rules are issued. The proposals discussed in this advance notice may be changed in the light of comments received. After consideration of all the comments received in response to this advance notice, a notice of proposed rulemaking will be issued.

Background

Requirements of law. Under previous requirements of law (sections 5205 and 5235 of the Internal Revenue Code of 1954), evidence of determination of the Federal excise tax on distilled spirits must be shown by attaching to the container what is commonly known as a "strip stamp." This is a paper stamp which must be attached to the container in such a way that it will be broken (thus voiding it) upon opening the container. Previous requirements of law (section 6801 of the Internal Revenue Code of 1954) also restricted the preparation and distribution of the strip stamps to the Treasury Department.

The need for a change from the previous requirements of law was brought about by technological advances in the distilled spirits and container closure industries, and the desire of the Treasury Department to recognize these advances and to effectively and efficiently administer the laws under its jurisdiction while maintaining protection of the Federal revenues.

Under the provisions of Pub. L. 94-569, the Director may authorize devices other than paper strip stamps to be used on containers of distilled spirits as evidence of tax determination; and he may authorize persons outside the Treasury Department to prepare and distribute these alternative devices under the controls necessary to protect Federal revenues.

Present regulations. Under present regulations, strip stamps are designed and issued by the U.S. Government for use as evidence of tax determination on containers of distilled spirits. The Federal revenues are collected on the basis of spirits withdrawn from the bonded premises of distillers and bottlers rather than the numbers of strip stamps used. However, since the strip stamps serve as evidence of tax determination, control is maintained over all strip stamps by a system involving requisitions, records and reports. Separate series of stamps have been designed to serve specific needs, as described below.

The strip stamps presently required are identified as red, green, blue, and white strip stamps. Red strip stamps are used on all bottled distilled spirits except alcohol bottled for industrial use and distilled spirits bottled in bond. These stamps are issued in two sizes—the "standard" size (for use on bottles of a capacity of 200 ml or more) and the "small" size (for use on miniatures). Red strip stamps represent the greatest volume of stamps used.

Green bottled-in-bond strip stamps are used on spirits meeting the requirements for bottling in bond for domestic use.

Blue bottled-in-bond strip stamps are used only on spirits which are bottled in bond especially for exportation.

Both green and blue strip stamps are issued in the standard and small sizes.

White strip stamps are used on alcohol of 190 degrees or more of proof for industrial purposes bottled in internal revenue bond. These stamps are issued in standard size only.

Standard size strip stamps are serially numbered at the time of printing. These serial numbers on stamps serve the needs of both the Government and industry. The serial numbers are identified on requisitions and, in the case of stamps for affixing to imported bottled spirits, are the basis for accounting for the stamps. They provide an enforcement tool when it becomes necessary to trace stamps to the source of supply if found in the hands of unauthorized persons or used on illegal spirits. They serve as a tool to plant proprietors in connection with quality control and the investigation of complaints, and in accounting for the stamps in proprietors' records, including taking inventories of cut stamps. They also are useful to proprietors in the areas of production accounting, tracing of pilfered goods, product authenticity, and checks with Federal and State enforcement agencies.

Serial numbers are not required on the small size strip stamps for a number of reasons. The quantity of spirits bottled in miniatures is nominal. The market for such bottled spirits is limited, i.e., primarily sales on passenger trains, planes, etc. Illegal liquors are not apt to be bottled in less than 200 ml containers; therefore there is little or no incentive to obtain these stamps in violation of the law and regulations and there is little or no need to trace them to the importer or bottler. In addition, serially numbering these stamps could be a problem because of their size.

In many instances specific information must now be "overprinted" on strip stamps after they have been issued to the bottler or importer. Most of this overprinting is done by commercial printers (at the cost of the bottler or importer) while the stamps are still in sheets (each sheet contains 50 stamps).

Green strip stamps must be overprinted with the season and year of production, the season and year of bottling, and the name of the distiller. This overprinting must be done in red ink and is done before the stamp is affixed to the bottle. Should spirits originally bottled in bond for domestic consumption be exported with benefit of drawback, the green strip stamp may remain on the bottle, but must additionally be overprinted with the word "EXPORT." This overprinting is, of course, done after the stamp has been affixed to the bottle.

Red strip stamps applied to spirits bottled in the United States after tax determination for domestic consumption are not required to bear overprinting. Red strip stamps on spirits bottled in the U.S. after tax determination for export with benefit of drawback must be overprinted with the word "EXPORT." This overprinting may be placed on the stamp either before or after the stamp is affixed, depending on when the decision to export is made.

Blue strip stamps applied to spirits bottled in bond for export with benefit of drawback must be overprinted with the word "DRAWBACK." Those applied to spirits bottled in bond for export without payment of tax need no overprinting as the word "EXPORT" is preprinted on all blue strip stamps.

White strip stamps applied to bottles of alcohol which are to be exported must be overprinted with the word "EXPORT." Those for domestic use need no overprinting.

Red strip stamps to be affixed to imported bottled spirits must be overprinted with the importer's permit number. This overprinting is done after the stamps are issued to the importer and before he affixes them or sends them abroad for affixing to bottles.

All strip stamps must be affixed to the containers in such a manner that on opening the container the stamp will be broken and a portion of the stamp, sufficient to identify the kind of stamp used, will remain attached to the container or to a cap or seal which is permanently affixed to the container.

Alternatives Considered

In proposing regulations to implement the provisions of Pub. L. 94–569, two approaches are being considered:

(A) To allow closure manufacturers, distillers, and other qualified persons to produce and distribute approved alternative closure devices, in a finished state, under a system of rigid controls and security, with corresponding bonding, recordkeeping and report filing requirements; or

(B) To allow closure manufacturers, distillers, and other qualified persons to produce and distribute approved alternative closure devices, in an unfinished state, with minimal recordkeeping, controls, and security, and with no bonding or report filing requirements. The alternative closure devices would be brought to a finished state and thus become accountable at the premises of distilled spirits producers and bottlers by the addition of U.S. Treasury indicia of tax determination to the devices. The indicia of tax determination would be affixed to the devices by means of plates or dies prepared to the specifications of the Treasury Department and provided by the manufacturer of the devices to the distiller or bottler authorized to use alternative closure devices.

In considering the advantages and disadvantages of each approach, the second approach seems more feasible for the following reasons:

(1) Approach B could be implemented with less cost to the taxpayer, because ATF can effectively administer this approach with little or no increase in staffing since ATF personnel are already stationed at or near distilled spirits producers' and bottlers' premises. Implementing Approach A would entail regulating an industry not previously regulated by ATF—the alternative device manufacturers—and would thus require additional ATF staffing.

(2) Approach B would provide greater security to the Federal revenues by preventing the transportation of finished alternative devices in regular channels of commerce, thus reducing the likelihood of theft and illegal use of the devices. Further, since ATF already has personnel stationed at or near distilled spirits producers' and bottlers' premises, more direct custody or control over the plates and dies bearing the Treasury indicia of taxpayment would be maintained and thus the likelihood of the plates and dies being copied or counterfeited would be reduced.

(3) Approach B would be less costly to the authorized alternative device manufacturers. Under Approach A, the device manufacturers would have to provide adequate security and controls to protect Federal revenues. Some of these security and control measures would be:

(a) Bonds covering the manufacture and disposition of and accounting for alternative devices,

(b) Records of alternative devices produced, shipped, destroyed and returned to the premises,

(c) Security measures (locked storage area, limited access areas, periodic inventories) necessary to prevent theft and to provide continuous accountability of the alternative devices; and

(d) Reports submitted periodically to reflect the numbers of devices produced, shipped, returned, and destroyed.

(4) Approach B seems more feasible administratively for two reasons:

(a) The same accountability and security measures that distillers and bottlers currently maintain for strip stamps could easily be expanded to cover alternative devices; and

(b) The necessary regulatory changes for Approach B could be made through minor changes and additions to existing regulations, while under Approach A, extensive new regulations would be required.

Limitations and Restrictions

In order to minimize the potential jeopardy to the Federal revenues, the Director's authorization for production, distribution and utilization of alternative closure devices would be limited to alternative devices for use on distilled spirits bottled in the United States for domestic consumption, and would be restricted to alternatives for standard and small size red strip stamps only.

The authorization would not be extended to foreign distillers or bottlers, to Puerto Rican or Virgin Islands distillers or bottlers, or to importers, because ATF could not adequately monitor the use of and the security provided for the plates or dies bearing U.S. Treasury indicia of tax determination by these distillers, bottlers, and importers.

The authorizations for producing and utilizing alternative devices would be restricted to alternatives for standard and small size red strip stamps because of problems in overprinting the devices with

the information required for taxpaid alcohol and distilled spirits bottled in bond or bottled for export.

However, this restriction would not substantially limit the use of alternative devices since most distilled spirits produced within the United States are for domestic consumption, and are therefore packaged in containers requiring red strip stamps without overprinting.

Alternative devices to standard size red strip stamps would have to be serially numbered while alternative devices to the small size red strip stamps would not have to be serially numbered. The reasons for requiring or not requiring serial numbers were previously discussed under present regulations relating to serially numbering strip stamps.

Distillers and bottlers could continue to use strip stamps, convert completely to the use of alternative devices, or convert partially to the use of alternative devices, depending upon the needs of each proprietor. Those proprietors who elect to convert to complete or partial use of alternative devices would be allowed to return to the use of strip stamps upon notifying the Director.

Discussion

Applications. (a) Any person wishing to produce devices for use as an alternative to red strip stamps would have to file application with the Director and furnish whatever information the Director might require to satisfy himself that the applicant would supply approved alternative devices only to qualified distillers and bottlers. The application would have to be accompanied by samples of the proposed alternative devices and by scale models or drawings of proposed plates and dies which would be used to imprint or affix required information (identity of the alternative device manufacturer, unique identifying number of the plate or die, and the indicia of tax determination as specified by the Director) to alternative devices. Upon approval of the application, the alternative device manufacturer could produce the devices.

(b) Any person (distiller, bottler, etc.) wishing to use alternative devices on containers of distilled spirits as evidence of tax determination would have to file application with the regional regulatory administrator. The application would have to contain sufficient information to satisfy the regional regulatory administrator that the Federal revenues would not be jeopardized. Upon approval of the application, a copy would be furnished the manufacturer of alternative devices as his authority to supply approved alternative devices to the person wishing to use them.

(c) (1) Any person who wishes to return containers of distilled spirits to a distilled spirits plant to have mutilated or missing alternative devices replaced, would have to file a letterhead notice with the regional regulatory administrator.

(2) Any distiller or bottler who wishes to reaffix alternative devices to containers of distilled spirits returned to his premises for that purpose, would have to file application with the ATF officer assigned to that distilled spirits plant or with the regional regulatory administrator.

General requirements for alternative devices. Alternative devices would have to meet certain requirements before the Director would approve them for use. The devices would have to:

(a) Be serially numbered (except for the small size devices);

(b) Be of uniform size and shape (within each of the two size categories);

(c) Bear the name or appropriate abbreviation of the manufacturer and, if the manufacturer has more than one plant or business location, some means of identifying the producing plant or business location;

(d) Bear the unique identifying number of each plate or die used to affix or imprint required information onto the alternative device;

(e) Have the capability of being securely affixed to containers of distilled spirits;

(f) Be constructed so as to be broken or severed, and thus made unfit for reuse, upon opening a container of distilled spirits;

(g) Leave an identifiable portion of the device attached to the container of distilled spirits upon opening; and

(h) Have the capability of receiving and retaining the imprint or stamp of U.S. Treasury indicia of tax determination from plates or dies.

Imprinting alternative devices. (a) Alternative device manufacturers would be required to imprint or affix certain information to the devices. For example, in the first stage of production, the manufacturer would apply (by means of plates or dies) to each device, the following information:

(1) The name and location of the alternative device manufacturer;

(2) A serial number; and

(3) The unique identifying number of the plate or die used to apply the information.

(b) Distillers and bottlers would (in the second stage of production, which would complete the alternative device, and which would take place at the distiller's or bottler's premises) affix the U.S. Treasury indicia of tax determination (as specified by the Director) to each alternative device by means of plates or dies furnished to the distiller or bottler by the alternative device manufacturer. Each of these plates and dies would also bear a unique identifying number which would be imprinted or affixed onto each alternative device.

(c) The Director would have to approve each plate and die to be used in applying the required information to alternative devices.

Records and reports. (a) Each manufacturer of alternative devices would have to maintain commercial records which clearly and accurately reflect:

(1) Each transaction involving alternative devices produced, sold, returned, destroyed, or otherwise disposed of;

(2) The unique identifying number of each plate and die prepared and the location of each plate and die; and

(3) Each transaction involving plates and dies returned, reconditioned, destroyed, or otherwise disposed of.

In addition, each alternative device manufacturer would have to retain a copy of each authorization issued by the Director permitting distillers and bottlers to obtain and use alternative devices.

(b) Each distiller or bottler authorized to obtain and use alternative devices would have to maintain daily records showing, by size, the numbers of alternative devices received, used, lost, mutilated, destroyed, or otherwise disposed of, and on hand at the beginning and end of each day. Additionally, distillers and bottlers would have to submit quarterly reports showing receipts and dispositions of alternative devices.

Replacement of mutilated or missing alternative devices by dealers. Specialized equipment would be necessary to apply alternative devices to containers of distilled spirits. Therefore, any unopened bottle or other approved container of distilled spirits (a) from which the alternative device is missing; (b) on which the alternative device is mutilated to the extent that the genuineness of the device cannot be determined; or (c) the contents of which are accessible without breaking the device, could (upon the approval by the regional regulatory administrator of a written application) be returned to a distilled spirits plant to have the alternative devices replaced.

Questions

To assist ATF in identifying and implementing the best course of action, comments are specifically requested on the following topics:

1. *Costs.* (a) What are the estimated costs of obtaining new equipment or converting existing equipment to utilize alternative devices?

(b) Will the small to medium size distillers and bottlers be able to use alternative devices, or will the costs be prohibitive?

(c) What is the cost impact of the proposal to require a two-step process (device manufacturer produces unfinished devices, distiller or bottler affixes tax determination indicia) to produce a finished alternative device?

(d) What are the estimated costs of producing plates, dies, and other equipment for applying the official indicia of taxpayment? (The indicia of taxpayment could be an ATF seal or an eagle crest similar to that now appearing on strip stamps.)

2. *Equipment.* (a) What types of equipment, other than plates and dies, can be used for applying the official indicia of taxpayment?

(b) Is it possible to install the equipment (plates, dies, etc.) applying the official indicia of taxpayment directly in the bottling line, or must a separate item of equipment and a separate step be used?

(c) What is the projected life of plates or dies when used to apply information to metal, plastic, and paper?

3. *Types of devices.* (a) What types of alternative devices will be proposed that meet the same requirements as strip stamps?

(b) What materials, other than paper, plastic, and metal will be proposed for use in manufacturing alternative devices?

4. *Controls.* (a) What controls would prospective manufacturers of alternative devices use to guard against counterfeiting of the unique plates or dies they would produce under the proposed regulations?

(b) Will the proposed recordkeeping and accountability requirements pose an undue administrative burden on distillers and bottlers who wish to use alternative devices?

(c) What controls could be devised to allow foreign distillers and bottlers to use alternative devices without endangering the Federal revenues?

5. *Benefits.* (a) What benefits will industry derive from the proposed system of manufacturing, distributing, using, and accounting for alternative devices?

(b) Will production and efficiency be increased through the use of alternative devices?

6. *Disadvantages.* (a) What disadvantages does industry see with the proposed system of manufacturing, distributing, using, and accounting for alternative devices?

(b) Will the proposal to limit alternative devices only to standard size and small size red strip stamps, because of problems in overprinting additional information (for export, bottled-in-bond, etc.), discourage distillers and bottlers from using alternative devices?

7. *Consumers.* What are the advantages or disadvantages for consumers regarding the use of alternative devices?

8. *Suggestions.* Suggestions and recommendations as to alternative procedures which are administratively and mechanically feasible, and which will provide the necessary degree of protection to the Federal revenues, are welcome.

This advance notice of proposed rulemaking is issued under the authority of 26 U.S.C. 5205 and 7805 (68A Stat. 917).

Signed: June 29, 1977.

REX D. DAVIS,
Director.

Approved: July 20, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc.77-21651 Filed 7-26-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 25]

PERMITS

Appeals Procedure

Correction

In FR Doc. 77-19254, appearing on page 34897 in the issue for Thursday, July 7, 1977, the eighth line of § 25.44, now reading "area manager's decision may be appealed", should read "area manager. The area manager's decision may be appealed".

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[32A CFR Parts 621, 621a, 621b, 631, 633, 651]

MANDATORY USE OF PRIORITY RATING ON INDIVIDUAL DELIVERY ORDERS OF $500 OR LESS

Proposed Increase

AGENCY: Domestic and International Business Administration.

ACTION: Proposed rule.

SUMMARY: The Commerce Department proposes to amend the provisions of the Defense Priorities and Materials System's regulations and orders to increase to $2,500 from $500 the size of delivery orders which are exempt from the mandatory rating requirement for filling rated orders. Currently, the use of a priority rating is optional on delivery orders under $500. The purpose of the change is to reflect the current dollar level accepted by industry in small order procurements. This action will result in a reduction in paperwork and expense for business and government operating under the provisions of the Defense Priorities System and the Defense Materials System.

DATE: Comments must be received on or before August 26, 1977.

ADDRESS: Comments to: Deputy Assistant Secretary for Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref. Small Order Exemption.

FOR FURTHER INFORMATION CONTACT:

Mr. Gilbert J. Breer, Mobilization Operations and Plans Divison, Office of Industrial Mobilization, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3634.

(Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970) (Supp. V, 1975); DMO 3, 32A CFR Part 103 (1976); Department of Commerce Organization Orders 10-3, 40 FR 59764, as amended, 41 FR 28334, and 40-1, 40 FR 8978; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 FR 2780, 39 FR 18490; 45-1, 40 FR 10217, as amended, 42 FR 3673, and 45-2, 40 FR 10218, as amended, 40 FR 42228, 41 FR 4951, 41 FR 22619, and 42 FR 3673.)

It is proposed to change "$500" to "$2,500" in 32A CFR Chapter VI in each of the following parts:

PART 621—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM (DMS REG. 1)

Sec. 7 [Amended]

1. In Sec. 7(c) change "$500" to "$2,500".

PART 621a—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED TO FILL MANDATORY ACCEPTANCE ORDERS (DMS REG. 1, DIR. 1)

Sec. 5 [Amended]

2. In Sec. 5 change "$500" to "$2,500".

PART 621b—CONTROLLED MATERIALS PRODUCERS AND DISTRIBUTORS (DMS REG. 1, DIR. 2)

Sec. 6 [Amended]

3. In sec. 6 change "$500" to "$2,500".

PART 631—IRON AND STEEL (DMS ORDER 1)

Sec. 15 [Amended]

4. In Sec. 15 change "$500" to "$2,500".

PART 633—ALUMINUM (DMS ORDER 3)

Sec. 11 [Amended]

5. In Sec. 11 change "$500" to "$2,500".

PART 651—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM (DPS REG. 1)

Sec. 6 [Amended]

6. In Sec. 6(c) chahge "$500" to "$2,500".

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
STANLEY J. MARCUSS,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.77-21546 Filed 7-26-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 254]

LANDOWNERSHIP; NATIONAL FOREST TOWNSITES

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Agriculture is considering issuance of new regulations.

The purpose of the new regulations is to provide for implementation of the National Forest townsite provisions in the Federal Land Policy and Management Act. This act provides that in Alaska or 11 Western States the Secretary of Agriculture may set aside and designate a tract of land as a townsite upon satisfactory showing of need by any county, city, or other local governmental subdivision.

DATES: Comments must be received on or before September 12, 1977.

ADDRESS: Submit comments to: Director of Lands, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

All written submissions made will be available for public inspection in Room 1010, Rosslyn Plaza E, 1621 North Kent

Street, Arlington, Virginia, 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

George Liddicoatt, Lands Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013 (703-235-8107).

SUPPLEMENTARY INFORMATION: A separate notice of proposed rulemaking is being issued as Subpart A, Land Exchanges. Subpart B will implement section 213 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2760) and will consist of the following areas: Landownership and national forest townsites. Subparts A and B were previously section 5400 of the Forest Service Manual.

It is proposed to amend 36 CFR Chapter II by adding Part 254, consisting of Subpart B, as follows:

PART 254—LANDOWNERSHIP

Subpart B—National Forest Townsites

Sec.

254.20 General.
254.21 Definitions.
254.22 Applications.
254.23 Examination of tract and processing application.
254.24 Public notice of intention to designate.
254.25 Survey and appraisals.
254.26 Deeds.
254.27 Standards.
254.28 Delegation of authority.

AUTHORITY.—The provisions of this subpart are issued under section 213, Pub. L. 94-579, 90 Stat. 2743.

§ 254.20 General.

(a) When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value.

(b) Conveyances will be limited to essential community needs resulting from internal growth and from the need to improve and modernize community facilities and services. The regulation of this subpart establishes procedures for processing townsite applications and sets standards for the enactment, maintenance, and enforcement of local zoning ordinances. These ordinances will ensure that any land so conveyed will be controlled by the governmental subdivision so that, in the judgment of the Secretary, the use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.

§ 254.21 Definitions.

The following definitions apply to this subpart:

(a) "Eleven contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(b) "Applicant" means the designated official(s), authorized to do business in the name of a county, city, or local governmental subdivision recognized under State law, who makes application in accordance with § 254.22.

§ 254.22 Applications.

(a) An applicant may request transfer of not more than 640 acres nor less than 5 acres of National Forest System land by letter, ordinance, or resolution. The application shall be filed with the District Ranger or the Forest Supervisor for the National Forest area in which the lands are situated.

(b) The application must be accompanied by:

(1) A precise description of the land desired;

(2) A development plan, consisting of a narrative statement and map description;

(3) Evidence that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership; and

(4) A proposed zoning ordinance setting forth specific standards in accordance with § 254.27.

§ 254.23 Examination of tract and processing application.

(a) Upon receipt of an application meeting the requirements of § 254.22, the Forest Supervisor will:

(1) Determine whether mineral claims, special land uses, or Forest Service administrative facilities exist on the tract requested.

(2) Follow the Forest Service NEPA guidelines to assess the environmental impact of the applicant's proposed development plan on the area.

(b) Any area on which there are preexisting mineral claims or special land uses, or which is required for administrative purposes, will not be included in a townsite designation until the following applicable condition(s) is met:

(1) The claim(s) is either removed or excluded;

(2) Arrangements are made for continuance or discontinuance of special uses; and/or

(3) A satisfactory alternative location is available for the administrative site.

(c) When it has been determined that no valid conflicts exist with mineral claims, special uses or administrative needs, and the requirements of NEPA have been met pursuant to Forest Service guidelines, the application will be forwarded through channels to the Secretary for written approval relative to conformance with the applicable standards of § 254.27. Within 60 days following submission, the applicant will be notified of the Secretary's approval or disapproval of the application and zoning ordinance or amendment thereto. If additional time is required, the applicant will be advised of the expected date of decision.

§ 254.24 Public notice of intention to designate.

(a) When the Secretary has determined that the community needs the requested area and that the community's objectives outweigh the public objectives and values served by continued Federal ownership, the Regional Forester will prepare:

(1) A news release for wide distribution in the State or States affected by the townsite; and

(2) A notice to be inserted weekly for 4 consecutive weeks in a newspaper having circulation in the community to be affected by the townsite.

(b) The notice should include a description of the area, name of the community or governmental body making the application, and copies of the zoning ordinance and development plan proposed for the townsite. A period of 45 days will be allowed in which public comments may be filed.

§ 254.25 Survey and appraisal.

Townsites designated by the Secretary of Agriculture will be surveyed by a qualified surveyor, licensed in the State in which the townsite is located or by the Forest Service, to standards required in the Manual of Surveying Instructions, 1973, United States Department of the Interior, Bureau of Land Management. The survey will be submitted for review and approval to the appropriate Forest Service regional land surveyor. Upon designation as a townsite, the Forest Service or the applicant will survey, mark, and post the property boundary. The Forest Service will determine the appraised fair market value of the townsite.

§ 254.26 Deeds.

Title to the townsite will be conveyed to the governmental body filing the application by quitclaim deed executed by the Secretary of Agriculture or his designee. Executed deeds will be held by the Forest Supervisor for delivery to the governmental body upon adoption of a valid zoning ordinance and development plan which conforms to the standards contained in § 254.27 and upon notice from the Regional Fiscal Agent that payment has been received in full for the townsite.

§ 254.27 Standards.

(a) *Applicability.* The land use standards set forth in this section apply to each townsite designated by the Secretary in accordance with § 254.20, paragraph (a) and section 213 of the Federal Land Policy and Management Act of 1976.

(b) *Changes in standards.* Changes in and addition to the standards may be

made from time to time by the local government subdivision with concurrence by the Forest Service.

(c) *General standards.* The following standards shall apply to each townsite designated by the Secretary:

(1) Use and development of the property will be in conformance with applicable Federal, State, and local laws, regulations and ordinances.

(2) There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

(3) All new utilities will be underground, unless waived by the Secretary.

(4) Roads will be designed, located, and constructed to minimize esthetic impact and soil movement.

(5) No structures or other improvements will be constructed within 150 feet of the exterior boundaries of the townsite adjacent to National Forest System lands except as may be necessary to construct, operate and maintain utilities, roads, trails, and similar facilities or improvements. Removal of live trees and other vegetation is limited to that necessary to accommodate installation of the improvements.

§ 254.28 Delegation of authority.

The Chief or Acting Chief, Forest Service, is authorized to prescribe such supplemental procedures and conditions or delegate such functions or authority as may be necessary or desirable to carry out the provisions of this subpart.

Dated: July 21, 1977.

JAMES NIELSON,
Deputy Assistant Secretary for Conservation, Research, and Education.

[FR Doc.77-21565 Filed 7-26-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 19528]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE (MTS) AND WIDE AREA TELEPHONE SERVICE (WATS)

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Dates for comments and replies on the issues specified in the Supplemental Notice of Proposed Rulemaking in Docket No. 19528 released June 20, 1977, FCC 77-395, are extended herein to August 15, 1977 and September 15, 1977, respectively. GTE Service Corporation had requested this extension because of previously-scheduled vacation periods and shutdowns affecting the personnel responsible for preparing comments.

DATES: Comments must be received on or before August 15, 1977, and Reply Comments must be received on or before September 15, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, 202-632-9342.

SUPLEMENTARY INFORMATION:

Adopted: July 19, 1977.

Released: July 21, 1977.

OPINION AND ORDER

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

1. GTE Service Corporation has requested that the comment and reply dates specified in the Commission's June 20, 1977 Supplemental Notice of Proposed Rulemaking in this proceeding (42 FR 32234), FCC 77-395, to be extended one month. These dates are currently July 30, 1977 and August 30, 1977, respectively. In support of its request, GTE cites previously-scheduled vacation and plant shutdowns during July and urges that personnel be given an opportunity to prepare and review comments upon their return.

2. The Commission has stated that "the public interest * * * requires expeditious resolution of the issues * * *" which were set for comment herein.[1] Moreover, § 1.46(a) of the Commission's Rules provides that "It is the policy of the Commission that extensions of time shall not be routinely granted.", 47 CFR 1.46(a). Thus, it is clear that the time schedule for commenting herein should not be unnecessarily extended. On the other hand, the Commission has welcomed GTE's comments in the past and wishes GTE an opportunity to develop meaningful comments herein. In these circumstances, a two weeks extension of time will be granted to allow GTE's personnel an opportunity to prepare such comments.

3. Accordingly, pursuant to authority delegated under Section 0.303 of the Commission's Rules, 47 CFR 0.303, GTE's July 14, 1977 Motion for Extension of Time is hereby granted in part, and *it is ordered*, That the dates for comments and replies on the issues specified in the Supplemental Notice of Proposed Rulemaking released June 20, 1977, FCC 77-395, are hereby revised; comments are due on or before August 15, 1977 and replies are due on or before September 15, 1977.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-21643 Filed 7-26-77;8:45 am]

[1] Memorandum Opinion and Order (companion to the Notice) released June 20, 1977, FCC 77-396, para. 41.

[47 CFR Part 73]

[Docket No. 21343; RM-2782]

TELEVISION BROADCAST STATIONS IN ANCHORAGE AND SEWARD, ALASKA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: FCC proposes to assign Channel 4 to Anchorage, Alaska, and to substitute Channel 3 for the existing Channel 4 assignment in Seward, Alaska. This action would bring a fourth commercial television station to Anchorage and results from a petition filed by Consolidated Amusement Co., Ltd. Petitioner seeks to utilize the channel for subscription television although such use requires a waiver of a Commission rule providing that authorization for such a station will be issued only if its principal community is located entirely within the Grade A contours of five or more commercial television broadcast stations (including the station of the applicant).

DATES: Comments must be received on or before September 1, 1977, and reply comments must be received on or before September 21, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: July 15, 1977.

Released: July 22, 1977.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Anchorage and Seward, Alaska).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by Consolidated Amusement Co., Ltd. ("Consolidated"), and oppositions filed by James R. Hendershot ("Hendershot") and Midnight Sun Broadcasters, Inc. ("Midnight Sun"). The petition seeks amendment of § 73.606(b) of the Commission's Rules, the Television Table of Assignments, by assigning Channel 4 to Anchorage, Alaska, and substituting Channel 3 for the presently unoccupied and unapplied for Channel 4 assignment at Seward, Alaska.

2. Consolidated contends that Alaska's population has not remained static over the past twenty-five years, yet the television channel assignments for Anchorage, Seward and Fairbanks, Alaska, have remained unchanged since the Sixth Report and Order, 41 F.C.C. 148 (1952). Petitioner further asserts that although Anchorage (pop. 48,081; census division pop. 126,385) has emerged as the population center of Alaska (pop 302,173), it

has only four television channels assigned, all of which are occupied [three are commercial operations: Channels 2 (KENI-TV), 11 (KTVA), and 13 (KIMO), and one is an educational station, *7 (KAKM)]. This complement of channels is contrasted with that of Fairbanks (pop. 14,771; census division pop. 45,864)[1] which has six channels assigned, three of which remain unoccupied. Consolidated calls for a more equitable distributation of television channels among the Alaskan communities and proposes to add a new assignment to Anchorage to partially redress what it views as an imbalance in assignments. At the same time, petitioner notes that if the proposal is adopted no community would be deprived of any assigned channel since Channel 3 would be assigned to Seward (pop. 1,587; census division pop. 2,336) in lieu of Channel 4. Seward is presently assigned Channels 4 and 9. These channels are occupied by VHF television broadcast translator stations; however, this is no impediment to the instant proposal as translator stations provide a secondary service and thus are afforded no protection should a full television broadcast station become active.

3. Petitioner contends that Anchorage's burgeoning population and commerce is presently underserved and thus the proposed assignment is warranted. Furthermore, the instant proposal, as asserted by Consolidated, would facilitate the potential use of Channel 4 at Kodiak, Alaska, in that greater flexibility would be available in the choice of location for a transmitter site. Petitioner indicates that it will apply for Channel 4 if assigned to Anchorage and plans to utilize the channel for subscription television if its application is granted.

4. Midnight Sun in opposing the petition asserts that Consolidated has not set forth evidence of need for additional television service at Anchorage.[2] Moreover, it argues, as does Hendershot, that the Commission's rules would not permit Consolidated to use Channel 4 for a subscription television station since there are not presently four operating commercial television broadcast stations at Anchorage as required by § 73.642(a)(3) of the Commission's Rules.[3] Thus, if Channel 4 were assigned to Anchorage, the petitioner would have to seek a waiver of that rule to use the assigned channel for subscription television Midnight Sun asserts that the petition should not be granted on the supposition that a waiver might be granted. However, in its reply, petitioner takes note of In the Matter of Atlanta, Georgia, 41 FR 5637, 36 R.R. 2d 188 (1975), where in spite of the fact that no present intention to apply for the particular TV assignment had been expressed, the Commission made an exception and assigned that channel to Atlanta because channel availability in the region was quite low and the area was expanding and growing. The Commission stated that if someone did not seek the use of the channel, it would consider deleting the assignment after a reasonable length of time has passed.

5. The proposed assignment and substitution meets the Commission's separation requirements and other technical criteria. Other than Seward, no changes are required as to other communities listed in the Television Table of Assignments. Any preclusion resulting from the assignment of Channel 4 to Anchorage would be minimal. As to the proposed assignment of Channel 3 at Seward, other channels remain available for assignment to the communities in the precluded areas. We also note that a fifth channel could be assigned to Anchorage if Channel 8 were substituted for Channel 9 at Seward and Channel 9 were assigned to Anchorage. Thus, four non-subscription commercial television broadcast stations could operate at Anchorage at some time in the future in compliance with § 73.642(a)(3). Accordingly, we propose to consider the assignment of Channel 4 to Anchorage, Alaska, and the substitution of Channel 3 for the Channel 4 assignment at Seward, Alaska.

6. Petitioner should, in comments, indicate whether it would be interested in operating a commercial broadcast television station if its application for waiver of § 73.642(a)(3) were not granted. We also invite comments on whether the proposal should be adopted if petitioner only wishes to use Channel 4 for subscription television and no other party would be interested in applying for the proposed assignment at Anchorage. Since we believe that this should be explored in a rule making proceeding, we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the cities listed below:

§ 73.606 [Amended]

City	Channel No.	
	Present	Proposed
Anchorage, Alaska	2-, *7-, 11, 13-	2-, 4-, *7-, 11, 13-
Seward, Alaska	4-, 9-	3-, 9-

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

8. Interested parties may file comments on or before September 1, 1977, and reply comments on or before September 21, 1977.

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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), and 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.81(b)(6) of the Commission's Rules, it is proposed to amend the Television Table of Assignments, § 73.606(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 the Notice of Proposed Rule Making. 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 Rule Making* to which this Appendix is attached. 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)

[1] All population figures are taken from the 1970 U.S. Census, with census divisions being the equivalent of counties.

[2] Midnight Sun is the licensee of Stations KENI(AM) and KENI-TV, Channel 2, Anchorage; KFAR(AM) and KFAR-TV, Channel 2, Fairbanks; KINY(AM) and KINY-TV, Channel 7, Juneau; and KTKN(AM), Ketchikan, Alaska.

[3] Rule 73.642(a)(3) provides that an authorization to use a channel for subscription television service:

> * * * will be issued only for a station the principal community of which is located entirely within *the Grade A contours of five or more commercial television broadcast stations (including the station of the applicant)*, whether the principal community each station is authorized to serve is the same as that of the applicant, or is a nearby community. Only one such authorization will be granted in any community. *No such authorization will be granted unless, not counting the station of the applicant, at least four of the stations which include the community of the applicant within their Grade A contours are operating nonsubscription stations.* (Emphasis added.)

who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate 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.77-21642 Filed 7-26-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 77-7-84; Docket 27573, Agreement C.A.B. 26747]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority, July 20, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement adds four specific commodity rates under an existing commodity description as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated June 1, 1977.

Agreement CAB	Specific commodity item No.	Description and rate [1]
26747	1053	Cattle,[2] 159 c/kg,[3] minimum weight 2,000 kg. Chicago to Tokyo; 168 c/kg,[3] minimum weight 2,000 kg. Chicago to Osaka; 181 c/kg,[3] minimum weight 2,000 kg. Chicago to Taipei; 174 c/kg,[3] minimum weight 2,000 kg. Chicago to Seoul.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] To be shipped in unit load devices-IATA rate classification 2H (stalls).
[3] Expires July 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions ordered.

Accordingly, *It is ordered*, That: Agreement C.A.B. 26747 is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-21671 Filed 7-26-77;8:45 am]

[Order 77-7-105; Docket 30570]

SERVICE TO BRUNSWICK AND SAVANNAH CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of July 1977.

On March 2, 1977, in Order 77-3-16, the Board instituted an "investigation to consider the need for new or additional authority between and among Atlanta, Savannah, Brunswick, and Jacksonville." The Board imposed a pretrial restriction that would require all flights serving Atlanta and Jacksonville also to serve Savannah or Brunswick, made the deletion of Delta's authority to serve Brunswick an issue in this case, and rejected Delta's request that the scope of the case be enlarged to include nonstop service between Savannah and certain northeast points, finding that expanding the issues would unnecessarily delay and complicate the proposed investigation.

Delta now has filed a petition seeking reconsideration of Order 77-3-16; and a motion to consolidate its application in Docket 29491.

Southern also has petitioned for reconsideration or clarification of the pretrial restriction in Order 77-3-16 requiring all flights serving Atlanta and Jacksonville also to serve either Savannah or Brunswick.

Eastern submitted an answer in opposition to Delta's and Southern's petitions for reconsideration, arguing that they have not raised any new matters that warrant a change in Order 77-3-16. The Bureau filed an answer opposing Delta's petition for reconsideration and supporting Southern's petition for reconsideration or clarification.

1. *Delta's petition for reconsideration and motion to consolidate.* Delta asks that this case be expanded to include the issue of direct Savannah-Northeast authority. If the Board does not grant this request, Delta asks that the issues be expanded to include direct Savannah-New York authority. If the Board enlarges the scope of the case as recommended, Delta then asks that its application in Docket 29491 be consolidated with this case to the extent that the application is consistent with the scope of the case.

If the Board does not enlarge the case to include direct Savannah-Northeast authority or Savannah-New York authority, Delta asks that the Baord at least include the question of whether condition (8) in Delta's certificate for Route 24 should be removed, to the extent that this condition now prohibits Delta from offering single-plane service in certain Savannah-Northeast markets.

Finally, if the Board does not enlarge the scope of the case in any way, Delta asks that the Board impose a pretrial restriction prohibiting any carrier from offering single-plane Savannah-Northeast service as a result of an award in this case.

Delta's arguments in favor of expending the scope of this proceeding to include nonstop Savannah-Northeast or Savannah-New York authority merely reiterate matters which were fully considered and rejected in our earlier order. To include such issues would radically shift the primary forcus of this proceeding and unnecessarily delay and complicate the case, all to the detriment of the matters originally placed in issue. Therefore, Delta's request to so expand the scope of the issues will be denied. We will also deny Delta's request for a pretrial restriction. We do not, as a general rule, impose pretrial restrictions to bar the tacking of new and existing authority,[1] and Delta has not presented any valid reason for the Board to depart from this practice. The carrier will, of course, be free to present evidence and argument to support the imposition of such a condition during the course of the proceeding; however, there is no need to impair the Board's decisional flexibility on that issue now.

On the other hand, we will grant Delta's request that the amendment of condition (8) of Route 24 be placed in

[1] See, e.g., *Louisville Service Case*, Order 77-1-64, January 13, 1977, p. 6.

issue to the limited extent that the condition precludes single-plane service in certain Savannah-Northeast markets. Accordingly, we will also grant Delta's motion to consolidate its application in Docket 29491 to the extent that such an amendment is requested therein.[2] We have decided to exercise our discretion in this matter for two basic reasons which are wholly unrelated to Delta's due process arguments.

First, while it is Board's usual practice to exclude "applications from investigations of this type to the extent they seek to change the manner in which carriers may serve portions of their systems apart from markets at issue,"[3] we do not believe that the rationale for that practice[4] is applicable to this case. Thus, the inclusion of the condition (8) issue will not unduly delay or expand the scope of the proceeding. As Delta points out, most of the Atlanta-Northeast markets will likely be considered as a source of flow traffic supporting Eastern's application; to consider the same basic date with regard to Delta's condition (8) will not require much extra time or effort.[5] Moreover, as no new route segments for Delta are being considered,[6] competing applications for new Atlanta-Northeast route authority will not be entertained.[7]

A second, and equally important reason for considering this issue has to do with the history of the condition itself. Condition (8) was originally imposed in the *Southwest-Northwest Service Case* as a pretrial restriction designed to prevent a conflict with Northeast's then pending application in Docket 5192.[8] When called upon to interpret that condition in 1972, the Board concluded, interalia, that "the entire restriction may have lost much of its original purpose in light of Delta's recent acquisition of Northeast's New York-Florida route. If so, however, it cannot be removed or modified except by an appropriate proceeding for that purpose."[9] We believe that this case is an appropriate proceeding in which to consider modification of condition (8) as it affects Savannah-Northeast service, and that such action will be conducive to the proper dispatch of the Board's business and to the ends of justice.

2. *Southern's petition for reconsideration.* Southern petitioned for reconsideration or clarification of ordering, paragraph 6 in Order 77-3-16. This paragraph states:

> Any authority awarded in the Atlanta-Jacksonville market shall be subject to a restriction that all flights serving Atlanta, Georgia, and Jacksonville, Florida, shall also serve Savannah, Georgia, or Brunswick, Georgia.

Southern points out that Eastern and Delta already hold nonstop authority between Atlanta and Jacksonville, and that Southern already is restricted by Condition 4(b) in its Route 98 certificate to a minimum of one intermediate point between Atlanta and Jacksonville. Southern waives any argument that Condition 4(b) should not be made applicable to any new authority awarded to Southern in this case. Southern recognizes, however, that the order imposes the restriction only on new authority awarded in this case, and that the Board did not intend to take away nonstop or one-stop authority previously awarded in this market, or to require Brunswick or Savannah stops on all Jacksonville-Atlanta flights, under authority previously granted.

Thus, we find that Southern has presented no valid reason for eliminating the pretrial restriction and we will, therefore, deny its petition for reconsideration or clarification.

Accordingly, *it is ordered*, That: 1. Delta Air Lines' petition for reconsideration and motion to consolidate its application in Docket 29491 are granted to the extent that they seek the inclusion of the amendment of condition (8) of Delta's Route 24 so as to allow service between Savannah, on the one hand, and points north of Atlanta, on the other;

2. Except to the extent granted here, Delta Air Lines' petition for reconsideration and motion to consolidate are denied;

3. To the extent not consolidated here, Delta's application in Docket 29491 is dismissed;

4. Southern Airways' petition for reconsideration or clarification of Order 77-3-16 is denied; and

5. The following additional issue shall be included in this proceeding:

(e) Should condition (8) of Delta's Route 24 be modified or amended so as to authorize Delta to provide single-plane service between Savannah, Georgia, and points on the Atlanta-New York/Newark portion of Route 24 north of Atlanta?

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-21670 Filed 7-26-77;8:45 am]

[Docket No. 30703]

TRANS WORLD AIRLINES, INC. V. UNITED AIR LINES, INC.

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., July 20, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-21669 Filed 7-26-77;8:45 am]

[Docket No. 30503]

TIGER INTERNATIONAL, INC., ET AL.

Proposed Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are are hereby afforded until July 28, 1977, within which to file comments or request a hearing with respect to the action proposed in this order.

Dated at Washington, D.C., July 21, 1977.

PHYLLIS T. KAYLOR,
Secretary.

ORDER OF APPROVAL

Application of Tiger International, Inc., The Flying Tiger Line, Inc., and National Aircraft Leasing, Ltd. for approval of the

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[2] Pursuant to Rule 12(d) of the Board's Rules of Practice, to the extent not consolidated, Delta's application in Docket 29491 will be dismissed.

[3] *Detroit-Nashville Nonstop Investigation*, Order 69-12-136, December 30, 1969, p. 1. See also *Dallas/Ft. Worth-Phoenix Nonstop Case*, Order E-25924, November 3, 1967, p. 4.

[4] See e.g., *Remanded Additional Service to San Diego Case (San Diego-Denver)*, Order 71-7-34, July 7, 1971, pp. 2-3.

[5] A supplemental prehearing conference and some minor extension of procedural dates may be necessary.

[6] Delta already possesses Atlanta-Northeast and Atlanta-Savannah nonstop route authority. All that is involved is a restriction that prohibits single-plane service between Savannah and certain Northeast points.

[7] The *Ashbacker* doctrine requires a comparative hearing only when applications are mutually exclusive. Delta's application, to the extent consolidated here, merely involves the question of authority to tack Delta's current Savannah-Atlanta and Atlanta-Northeast route authority. It does not involve the question of whether an additional carrier is required in the Atlanta-Northeast markets; therefore, such applications need not be consolidated here. Delta's situation in this regard is entirely different than Southern's, for example. Condition (6) of Southern's route 98 prohibits single-plan service between Atlanta and certain Northeast points. Thus, a Southern application for Savannah-Atlanta-Northeast authority would involve totally new Atlanta-Northeast nonstop route authority which would in no way be precluded by granting Delta authority to tack its existing route authority. (See, e.g., *Ozark Route Realignment Investigation*, Order E-25188, May 24, 1967, pp. 1-2; and *Application of Continental*, Order 73-2-30, February 8, 1973, n. 15.) In short, all that is involved here is an improvement in Delta's existing authority in markets in which it carries over 75 percent of the traffic. The only exception is in the Savannah-Washington, D.C. market in which Delta carried 45.2 percent of the traffic compared with National's 53.7 percent share. (O&D Survey, Table 10, Y/E March 31, 1976.) However, as National holds nonstop authority in the market, it can hardly be heard to object to our considering whether or not to upgrade Delta's on-line connecting authority to one-stop authority. (National will, of course, be entitled to intervene in this proceeding in order to oppose the ultimate grant of such authority to Delta.)

[8] See Order E-7804, October 8, 1953, p. 4; and 23 CAB 42 (1956). It was subsequently amended in a manner not material here in the *Additional Service to Columbia and Augusta Case*, Order 71-7-118, July 21, 1971.

[9] See Order 72-9-17, September 5, 1972, p. 6.

acquisition of control of Qualitron Aero West, Inc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of July, 1977.

By application filed February 16, 1977,[1] Tiger International, Inc. (TI), The Flying Tiger Line Inc. (FTL), and their subsidiary, National Aircraft Leasing, Ltd. (NAL)[2] request that the Board approve the acquisition of control of Qualitron Aero West, Inc. (Aero West) from Qualitron Aero, Inc. (Qualitron) under section 408(a)(6) of the Federal Aviation Act of 1958, as amended (the Act), and under ordering paragraph 6 of Order 70-6-119, dated May 5, 1970, (The Flying Tiger Line Inc. Reorganization).[3] The applicants also request that the Board disclaim jurisdiction, under section 409 of the Act, over interlocking relationships which might be established between Aero West, FTL, TI, or any of their affiliates, subsequent to NAL's acquisition of control of Aero West.

TI is an air carrier-formed holding company which wholly owns FTL, a certificated scheduled all-cargo domestic and international air carrier. TI and FTL are joint owners of TLG, a holding company subsidiary, which wholly owns NER, an equipment finance company, and NER, in turn, wholly owns NAL, an aircraft leasing company. NAL is a lessor of jet and prop-jet aircraft of different types to corporate, airline (primarily foreign air carriers) and other aircraft operators. According to the applicants, most of NAL's leases are operating leases, as opposed to finance leases,[4] and NAL arranges for the servicing and maintenance of its aircraft between leases, in addition to refurbishing aircraft to customer specifications prior to the aircraft going on lease.

Qualitron is a California subsidiary of Tenneco, Inc., a large diversified company. Its sole business is the fixed base operations of its Burbank Division located at Burbank, California, quite proximate to NAL's current base of operation.[5] The primary business of the Burbank Division is the repair of corporate and private aircraft as well as providing of hangar space for rent, primarily for corporate jets, and tie down spaces for small aircraft. It also sells aviation fuel and performs repair and installation work on avionics components. Qualitron is a Federal Aviation Administration certified class I, II, III and IV repair station and also holds a number of Supplemental Type Certificates (STC), primarily relating to corporate aircraft.

Under the terms of the purchase agreement betweetn NAL and Qualitron, assets of Qualitron's Burbank Division would be transferred to Aero West, a company incorporated by Qualitron for that purpose, and NAL would then acquire all of the stock of Aero West. The Burbank facilities which NAL would acquire through the purchase of Aero West's stock consist primarily of a leasehold on 32 acres together with several buildings located there and some equipment and tools. The lease, which expires on November 30, 1977, provides for a rent of approximately $15,000 per month. The total purchase price for Aero West's stock is expected to be approximately $350,000 for the equipment, inventory, and work in process, and approximately $150,000 for accounts receivable less the accounts payable. The purchase price will be paid in NAL notes and cash.

In addition, immediately following the closing of the agreement on July 31, 1977, Qualitron will sell to Aero West all of Qualitron's interest in its STC's acquired from the FAA and associated tooling, in consideration of a separate promissory note. The principal sum of the note is $100,000, with interest payable semi-annually at 9 percent per annum and with the principal due and payable five years after Aero West's execution of the note. NAL will unconditionally guarantee the note and Aero West will secure the note by its grant to Qualitron of a security interest in the licenses and STC's acquired from Qualitron by Aero West. Under the express terms of the agreement, should the Burbank airport be closed to general commercial aviation operations prior to maturity of the note, the note and guarantee will be cancelled and Aero West will retransfer to Qualitron all interests in the STC's, tooling, and licenses acquired from Qualitron. The agreement is subject to Board approval within ninety (90) days of its execution on April 29, 1977, and unless extended by the parties the agreement would otherwise become void.[6]

In support of the application, the applications state that the acquisition of the stock of Aero West and thus the existing assets of the Burbank Division would be the most efficient and economical means for NAL to achieve necessary augmentation of its own repair, service, and modification capabilities; that NAL currently arranges for others to do the vast majority of the repair, servicing and conversion of its aircraft; and with the purchase of Aero West, NAL could perform the type of work on its aircraft with great savings to it, while at the same time increasing its expertise and the number of services it could provide its customers.

Further, applicants state that NAL anticipates continuing to purchase used aircraft from airlines (other than FTL) and convert them for other uses or refurbish them for lease or sale to foreign air carriers; that as a result of its experience in the past with the BAC 1-11, NAL believes it has the management and technical staff to do "in house" that which it has paid others to do; that with this added capacity NAL feels it will become a stronger and more effective competitor in the used aircraft market; and that the addition of Aero West will help accomplish this result. In addition, Aero West will continue to concentrate on the corporate and private aircraft repair and servicing market.[7]

Finally, the applicants represent that it is not anticipated that Aero West will do more than a small percentage of its business with certificated carriers, and in no event will it service FTL aircraft, nor will NAL depart from its consistent policy of not engaging in any transactions with or affecting FTL.

No objections to the application or requests for a hearing have been received.

Upon consideration of the application, the Board finds that the acquisition of control of Aero West by TI and FTL through their subsidiary, NAL, does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and we find that the public interest does not require a hearing.

The matters set forth in the amended application and the supplementary information furnished by the application, without adverse comments being filed, present an adequate and uncontroverted factual basis for the Board's determination.

The acquisition here involves the control of Aero West, a person engaged in a phase of aeronautics by reason of its fixed base and maintenance operations, as here described. Also, Aero West's operations appear to involve no sole source services or products, and its integration with the aircraft leasing business of its immediate parent company, NAL, could result in an efficient and economic operation accruing to some extent to the benefit of FTL, as a joint owner together with TI.

In light of the latter considerations we find that acquisition of control of Aero West pursuant to section 408(a)(6) of the Act is not inconsistent with the public interest.[8] Fur-

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[1] The application was supplemented by letter of March 14, 1977, amended on March 31, 1977, and further supplemented by letters of May 5, and May 20, 1977.

[2] Two additional intervening subsidiaries between TI/FTL and NAL are, in descending order, presently Tiger Leasing Group, Inc. (TLG) and National Equipment Rental, Ltd. (NER). Within the TI system there are numerous additional subsidiaries and affiliates none of which is in the direct line of the subject acquisition.

[3] The applicants state that this application is based on the conclusion that the proposed transaction does not constitute a corporate reorganization or acquisition "with or affecting the air carrier" (FTL) as set forth in Transaction Guideline, T.G.: (A)(10), promulgated as part of the regulatory regime of the Air Carrier Organization Investigation (ACRI), Orders 75-10-65-66, dated September 12, 1975, as amended by Order 76-1-121, January 30, 1976. As herein noted, both TI and FTL, through their subsidiary, NAL, would jointly acquire Aero West, thus "affecting" FTL. However, as discussed here, Aero West is a person engaged in a phase of aeronautics, and for this reason its acquisition by TI and FTL is subject to section 408. As noted in Order 76-5-56, May 14, 1976, the corporate reorganization and acquisition category, T.G.: (A)(10), although "with or affecting the air carrier", was not intended to cover acquisitions which are subject to section 408 jurisdiction. Nevertheless, as applicants recognize herein, this additional acquisition of Aero West by TI and FTL is subject to ordering paragraph 6 of Order 70-6-119, supra, which expressly requires that there be submitted for prior Board approval any further acquisition of control, directly or indirectly, of a common carrier or any person engaged in a phase of aeronautics by TI, by FTL, or any of their affiliates or subsidiaries. (See Order 76-3-96, March 15, 1976)

[4] As described by the applicants, an operating lease returns to the lessor during its initial noncancelable term a rental which is less than the full invoice cost of the equipment plus interest charges. A finance lease is a lease which returns to the lessor during its initial noncancelable term the invoice cost of the equipment plus interest charges, related expenses and a profit on investment.

[5] Qualitron formerly operated a repair station at Houston, Tex., which is being sold to another company, and a repair station at Fort Worth, Tex., which has been liquidated.

[6] According to the applicants, Qualitron has received approval from the FAA for the transfer of the STC's and Lockheed Air Terminals, Inc. has consented to the assignment of the leasehold covering the Burbank properties.

[7] During 1976, the Burbank Division of Qualitron (Aero West's predecessor), totaled sales of approximately $4 million with approximately two-thirds of such service being derived from aircraft repair or modification and the balance from terminal operations, i.e., fuel sales and hanger and tie-down rentals.

[8] The fact that this transaction may also be subject to section 408(a)(3) of the Act does not require further approval under the section. The public interest considerations are the same in either case.

ther, we do not find that the conditions of section 408 of the Act will otherwise be unfulfilled. This determination is in accord with other instances presenting similar control, and common control relationships, heretofore approved by the Board.[9] Nor do we find the integrity of the air carrier or its ability to perform its certificate obligations would be impaired by reason of the acquisition of control of Aero West pursuant to paragraph 6 of Order 70-6-119, supra. The Board's findings here are secured by the conditions heretofore imposed on the Board's approval of The Flying Tiger Line reorganization proceeding,[10] and on the air carrier's diversification authorization.[11] As we have repeatedly stated,[12] the Board intends to continue to exercise the surveillance contemplated by such conditions over, among other things, acquisitions within an air carrier-related diversified system of companies which are or may become engaged, directly or indirectly, in common carriage or in any aeronautical activities. In these circumstances we do not find it necessary formally to impose additional conditions to ensure the representation of the applicants that, in no event, will Aero West service FTL aircraft, or NAL engage in any transactions with or affecting FTL. However, should Aero West, directly or indirectly, engage in any additional activities that may independently come within the scope of section 408 of the Act, or paragraph 6 of Order 70-6-119, supra, further filings with the Board would be required.[13]

This is not to suggest we would necessarily regard such an extension of NAL's activities as objectionable. It is to say only that we insist on an opportunity to approve or disapprove any such change.

On the basis of the foregoing, the Board concludes that it should approve without hearing under the third proviso of section 408(b) of the Act and under paragraph 6 of Order 70-6-119, supra, as amended, the acquisition of control of Aero West by TI and FTL through NAL.[14]

The applicants anticipate the creation of various interlocking relationships between Aero West, FTL, and TI subsequent to the acquisition of control of Aero West, and request that the Board disclaim jurisdiction under section 409 of the Act with respect to these interlocking relationships.

Regarding these relationships, we have decided to dismiss applicants' request in part, and to grant their request in part. No individuals have been designated or identified in the application, and it appears that the participating interlocking relationships referred to in the application are limited to the TI system of subsidiaries and affiliated companies. To the extent that a blanket exemption from or approval under section 409 of the Act are afforded the anticipated interlocking relationships by Part 287.1(e), Part 297.3(e), and Part 287.4 of the Board's Economic Regulations, the applicants' request for disclaimer of jurisdiction will be dismissed. Except to the extent dismissed here, applicants' requests for disclaimer of jurisdiction over the remaining prospective interlocking relationships, confined to the TI system of subsidiaries and affiliated companies, will be granted, since they would not come literally within section 409.

Accordingly, *It is ordered*, That:

1. The acquisition of control of Qualitron Aero West, Inc. (Aero West) by Tiger International, Inc. (TI), and The Flying Tiger Line Inc. (FTL), through National Aircraft Leasing, Ltd. (NAL), is approved;

2. Applicants' request for disclaimer of jurisdiction over interlocking relationships involving Aero West, TI, and FTL, in Docket 30503, to the extent that such interlocking relationships are exempted under Part 287, is dismissed;

3. Except to the extent here dismissed, applicants' request for disclaimer of jurisdiction over interlocking relationships involving Aero West, TI, and FTL in Docket 30503, is granted; and

4. The Board shall retain jurisdiction over this proceeding.

By the Civil Aeronautics Board.

[FR Doc.77-21668 Filed 7-26-77;8:45 am]

[9] See the Robert Dollar Company of California, et al., Orders E-17077, June 30, 1961, and E-17280, August 4, 1961, and Aero Spacelines, Inc., Order E-26532, January 2, 1968.

[10] The Flying Tiger Line Inc., Order 70-6-119, dated May 5, 1970, as amended by Order 75-5-5, May 1, 1975.

[11] Air Carrier Reorganization Investigation, Orders 75-10-65-66, dated September 12, 1975, as amended by Order 76-1-121, January 30, 1976.

[12] See Tiger International, Inc. Order 77-2-124, February 25, 1977.

[13] See Order 70-6-119, (n. 13), supra, and Pan American World Airways, Order 75-2-100, February 25, 1975.

[14] Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General, not later than the day following such publication, both in accordance with the requirements of section 408(b) of the Act.

DEPARTMENT OF COMMERCE

Economic Development Administration

BARON INTERNATIONAL CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Baron International Corp., 315 Fifth Avenue, New York, N.Y. 10016, a producer of leather handbags, was accepted for filing on July 19, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on August 1, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-21528 Filed 7-26-77;8:45 am]

National Oceanic and Atmospheric Administration

AMERICAN TUNABOAT ASSOCIATION

Receipt of Application for General Permit

Notice is hereby given that the following Applicant has applied in due form for a General Permit to take marine mamals incidental to the course of commercial fishing operations during 1978 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

The American Tunaboat Association, 1 Tuna Lane, San Diego, California, has applied for a general permit, category 2, "Encircling Gear, Tuna Purse Seining."

Copies of the application are available for review as follows:

Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. (telephone 202-634-7283);
and
Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Interested parties may submit written data or views on this application. A public hearing on the application is scheduled to begin on August 22, 1977. The final date for filing with the Director a notice of intent to participate in the hearing is August 5, 1977, and the final date for the submission of direct expert testimony of application is August 15, 1977. Proposed amendments to regulations regarding the incidental take of marine mammals during commercial fishing operations were published on July 20, 1977 (42 FR 37217).

Dated: July 7, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-21576 Filed 7-26-77;8:45 am]

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The Caribbean Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plants with respect to fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The meeting will be held Tuesday through Thursday, August 16-18, 1977, at the Secret Harbor Hotel, State Nazareth, Charlotte Amalie, St. Thomas,

Virgin Islands. The meeting will convene at 9 a.m. on August 16 and adjourn at about noon on August 18, 1977. Daily sessions will normally start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda.

PROPOSED AGENDA

1. Election of Chairman and Vice-Chairman.
2. Foreign boundary discussions.
3. Japanese longline conference report.
4. Inter-Council Billfish Committee report.
5. FMP for Spiny Lobster and Reef Fish Report.
6. Initiation of new FMP discussions.
7. Administrative matters.
8. Other Council business.

This meeting is open to the public, and there will be seating for a limited number of public members available on a first-come first served bass. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact, on or about August 10, 1977:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, Puerto Rico 00919, 809-753-4926.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statement should be received within 10 days after the close of the meetings.

Dated: July 22, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-21578 Filed 7-26-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Meetings

Notice is hereby given of a series of public meetings to be held by the Mid-Atlantic Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The purpose of these public meetings is to receive public views and comments to aid with the development of a fishery management plan for billfish. The South Atlantic Council has been designated by the Secretary of Commerce as the lead Council among the several Councils of New England, Gulf of Mexico and Caribbean in developing this plan.

These meetings are for the purpose of providing an opportunity for the public input and to serve as a fact finding mechanism relative to development of a fishery management plan for the domestic and foreign billfish fishery.

The meetings will convene at 7:30 and adjourn at 10 p.m. at the following locations on the designated dates.

August 16, 1977—Montauk Fire House, Montauk, New York 11954.
August 17, 1977—Asbury Avenue Pavilion, Asbury and Ocean Avenues, Asbury Park, New Jersey 07712.
August 18, 1977—Sheraton Fontainebleau Hotel, 10100 Ocean Highway, Ocean City, Maryland 21842.
August 19, 1977—Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia 23510.

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 South Park Circle, Suite 306, Charleston, South Carolina 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 within 10 days following the close of a particular meeting.

Dated this 22nd day of July, 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-21616 Filed 7-26-77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Three Public Meetings

Notice is hereby given of three meetings of the Scientific and Statistical Committee of the New England Fishery Management Council, established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery managament plans.

The first of the three Committee meetings will be held on August 16, 1977, from 9 a.m. to 4 p.m., at the Carriage House, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

Development of Herring, Scallop Plans.

The second of these Committee meetings will be held on September 20, 1977, from 9 a.m. to 4 p.m., at the JFK Building, Room 1112, Government Center, Boston, Massachusetts. This meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

Development of Herring, Scallop, Silver Hake Plans.

The third in this series of Committee meetings will be held on October 18, 1977, from 9 a.m. to 4 p.m., at Woods Hole Oceanographic Institution, Clark 507, Woods Hole, Massachusetts. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

Development of Herring, Scallop, Silver Hake Plans.

These meetings are open to the public and there will be seating at each for approximately 20 public members available on a first-come, first-served basis.

Members of the public having an specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about 10 days before each of these meetings:

Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, 617-535-5450.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Apollonio at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of each Committee meeting.

Dated: July 22, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-21577 Filed 7-26-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Technology Sub-Panel (TSP) of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on August 18–19, 1977, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order. The agenda includes a review of antisubmarine warfare plans and programs and related intelligence. In addition, the Panel will review advanced technology applications to Navy sensor and weapon systems and space systems. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Blvd., Room 405, Arlington, VA 22209, telephone number (202) 694–3191.

Dated: July 20, 1977.

K. D. Lawrence,
Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-21580 Filed 7-26-77;8:45 am]

Office of the Secretary

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held from 9 a.m. to 4 p.m., August 26, 1977, at the Pentagon, Room 1E801 No. 3. The session will be open to the public.

The purpose of the meeting is to review responses to earlier recommendations made by the Committee, discuss current issues relevant to women in the Services, and to plan the program for the next semi-annual meeting scheduled for October 30–November 2, 1977, in San Antonio, Texas.

DACOWITS is authorized twenty-five civilian women who provide the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Lt. Colonel John A. Montefusco, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Room 2D259, the Pentagon, Washington, D.C. 20301, telephone 202–697–5655, no later than August 18, 1977.

Maurice W. Roche,
Director, Correspondence and Directives, OASD (Comptroller).

July 22, 1977.

[FR Doc.77-21550 Filed 7-26-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY; LEGAL AND INSTITUTIONAL SUBCOMMITTEE

Meeting

July 25, 1977.

In accordance with provisions of Pub. L. 92–463 (Federal Advisory Committee Act), the Legal and Institutional Subcommittee of the Advisory Committee on Geothermal Energy will hold its second meeting Thursday, August 11, 1977 from 9:30 a.m. to 9 p.m. in the Federal Ballroom North, Capitol Hill Quality Inn, 415 New Jersey Avenue NW., Washington, D.C. The purpose of this meeting is: to review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to legal and institutional problems in the development of geothermal energy. The meeting will be open to the public.

The tentative agenda for the meeting is as follows:

9:30 a.m.—Introductory remarks—Joseph W. Aidlin, Chairman.

9:45 a.m.—Geothermal initiatives in national energy plan—Richard Cooper, Executive Office of the President, Energy Policy and Planning.

10 a.m.—Tax legislation—Moshe Schuldinger, Treasury Department.

11 a.m.—BLM leasing program—Dale Zimmerman, Bureau of Land Management, Department of the Interior.

12 noon—Lunch.

1 p.m.—USGS permitting process—Reid T. Stone, USGS.

2 p.m.—U.S. Forest Service leasing program—Edward Johnson, U.S. Forest Service, Department of Agriculture.

3 p.m.—Streamlining task force—R. C. Stephens, DGE, ERDA.

4 p.m.—Intergovernmental coordination of permitting—David E. Pierson, Imperial County, Calif.

5 p.m.—Discussion.

6 p.m.—Dinner.

7 p.m.—Discussion and recommendations.

9 p.m.—Adjourn.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than August 6, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue NW., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on August 9, 1977, to the Division of Geothermal Energy Research and Development Administration, Helen Krupovich on 202–376–4904 between 8:30 a.m. and 5 p.m., E.S.T.

(c) Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movies, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue NW., Washington, D.C. 20545, upon payment of all charges required by law.

Harry L. Peebles,
Deputy Advisory Committee Management Officer.

[FR Doc.77-21722 Filed 7-26-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 769-2; OPP-180101B]

AGRICULTURE DEPARTMENT

Exemption To Use Acephate in Addition to Other Chemicals Exempted for the Control of Citrus Blackfly in Florida

The Plant Protection and Quarantine Programs (PPQ), Animal and Plant Health Inspection Service, of the U.S. Department of Agriculture (hereafter referred to as "USDA") was granted a specific exemption to use dimethoate, Guthion (azinphos methyl), and malathion in a program for regulatory and control purposes to contain and eradicate the citrus blackfly (*Aleurocanthus woglumi*, Ashby) in Broward, Dade, and

Palm Beach Counties, Florida. Notice of granting of this exemption was published in the FEDERAL REGISTER on December 13, 1976 (41 FR 54213). The total amount of pesticides to be used in the control program were not to exceed 45,000 gallons of 95 percent malathion, 1,000 pounds active ingredient dimethoate, and 450 pounds active ingredient Guthion. The exemption is to expire on October 1, 1977. Under authority of that exemption, USDA was permitted to apply malathion to nonhost plants in nurseries and host plants in urban areas, Guthion to host plants in nurseries, and dimethoate to citrus in commercial groves. The specific exemption was amended in January, 1977, for use of ground applications of acephate to host plants in urban areas. In their request for the amendment, USDA stated that malathion does not provide an efficacy level adequate to control spread of citrus blackfly under Florida conditions; however, malathion will be used in circumstances where acephate is not desirable.

AMENDMENT 1

Now the USDA has requested an amendment which would allow application of acephate by helicopter to 600 acres of commercial citrus groves and 100 acres of abandoned citrus groves. The USDA had originally requested permission to aerially apply acephate to 10,000 acres of commercial citrus groves and 600 acres of abandoned groves, but reduced the acreage so that it mght monitor treated fruit for residues of acephate in excess of the action level determined to be adequate to protect the public health. The USDA also requested that, if residues from aerial applications in commercial groves did not exceed the proposed action level at the prescribed preharvest interval, it be allowed to extend treatment to cover additional acreage.

Although dimethoate was exempted for ground application in commercial groves at a rate of one-half (0.5) pound active ingredient per 100 gallons of water, it has not been used during the citrus blackfly control program. According to USDA, laboratory data indicate that dimethoate does not provide sufficient efficacy under Florida conditions to warrant its use in an eradication program. Acephate is expected to provide more adequate control of citrus blackfly due, in part, to its systemic action. According to USDA, acephate has proven satisfactory for control of the pest on host trees in residential areas when applied by ground equipment. It is expected that aerial application of acephate to commercial groves at the proposed rate of one (1) pound of active ingredient in six to ten gallons of water per acre will protect the groves from damage resulting from the spread of the pest. A maximum of three pounds active ingredient are to be applied per acre in one growing season.

Currently, residue data for aerial application of acephate to citrus is not available. A petition for tolerances for residues of acephate and its metabolite monitor at three parts per million (ppm) on citrus has been received by EPA; no final decision has been made regarding this proposed tolerance. However, data available for low volume application of this pesticide indicates that there is a possibility that a residue level of 3 ppm may be exceeded.

Although avian dietary studies for acephate and its metabolite are lacking, available data indicates an acute hazard associated with monitor to terrestrial avian and mammalian species. Monitor, which is a plant and soil metabolite of acephate, as well as an impurity in the technical product, is acutely toxic (both orally and dermally) to mammals and orally to birds. Therefore, acute hazards are possible depending on the percentage of monitor in the formulation used and the organisms exposed.

After reviewing the application and other available information, EPA has determined that a pest outbreak of citrus blackfly is about to occur, and that there are no pesticides presently registered specifically to control the citrus blackfly in commercial citrus groves. Therefore, EPA has decided to grant the amendment to the previously-issued specific exemption. The restrictions under that specific exemption still remain in force. The amendment is subject to the following additional restrictions:

1. The treatment area is limited to Broward, Dade, and Palm Beach Counties;

2. Acephate will be applied at a maximum rate of one (1) pound of active ingredient in six to ten gallons of water per acre;

3. A maximum of three pounds of active acephate will be applied in a single growing season;

4. A maximum of 2,100 pounds of active ingredient will be applied by authority of this amendment;

5. Applications will be made to a maximum of 600 acres of commercial citrus groves and 100 acres of abandoned groves;

6. Applications are to be made at intervals of not less than twenty-one days and a minimum preharvest interval of twenty-one days will be observed;

7. EPA recommends that the application of acephate be restricted to periods when bees are not actively visiting the citrus plant (when citrus is not in bloom);

8. Spray applications will be made by personnel of the PPQ, USDA, of the Division of Plant Industry, Florida Department of Agriculture and Consumer Services (FDACS), or by licensed contractors under the supervision of PPQ or FDACS personnel;

9. EPA has determined that combined residues of acephate and its metabolite monitor not exceeding 3 ppm will not pose a hazard to the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action;

10. Data obtained from low volume application of acephate indicates that the residue level of 3 ppm on citrus may be exceeded. Therefore, as a condition of issuance, EPA requires that USDA monitor treated citrus for residues, and take all necessary actions to ensure that fruit bearing residues in excess of this level do not go to market;

11. USDA will obtain residue and efficacy data for aerial application of acephate to citrus groves;

12. Any spatial extension of this exemption must be requested in writing, be supported by the available data, and be approved by EPA prior to application;

13. The lack of data obtained from avian dietary studies for acephate and monitor may preclude a temporal and/or spatial extension of this exemption. USDA should request that such data be submitted to EPA by the registrant. The EPA shall be immediately informed by USDA of any adverse effects resulting from the use of this pesticide in connection with this exemption;

14. Since USDA questions the efficacy of dimethoate for the proposed use, EPA requests that it not be applied to commercial groves as authorized by the 1976 specific exemption;

15. Precautions must be taken to avoid or minimize drift and inadvertent exposure of persons in the spray area; and

16. USDA and the State of Florida shall assume the responsibility for controlling applications in accordance with the instructions listed above.

AMENDMENT 2

USDA submitted another amendment requesting approval to extend aerial applications of acephate to an additional 9,140 acres of commercial citrus groves; the possibility of this request was discussed in Amendment 1 above. USDA stated that treatment of the citrus groves is essential if the citrus blackfly is to be contained within the present infested areas. Untreated citrus groves within treatment areas where eradication efforts are being conducted serve as pockets of reinfestation. For this control program to be effective, all host plants must be treated in infested areas. The special extension of the exemption will require approximately 9,420 additional pounds of acephate. The proposed application rate is one pound active ingredient in six to ten gallons of water per acre, which represents the minimum dilution rate supported by the available residue data for ground application to citrus.

The Fish and Wildlife Service of the U.S. Department of the Interior (USDI) has informed EPA that an endangered species, the Everglade Kite, may be exposed to the proposed applications of acephate. The greatest hazard exists where aerial applications are made to citrus groves in close proximity to the Everglades. EPA has conferred with USDI concerning development of the most appropriate procedure for controlling use of the pesticides authorized under emergency exemptions which might pose a threat to endangered species. In addition, EPA requires that detailed informaton concerning the locations of proposed application sites be submitted by USDA. This information

will be forwarded to UNDI as soon as it is available.

After reviewing the application and other available information, EPA has decided to grant this amendment to the previously-issued specific exemption. Again the restrictions under that specific exemption, including the expiration date, still remain in force. This amendment is subject to the following conditions:

1. Commercial citrus groves to be treated under authority of this extension will not exceed 3,140 acres;

2. A maximum of 9,420 pounds active ingredient acephate will be applied;

3. As previously stated, EPA is aware that available data indicates residues of the active ingredient resulting from this use of acephate may exceed the toxicologically acceptable level of 3 ppm. For this reason, Amendment 1, involving aerial application of the pesticide to commercial citrus groves, was issued contingent upon USDA's monitoring treated citrus for residues and taking all necessary measures to ensure that fruit bearing residues in excess of 3 ppm do not go to market. Additionally, EPA requested that residue data be available to support this use, i.e., residue data from aerial applications, prior to a spatial extension of the exemption.

Since USDA has stated that this residue data is not yet available, but that treatment is necessary to prevent spread of the pest, USDA is hereby notified that fruit bearing residues in excess of the 3 ppm level can not be shipped in interstate commerce. The Food and Drug Administration and Florida State regulatory officials have been advised of this action;

4. USDA must inform EPA of all measures presently being taken and of those to be taken in the future to prevent citrus bearing residues in excess of 3 ppm from going to market. If the monitoring program, which will be reviewed by the Food and Drug Administration, is found to be deficient, EPA will require that USDA modify it in such a manner as to take additional measures to insure that citrus bearing residues in excess of the acceptable level are not shipped in interstate commerce; and

5. USDA is advised that the endangered species, the Everglade Kite, is endemic to the treatment area and is at risk. Therefore, USDA must confer with and obtain concurrence from the Regional Director, Fish and Wildlife Service, USDI, Atlanta, prior to all applications, as permitted under these conditions.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: July 20, 1977.

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

[FR Doc.77-21666 Filed 7-26-77;8:45 am]

[FRL 769-1; OPP-240018]

NEW JERSEY AND KENTUCKY

Approval of Requests for Interim Certification To Register Pesticides To Meet Special Local Needs

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that the Agency is not soliciting public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Requests) from the States of New Jersey and Kentucky. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER document of September 3, 1975. Accordingly, notice is given that the EPA has approved the New Jersey and Kentucky Requests for Interim Certification, as described below.

NEW JERSEY AND KENTUCKY

These Requests sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are the New Jersey Department of Environmental Protection and the Kentucky Department for Natural Resources and Environmental Protection. These agencies were notified on June 16, 1977, that their Requests had been approved.

Copies of the Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 26 Federal Plaza, Room 907, New York, N.Y. 10007 (New Jersey request only).

Pesticide Branch, Hazardous Materials Control Division, EPA, 345 Courtland Street NE., Room 204, Atlanta, Ga. 30308 (Kentucky request only).

Dated: July 20, 1977.

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

[FR Doc.77-21665 Filed 7-26-77;8:45 am]

[FRL 768-8; OPP-66035]

PESTICIDE PROGRAMS

Voluntary Cancellation of Registrations of Pesticide Products Containing Chlordecone (Kepone)

The following registrants of inaccessible chlordecone (Kepone) pesticide products have requested that the Environmental Protection Agency (EPA) cancel their product registrations:

EPA registration No.	Product	Registrant
5887-63	Black leaf ant trap	Black Leaf Products, Co., 667 N. State St., Elgin Ill. 60120.
3325-4	Hide Roach and Ant Traps	Clarence Boord & Sons, Inc., 105 E. Commercial, PO Box 379 Leon, Iowa 50144.
460-17	Lilly's Ant Trap with Kepone	F. C. Sturtevant Co., 227 Shunpike Rd., Cromwell Conn. 06416.
2019-19	Johnston's No-Roach Traps	Gaston Johnston Corp., 24-64 45th St., Long Island, N.Y. 11103.
395-19	Mysterious Ant Trap with Kepone.	Lethelin Products Co., Inc., 15 MacQuesten Pkwy. S., Mount Vernon, N.Y. 10550.
395-21	Magikil Ant Trap with Kepone	
395-25	Magikil Roach Trap with Kepone	
358-20	Ant-Not Ant Trap	Nott Mfg., Inc., Pleasant Valley, N.Y. 12569.
358-129	Nott Roach Trap	
506-109	E-Z Ant Trap Containing Kepone	O. E. Linck Div., Walco Link Corp., 1234 State Hwy. 46, Clifton, N.J. 07015.
506-126	Tat Ant Trap	
506-129	Antchek Ant Trap	

The effective date for these cancellations shall be May 1, 1978. Since all technical and manufacturing-use registrations for chlordecone have been cancelled (41 FR 24624, June 9, 1976), this means that only such chlordecone as is already in the formulation process may be formulated into inaccessible products between now and May 1, 1978.

I have determined that continued sale and use of the above inaccessible chlordecone products formulated prior to May 1, 1978, will not be inconsistent with the purposes of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a)) and will not have unreasonable adverse effects on the environment. Therefore, all stocks of the above inaccessible chlordecone products that are in existence before May 1, 1978, may be sold, distributed, and used indefinitely, *Provided*, That the pesticide is used consistent with labeling approved by the EPA.

This action shall become effective August 26, 1977, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registration(s) be continued in effect.

Comments concerning this action, including requests approved by the registrant that the registrations of these products be continued, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Comments should bear the identifying notation "OPP-66035." Any comments filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Dated: July 21, 1977.

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

[FR Doc.77-21664 Filed 7-26-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

AM BROADCAST SERVICE WORKING GROUP, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meeting

JULY 22, 1977.

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting for August 1977.

WARC-79 AM BROADCASTING SERVICE GROUP

Monday, August 15, 1977, 10:30 a.m. to 12:30 p.m., Room 8210, 2025 "M" Street, NW., Washington, D.C. If necessary a continuation of that meeting will be held Wednesday, August 17, 1977, from 10:30 to 12:30 p.m., Room 8210.

Chairman: D. C. Everist.
FCC Liaison: Dennis Williams.

The Agenda for the meeting is as follows:

1. Call to Order by the Chairman.
2. Approval of Minutes of the previous meeting.
3. Draft reply to Comments of Fifth Notice of Inquiry, Do. No. 20271.
4. Setting next meeting date and adjournment.

The above meeting is open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21613 Filed 7-26-77;8:45 am]

[Report No. 837]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JULY 18, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

JULY 18, 1977.

21424-CD-P-77 Airsignal International, Inc. (KIF350), C.P. to install standby transmitter to operate on 72.96 MHz located Atop Red Mountain, Birmingham, Alabama.

21716-CD-TC-77 Tele-Page, Inc. Consent to Transfer of Control from William R. Lea and Luanne C. Lea, Transferors to Rowie P. Simmons, Transferee. Station: KUS240, Prescott, Arizona.

21717-CD-P-77 Carolina Telephone and Telegraph Company (new), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 102 South 9th Street, Morehead City, North Carolina.

21718-CD-P-(3)-77 Empire Paging Corporation (KRS674), C.P. for additional facilities to operate on 454.150 MHz at (3) new sites described as Loc. No. 15: Corner of Westview and Beechwood Drive, Danbury, Connecticut; Loc. No. 16: 24 Rockdale Road, West Haven, Connecticut; and Loc. No. 17: Video Lane, Trumbull, Connecticut.

21719-CD-P-77 Delta Valley Radiotelephone Co., Inc. (KRM983), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site Loc. No. 5: At Banner Mountain, appx. 3.0 miles East of Nevada City, California.

21720-CD-P-77 J. M. Blodgett dba Radio Page (KWT885), C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 5: Penn Tower, South Broad Street & Railroad Avenue, Penns Grove, New Jersey.

21721-CD-P-(2)-77 Adirondack Mobile Telephone Co., Inc. (new), C.P. for a new station to operate on 152.06 & 152.18 MHz to be located at Marcy Hotel, 122 Main Street, Lake Placid, New York.

21722-CD-P-77 Radio Dispatch Company (new), C.P. for a new 1-way station to operate on 35.58 MHz to be located at Wilson Building, 130 North Broadway, Camden, New Jersey.

21723-CD-AL-77 Seaway Communications Consent to Assignment of License from Seaway Communications, Assignor to Answering Service of Trenton, Inc., Assignee. Station: KUS413, Ship Bottom, New Jersey.

21724-CD-P-77 Coastal Carolina Communications, Inc. (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located at 6005 Bridges Street, Wilson, North Carolina.

21725-CD-P-77 Call-Com, Inc. (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located 1.7 miles East of U.S. No. 19 and County Road 490, near Homosassa Springs, Florida.

21726-CD-P-(2)-77 Electropage, Inc. (KMD 986), C.P. for additional facilities to operate on 43.22 and 43.58 MHz to be located at a new site Loc. No. 3: Wolf Mountain, 6.3 miles South of Grass Valley, California.

21727-CD-P-77 Modern Communications Corporation (new), C.P. for a new 1-way station to operate on 152.24 MHz to be located at Nittany Mountain, 2.15 miles W. of Centre Hall, Pennsylvania.

21728-CD-P-77 Hawkins Communications, Inc. (KUD232), C.P. for additional facilities to operate on 454.075 MHz to be located at a new site Loc. No. 3: SE. Corner of Alabama Avenue and R Street SE., Washington, D.C.

21729-CD-P-77 Bridge Water Telephone Company (new), C.P. for a new 1-way station to operate on 158.10 MHz to be located 1.1 miles SSE. of city limits of Monticello, Minnesota.

21730-CD-P-77 Airsignal International, Inc. (KRS687), C.P. to change antenna system operating on 152.24 MHz located Atop Red Mountain, Birmingham, Alabama.

21731-CD-P-77 Houser Communications, Inc. (KSA265), C.P. for additional facilities to operate on 152.21 MHz at Loc. No. 3: Steward and Leonard Streets, Creve Cour, Illinois.

21732-CD-P-(7)-77 Southwestern Bell Telephone Company (KKV690), C.P. to change antenna system, replace transmitter and change frequency from 35.62 MHz to 158.10 MHz at Locs. No. 1: 1010 Milam Street, Houston, Texas; Loc. No. 5: 623 Eldorado Street, Clear Lake City, Texas; Loc. No. 6: 1015 Bade Street, Houston, Texas; Loc. No. 8: 6410 Fannin Street, Houston, Texas and Loc. No. 9: 418 Center Street, Deer Park, Texas; delete Locs. No. 2, 3, 4 and 7 and for additional facilities to operate on 158.10 MHz at (2) new sites located 8803 Brae Acre, Houston, Texas and 11930 Airline Drive, Houston, Texas.

MAJOR AMENDMENT

20960-CD-P-77 Cook's Communications Corporation dba Sierra Communications KOP244). Add repeater facilities on frequency 459.25 MHz at Loc. No. 3 described as at Brockway Summit, approx. 2.8 miles SE of Truckee, California. All other particulars as reported on PN No. 850 dated March 21, 1977.

CORRECTION

21689-CD-P-(2)-77 Correct to read: 21689-CD-P-(4)-77 Lubbock Radio Paging Service, Inc. (KKE970), C.P. to replace transmitter operating on 152.03 and 152.15 MHz at Loc. No. 1: 7400 University Avenue; replace transmitter operating at 152.06 and 152.12 MHz at Loc. No. 2: 85th Street and Avenue L, Lubbock, Texas.

RURAL RADIO SERVICE

60346-CR-P/ML-77 RCA Alaska Communications, Inc. (WGF45), C.P. to change antenna system and relocate facilities operating on 72.5 MHz to be located 4 miles North of downtown Sand Point, Alaska.

60347-CR-P/L-77 Cameron Telephone Company (new), C.P. for a new rural subscriber station to operate on 157.95 MHz, located appdox. 17.7 miles SE. of Cameron Louisiana, Gulf of Mexico.

60348-CR-P/ML-77 Cameron Telephone Company (KLD64), C.P. for additional frequency to operate on 158.07 MHz located at any temporary fixed location within the territory of the grantee.

ACTIONS TAKEN

POINT TO POINT MICROWAVE RADIO SERVICE

N-Triple-C, Inc. (WOH60), 1.5 mi. NW. of Glendale, IL, (Lat. 41°54'24" N., Long. 88°06'39" W.), Granted C.P. to add 6375.2V, 6192.2V, 6256.5V and 6315.9V toward Lily Lake, IL. (2069-CF-P-76).

Same (WOH43), 1700 Farnam Street, Omaha, NE. (Lat. 41°15'30" N., Long. 95°56'20" W.) Granted C.P. to add transmitter and to add 5974.8H, 6093.5H and 6152.8H toward Bentley, IA. (3948-CF-P-76).

Same (WOH44), 4.5 miles ENE of Bentley, IA. (Lat. 41°24'35" N., Long. 95°31'04" W.) Granted C.P. to add transmitter and to add 6226.9V, 6345.5V and 6404.8V toward Omaha, NE.; 6226.9H, 6286.2H, 6345.5H and 6404.8H toward Lewis IA. (3949-CF-P-76).

Same (WOH45), 5 miles East of Lewis, IA. (Lat. 41°18'08" N., Long. 95°00'11" W.) Granted C.P. to add transmitter and to add 6034.2V, 6093.5V and 6152.8V toward Bentley, IA; 6034.2H, 6093.55H, 6152.8H, towards Casey, IA. (3950-CF-P-76).

Same (WOH46), 5.25 miles SSE of Casey, IA. (Lat. 41°26'18" N., Long. 94°29'21" W.) Granted C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Lewis, IA; 6226.9H, 6286.2H, 6345.5H and 6404.8H toward Adel, Iowa. (3951-CF-P-76).

Same (WOH47), 3 miles SW of Adel, IA. (Lat. 41°36'12" N., Long. 94°02'53" W.) Granted C.P. to add transmitter and to add 6034.2V, 6093.5V and 6152.8V toward Casey, IA; 6034.2H, 6093.5H and 6152.8H toward Des Moines, IA. (3952-CF-P-76).

Same (WOH48), 2.3 miles SW. of Des Moines, IA. (Lat. 41°36'51" N., Long. 93°29''05" W.) Granted C.P. to add transmitter and to add 6286.2V, 6345.5V and 6404.8V toward Adel, IA; 6286.2H, 6345.5H and 6404.8H toward Reasnor, IA. (3953-CF-P-76).

Same (WOH49), 2.5 miles NNE. of Reasnor, IA. (Lat. 41°36'27" N., Long. 93°00'30" W.) Granted C.P. to add 6034.2V, 6093.5V and 6152.8V toward Des Moines, IA. and 6034.2H, 6093.5H, 6152.8H toward Malcom, IA. (3954-CF-P-76).

Same (WOH50), 2.5 miles NW. of Malcom, IA. (Lat. 41°44'47" N., Long. 92°34'21" W.) Granted C.P. to add 6286.2V, 6345.5V and 6404.8V toward Reasnor, IA.; 6286.2H, 6345.5H and 6404.8H toward Williamsburg, IA. and to add transmitter. (3955-CF-P-76).

Same (WOH51), 4.5 miles WSW. of Williamsburg, IA. (Lat. 41°39'34" N., Long. 92°05'43" W.) Granted C.P. to add transmitter and to add 6034.2V, 6093.5V and 6152.8V toward Malcom, IA; 6034.2H, 6093.5H and 6152.8H toward Iowa City, IA. (3956-CF-P-76).

ACTIONS TAKEN

POINT TO POINT MICROWAVE RADIO SERVICE

N-Triple-C, Inc. (WOH52), 1.5 miles NE. of Iowa City, IA. (Lat. 41°40'24" N, Long. 91°28'31" W) granted C.P. to add transmitter and to add 6286.2V, 6345.5V and 6404.8V toward Williamsburg, IA; 6286.2H, 6345.5H and 6404.8H toward Muscatine, IA. (3957-CF-P-76).

Same (WOH53), 5 miles NE. of Muscatine, IA. (Lat. 41°27'34" N., Long. 91°00'26" W) Granted C.P. to add transmitter and to add 6034.2V, 6093.5V and 6152.8V toward Iowa City, IA: 6034.2V, 6093.5V, and 6152.8V toward Davenport, IA. (3958-CF-P-76).

Same (WOH54), to miles NE. of Davenport, IA. (Lat. 41°34'28" N., Long. 90°29'04" W) Granted C.P. to add transmitter and to add 6286.2V, 6345.5V and 6404.8V toward Mucatine, IA and 6286.2H, 6345.5H and 6404.8H toward Clinton, IA. (3959-CF-P-76).

Same (WOH55), 10 miles NNW. of Clinton IA. (Lat. 41°56'18" N. Long. 90°15'11" W) Granted C.P. to add transmitter and to add 6034.2V, 6093.5V and 6152.8V toward Davenport, IA.; 5945.2H, 6034.2V and 6093.5V toward Sterling, IL. (3960-CF-P-76).

Same (WOH56), 5.0 miles NNW. of Sterling, IL. (Lat. 41°51'06" N., Long. 89°44'43" W) Granted C.P. to add transmitter and to add 6226.9V, 6315.9H, 6345.5V and 6375.2H toward Clinton, IL. and 6226.9H, 6286.2H, 6345.5H and 6404.8H toward Oregon, IL. (3961-CF-P-76).

Same (WOH57), 2.0 miles NE. of Oregon, IL. (Lat. 42°02'25" N., Long. 89°18'50" W) Granted C.P. to add tran=mitter and to add 6004.5V, 6063.8V, 6093.5H toward Sterling, IL., and 6034.2H, 6063.8V and 6093.5H toward DeKalb, IL. (3962-CF-P-76).

Same (WOH58), 4.5 miles SW. of DeKalb, IL. (Lat. 41°52'44" N., Long. 88°48'31" W) Granted C.P. to add transmitter and to add 6256.5V, 6315.9V and 6375.2V toward Oregon, IL.; 6286.2H, 6345.5H and 6404.8H toward Lily Lake, IL. (3963-CF-P-76).

Same (WOH59), 1.8 miles North of Lily Lake, IL. (Lat. 41°58'20" N., Long. 88°28'25" W) Granted C.P. to add transmitter and to add 5945.2H, 6004.5H, 6063.8H and 6123.1H toward DeKalb, IL. and 6004.5V, 6063.8V and 6093.5H towards Glendale, IL. (3964-CF-P-76).

Same (MOH60), 1.5 miles NW. of Glendale, IL. (Lat. 41°54'24" N., Long. 88°06'39" W) Granted C.P. to add transmitter and to add 6256.5V, 6315.9V and 6375.2V toward Lily Lake, IL.; 6286.2H, 6345.5H and 6404.8H toward Chicago, IL. (3965-CF-P-76).

Same (WOH61), 875 North Michigan Avenue, Chicago, IL. (Lat. 41°53'56" N., Long. 87°37'24" W) Granted C.P. to add transmitter and to add 6034.2H, 6093.5H and 6152.8H toward Glendale, IL. (3966-CF-P-76).

Actions taken July 18, 1977:

POINT TO POINT MICROWAVE RADIO SERVICE

RCA Alaska Communications, Inc. (WAT991), Meyers Chuck, Alaska. Granted Mod. of C.P. (1485-CF-P-75) to change frequency 2112.4V to 2120.0V MHz toward Ratz Mtn., Alaska; replace transmitters and increase power output; move and replace antennas for 5974.85V, 6093.45V MHz toward Tolstoi 2 passive reflector and 5945.2H, 6063.8H MHz toward Burnet NW passive reflector (4490-CF-MP-76).

Same (WAT989), Ratz Mtn., Alaska. Granted Mod. of C.P. (1483-CF-P-75) to correct coordinates, increase structure height; change frequencies 2167.2V to 2163.0H MHz toward Klawock, Alaska, and 2162.4H to 2170.0V MHz toward Meyers Chuck, Alaska; move and replace antennas and replace transmitters and increase power output (4491-CF-MP-76).

Same (WAT992), Klawock, Alaska. Granted Mod of C.P. (1486-CF-P-75) to change frequencies 2126.8V MHz toward Wdigh. Is. passive reflector to 2123.5V MHz toward Half Mi. passive reflector, and 2117.2H to 2113.0H MHz toward Ratz Mtn., Alaska; move and replace antennas, replace transmitters and increase power output (4492-CF-MP-76).

Same (WAT999), Craig, Alaska. Granted Mod. of C.P. (1489-CF-P-75) to change frequency 2176.8H MHz toward Wdigh. Is. passive reflector to 2173.5V MHz toward Half Mi. passive reflector; move and replace antennas; replace transmitters and increase power output (4493-CF-MP-77).

The following application was dismissed without prejudice on July 7, 1977, at the applicant's request:

RCA Alaska Communications, Inc. (WAT994), Hydaburg, Alaska (4494-CF-MP-76).

Illinois Consolidated Telephone Co. (WCG278), Mattoon, Ill. Granted C.P. for a new station on frequency 10995V MHz toward Charleston, Ill. (1950-CF-P-77).

Same (WCG, Charleston, Ill. Granted C.P. for a new station on frequency 1145V MHz toward Mattoon, Ill. (1951-CF-P-77).

American Telephone and Telegraph Co. (KQA26), Kalamazoo County, Mich. Granted C.P. to add frequencies 3750V, 3910V MHz toward Kalamazoo, Mich. (1970-CF-P-77).

Same (WCG279"), Charleston, Ill. Granted C.P. for a new station on frequency 11445V Kalamazoo County, Mich., and 3970V MHz toward Lacey, Mich. (1971-CF-P-77).

Same (KQF61), Lacey, Mich. Granted C.P. to add frequencies 4010V MHz toward Kalamazoo, Mich. and 3990H MHz toward Parma, Mich. (1972-CF-P-77).

Same (KQF60), Parma, Mich. Granted C.P. to add frequency 4190H MHz toward Lacey, Mich. (1973-CF-P-77).

Southern Bell Telephone and Telegraph Co. (KIX68), Miami, Fla. Granted C.P. to increase structure height, move and replace antennas on frequencies 3930V, 4010V, 4170V, 4190H MHz toward Miller, Fla. (1976-CF-P-77).

fillinois Bell Telephone Co. (KSN55), Rockford, Ill. Granted C.P. to add frequency 6271.4H MHz toward Monroe Center, Ill. (2146-CF-P77).

Same (KSN56), Monroe Center, Ill. Granted C.P. to add frequencies 6019.3H MHz toward Rockford, Ill.; change polarization from vertical to horizontal on 6137.9, 6078.6 MHz and from horizontal to vertical on 6108.3, 5989.7 MHz toward Rockford (2147-CF-P-77).

Same (KSN57), De Kalb, Ill. Granted C.P. to add frequency 6271.4H MHz toward Monroe Center, Ill.; change polarization from vertical to horizontal on 6390, 6330.7 MHz and from horizontal to vertical on 6360.3, 6241.7 MHz toward Monroe Center (2148-CF-P-77).

United Telephone Co. of Florida. (KIU43), Avon Park, Fla. Granted Mod. of C.P. (4090-CF-P-76) to change frequencies 5960.0V, 6-41.6V, 6160.2V MHz to 5945.2V, 6004.5V, 6063.8V MHz toward Crewsville, Fla.; change 5945.2H to 6093.5V MHz toward Frosproof, Fla.; replace antenna on 6004.5V MHz toward Hillcrest, Fla. (2178-CF-MP-77).

The following radio station license renewals have been granted:

MICROWAVE TRANSMISSION CORP. (Term: February 1, 1976-February 1, 1991): 5294-CF-R-76, KNK 60, San Luis Obispo, Calif.; 5295-CF-R-76, KNL 31, San Juan Bautista, Calif.; 5296-CF-R-76, KNL 46, Coyote, Calif.; 5297-CF-R-76, KNL 77, San Ardo, Calif.; 5298-CF-R-76, KPR 32, Lester, Wash.; 5299-CF-R-76, KPR 33, Wenatchee, Wash.; 5300-CF-R-76, KPZ 25, Kennewick, Wash.; 5301-CF-R-76, KTR 45, Bakersfield, Calif.; 5302-CF-R-76, KTR 46, Gorman, Calif.; 5303-CF-R-76, KVH 57, Daly City, Calif.; 5304-CF-R-76, KVU 78, Santa Barbara, Calif.; 5305-CF-R-76, WAH 469, Johnson, Wash.; 5306-CF-R-76, WAN 96, Pomeroy, Wash.; 5307-CF-R-76, WBO 58, Issaquah, Wash.; 5308-CF-R-76, WBO 60, Seattle, Wash.; 5309-CF-R-76, WDD 52, Casmalia, Calif.; 5310-CF-R-76, WQR 42 Tacoma, Wash.

Western Tele-Communications, Inc. (WAH 613), 1251 Wilmington Ave., Salt Lake City, Utah. Granted construction permit for new station—10835V MHz toward Nelson Peak, Utah (635-CF-P-74).

Western Tele-Communications, Inc. (KPT 21), Nelson Peak, Rural, 18 miles SW of Salt Lake City, Utah. Granted construction permit to add 6390.0H MHz toward Curlew, Idaho (636-CF-P-74).

Western Tele-Communications, Inc. (KPT 22), Curley, 17.5 miles WNW. of Malad City, Idaho. Granted construction permit to add 5960.0H, 5989.7V, 6019.3H, 6078.6H, 6108.3V, and 6137.9H MHz toward Harrison Mtn., Idaho, via power split (637-CF-P-74).

Western Tele-Communications, Inc. (WPF 83), Harrison Mtn., 12.4 miles WNW. of Malta, Idaho. Granted construction permit to add 6197.2H toward Castleford, 6226.9V, 6286.2V, 6345.5V, 6404.8V, and 6375.2H MHz toward Castleford, Twin Falls, Gooding, and Burley-Rupert, all in Idaho, via power split (638-CF-P-74).

Western Tele-Communications, Inc. (KEY 30), 8 miles WSW. of Castleford, Idaho. Granted construction permit to add 5945.-2H, 6004.5H, and 6123.1H MHz toward Bennett Mountain and delete 5945.2H, 6004.5H, 6034.2V, and 6123.1H MHz toward Jerome, Idaho (639-CF-P-74).

Western Tele-Communications, Inc. (KEY 58), Bennett Mtn., 4.5 miles South of Dixie, Idaho. Granted construction permit to add 6345.5H, 6375.2V, and 6404.8H MHz toward Deer Point, Idaho (640-CF-P-74).

Western Tele-Communications, Inc. (WCG 273), Deer Point, 9 miles NE. of Boise, Idaho. Granted construction permit for new station—11175.H, 10935.V, 11095.V MHz toward Apple Valley, Idaho (641-CF-P-74).

Western Tele-Communications, Inc. (WCG 274), 5.8 miles ESE. of Apple Valley, Idaho. Granted construction permit for new station—11385.V, 11625.V, and 11505.H MHz toward New Vale, Ore., and Payette and Wieser, Idaho, 11625V, 11505H MHz toward Emmett, Boise, Nampa, and Parma, all in Idaho, via power split and to delete 11385V MHz toward Emmett, Boise, and Parma, and to delete 11585H MHz toward Nampa 642-CF-P-74).

American Television & Communications Corp. (WBA 760), 1609 Old Louisburg Road, Raleigh, N.C. Granted construction permit to add 6241.7H MHz toward Durham, N.C. (2460-CF-P-77).

CORRECTION

American Television Communications Corp. (WBA 759), Ellis Road NW. of Glover Road, Durham, N.C. This entry appearing in public notice of July 11, 1977, is corrected to show company name as above. All other particulars remain the same (2459-CF-P-77).

[FR Doc.77-21615 Filed 7-26-77;8:45 am]

[Docket Nos. 21336; 21337; File Nos. 146-A-RL-27; 125-A-AL-37]

HILLSBORO AVIATION CO., AND EAGLE ENTERPRISES, INC.

Applications for an Aeronautical Advisory Station To Service Portland-Hillsboro Airport, Hillsboro, Oregon; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 14, 1977.

Released: July 20, 1977.

1. Hillsboro Aviation Company (hereinafter called Hillsboro) and Eagle Enterprises, Inc. (hereinafter called Eagle) have each filed an application for aeronautical advisory facilities at the same airport. Section 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized to operate at a landing area and, therefore, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for a comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. Hillsboro's application is in the form of a renewal. Hillsboro was the licensee of aeronautical advisory station KVR-3 at the Portland-Hillsboro Airport, Hillsboro, Oregon from October 24, 1966, to October 18, 1976. However, Hillsboro did not file an application for renewal until November 12, 1976; therefore, its renewal was not timely filed and must be treated as an application for a new station.

3. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and section 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues;

(a) To determine which applicant would provide the public with better

aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services—Part 87 that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and,

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine whether Hillsboro has operated an aeronautical advisory station at Portland-Hillsboro Airport, without a valid authorization in violation of the Commission's rules and the Communications Act of 1934, as amended and if so, the effect of such violation on Hillsboro's qualifications to be a Commission licensee.

(c) To determine the manned in which Hillsboro has operated aeronautical advisory station KVR-3 at Portland-Hillsboro Airport and whether its operation was consistent with the Commission's rules, § 87.257.

(d) To determine in light of the evidence adduced in the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on issues (b) and (c) is on Hillsboro. On all other issues, the burdens are on each applicant with respect to its application except issued (d) which is conclusory.

5. *It is ordered*, That, to avail themselves of an apportunity to be heard, Hillsboro and Eagle, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-21612 Filed 7-26-77;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Meeting Change

Two previously announced meetings (July 29, 1977, and August 11, 1977) of the Private Land Mobile Advisory Committee have been changed. The July 29, 1977, meeting has been cancelled due to a two week delay in the date for filing comments in the 5th Notice of Inquiry (NOI) in Docket 20271.

The previously scheduled meeting on August 11, 1977, will consider comments in the 5th NOI instead of reply comments as previously scheduled. The new agenda for the meeting will be:

1. Call of the Agenda.
2. Opening remarks of the Chairman.
3. Consideration of Comments in the 5th NOI, Docket 20271.
4. Further Business.
5. Adjournment.

This meeting (as previously scheduled) will be held in Room 7327, Federal Communications Commission, 2025 M Street, NW., Washington, D.C. at 9 a.m.

A new meeting is hereby schedulued for September 1, 1977, to consider reply comments in this same proceeding. This meeting will be held in Room 8210, Federal Communications Commission, 2025 M Street, Washington, D.C. at 9 a.m. It will be conducted in accordance with the following agenda:

1. Call of the Agenda.
2. Opening remarks of the Chairman.
3. Consideration of Reply Comments in the 5th NOI, Docket 20271.
4. Adjournment.

Both meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21614 Filed 7-26-77;8:45 am]

[Docket No. 21315]

RICHARD P. SHANKLIN

Application for Amateur Radio Station License and Technician Class Operator License; Order Designating Application for Hearing on Stated Issues

Adopted: June 27, 1977.

Released: July 15, 1977.

The Chief, Safety and Special Radio Services Bureau, has under consideration the above-captioned application for a Technician Class Amateur operator license and an Amateur radio station license filed by Richard P. Shanklin on April 9, 1976.

1. Shanklin was granted a Novice Class Amateur operator license and radio station license on December 16, 1964, for a one-year term which expired on December 16, 1965. Shanklin's call sign was WN4WPI.

2. In September 1967, the Commission learned that Shanklin was apparently operating an Amateur radio station without a license. Shanklin represented to the Commission that was an Amateur radio operator and that his radio station was causing interference to a neighborhood television receiver. In response to a request by the Commission for information regarding that operation, Shanklin submitted a document to the Commission which purported to be a General Class Amateur license issued to Shanklin on December 18, 1965, for a five-year term, bearing the call sign WA4WPI. The Commission's license records revealed no such license grant to Shanklin. Furthermore, the face of the license document appeared to have been altered to change the call letters, issue date, expiration date and operator privileges.

3. On November 1, 1967, the Commission sent Shanklin a letter of inquiry concerning the discrepancy between its records and the document he had submitted. Shanklin, in response, stated that he had taken a General Class Amateur radio examination on December 3, 1965, and had received a General Class Amateur license approximately a month later. In response to a question concerning the alteration of the face of the license document, Shanklin stated that he had written on the face of the document to restore it after having spilled a liquid substance on it.

4. On November 29, 1968, Shanklin filed an application for a Third Class Radiotelephone Operator Permit. On March 3, 1969, Shanklin admitted to the Commission that he had altered the Amateur license document submitted to the Commission in 1967 so that it would indicate that he held a General Class license.

5. On March 7, 1969, Shanklin was advised that the Commission was unable to determine, without a hearing on the matter, whether a grant of his Third Class Radiotelephone Operator Permit application would be in the public interest. Shanklin was advised of his right to request a hearing in the matter. Shanklin did not request a hearing and his application was dismissed pursuant to Sections 1.84(d) and 0.331 of the Commission's Rules, by Order (FCC 31812) released May 5, 1969.

6. On July 30, 1971, the Commission granted Shanklin a license in the Citizens Band Radio Service. The license expired on July 30, 1976.

7. It appears that in November 1972, Shanklin filed an application for membership in the Civil Air Patrol, Fairfax Composite Squadron, Fairfax, Virginia, representing on the application that he held a First Class Radiotelephone Operator license issued by the Commission. When requested by the Civil Air Patrol to produce the license document, Shanklin produced a document which purported to be a copy of a First Class Radiotelephone Operator license issued to him bearing an issue date of March 31, 1971, and the number "PI-24-8526." Shanklin did not hold such a license at that time. According to the Commission's records, the license bearing that number was held by one Earl Morgan Tucker. Shanklin was requested to resign from the Civil Air Patrol. He did so in February 1973.

8. It appears that on February 10, 1976, Shanklin filed an application for membership in the Civil Air Patrol, Herndon Composite Squadron, Herndon, Virginia. Shanklin represented on his membership application that he possessed a Restricted Operator Permit, issued by the

Commission. Shanklin did not hold such a permit.

9. On May 4, 1976, Shanklin apparently prepared a request for promotion in the Civil Air Patrol, Herndon Composite Squadron, on which he represented that he held a First Class Radiotelephone Operator license. He held no such license. It appears that as a result of those representations Shanklin's membership in the Civil Air Patrol was terminated on September 14, 1976.

10. It appears that on March 6, 1976, Shanklin operated radio transmitting equipment on the frequency 146.79 MHz without a radio station license, in violation of Section 301 of the Communications Act of 1934, as amended. During that operation it appears that Shanklin used a call sign not assigned to him by the Commission.

11. In view of the above, the Commission is unable to find that Shanklin possesses the requisite qualifications to become a licensee of the Commission. In light of his apparent submission of an altered license document to the Commission in 1967, and in light of his dealings with Civil Air Patrol Units concerning Commission license authorizations, it appears that Shanklin may have engaged in a pattern of fraudulently representing that he holds Commission licenses to operate radio transmitting equipment. Such a pattern of conduct may reflect adversely upon Shanklin's qualifications to be a Commission licensee by revealing a disregard for the Commission's statutory responsibility to license and regulate radio stations and operators. Therefore, issues must be specified regarding such incidents. Furthermore, an issue must be specified concerning Shanklin's apparent unlicensed radio operation.

Accordingly, it is ordered, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's Rules, that the captioned application IS DESIGNATED FOR HEARING, at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine whether Richard P. Shanklin operated unlicensed radio apparatus on March 6, 1976, in violation of Section 301 of the Communications Act of 1934, as amended.

(2) To determine whether Richard P. Shanklin falsely represented that he held certain Commission authorizations to operate radio transmitting equipment.

(3) To determine, in light of facts adduced under issues (1) and (2), whether Richard P. Shanklin possesses the requisite qualifications to be a licensee of the Commission.

(4) To determine, in light of the foregoing issues, whether the public interest, convenience and necessity would be served by a grant of the application for Technician Class Amateur radio operator and station license.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant pursuant to Section 1.221 (c) of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate a written notice of appearance, stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in this Order.

It is further ordered, That a copy of this Order shall be sent by regular United States Mail to Richard P. Shanklin at his address as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and Enforcement Division.

[FR Doc.77-21611 Filed 7-26-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

GASOLINE MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee will meet Monday, August 22, 1977, at 9 a.m., in the Press Room, Parker House Hotel, 60 School Street, Boston, Mass.

The Committee was established to provide the Administrator, FEA, with expert and technical advise concerning the wholesale and retail selling of gasoline.

The agenda for the meeting is as follows:

1. Old business—Discussion of requests and commitments from the prior committee meeting.
2. Class of purchaser/surplus products.
3. Gasoline decontrol.
4. Market shares changes.
5. Administration's energy plan.
6. New business—Items for discussion at the next meeting.
7. Remarks from the floor (10-minute rule)

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The Transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on July 22, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-21551 Filed 7-26-77;8:45 am]

STRATEGIC PETROLEUM RESERVE

Availability of the Draft Supplement to Final Environmental Impact Statement for Bryan Mound Salt Dome Storage Site

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared a draft supplement to the final environmental impact statement (EIS) for the Bryan Mound salt dome site. This draft supplement describes the environmental impacts expected to result from a proposed new source of raw water supply and an alternative method of brine disposal at the Bryan Mound site.

The Bryan Mound site has been proposed as an element of the Strategic Petroleum Reserve (SPR). The SPR (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) will be created for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

Single copies of the draft supplement of the Bryan Mound EIS (DES-76/77-6) may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of this supplement will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views and arguments with respect to the supplement to Executive Communications, Box OA, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Draft supplement to the Bryan Mound EIS (DES-76/77-6)." Fifteen copies should be submitted.

All comments should be received by FEA by September 7, 1977, in order to receive full consideration.

Any information or data submitted in response to the draft supplement to the Bryan Mound EIS, considered by the person furnishing it to be confidential must be so identified and submitted in 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.

Issued in Washingon, D.C., July 21, 1977.

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

[FR Doc.77-21552 Filed 7-26-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1555]

BY-LINE TRAFFIC SERVICE, INC.

Reinstatement of License

By Federal Maritime Commission Order served and published in the FEDERAL REGISTER, By-Line Traffic Service, Inc.'s Independent Ocean Freight Forwarder License No. 1555 was revoked, effective June 5, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on June 13, 1977, in 42 FR 30242.

An appropriate surety bond has been received in favor of By-Line Traffic Service, Inc., and compliance pursuant to section 44, Shipping Act, 1916, and section 510.9 of the General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1555 shall be reissued to By-Line Traffic Service, Inc. effective June 5, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon By-Line Traffic Service, Inc.

FRANCIS C. HURNEY,
Acting Managing Director.

[FR Doc.77-21609 Filed 7-26-77;8:45 am]

CITY OF LOS ANGELES AND AMERICAN PRESIDENT LINES, LTD.

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, La., San Francisco, Calif., and Old San Juan, P.R. 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 16, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Frank Wagner, Deputy City Attorney, City of Los Angeles, Harbor Division, P.O. Box 151, San Pedro, Calif. 90733.

Agreement No. 8325-4, between the City of Los Angeles (City) and American President Lines, Inc. (APL), modifies the nonexclusive preferential berth assignment between the parties. The purpose of this amendment is to establish the compensation payable to City on a revenue sharing basis. City's published tariff charges shall be due and payable in full from APL until such payments reach $1,772,259. All charges in excess of this amount will be shared equally between the parties. APL further agrees to a minimum annual guarantee of $1,329,195. The City's tariff charges for pilotage, use of municipal pipelines for bunkering purposes and all tariff charges attributable to passenger vessels and their cargoes will be paid by APL, but shall not be included in the compensation under this revenue sharing formula. APL may not serve any customers regularly served by the other tenants of the Port of Los Angeles without prior approval by the City. All other provisions of the basic assignment will remain unchanged.

By Order of the Federal Maritime Commission.

Dated: July 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-21608 Filed 7-26-77;8:45 am]

[Docket No. 77-38]

SEA-LAND SERVICE, INC.

Rates on Government Cargo; Order of Investigation

On July 21, 1977, Sea-Land Service, Inc. (Sea-Land), proposes to make effective certain rates and rules applicable to the carriage of government cargoes[1] between U.S. Atlantic ports and ports in Puerto Rico. The proposed tariff pages would establish three basic rates applicable to government cargo, viz.: Cargo N.O.S.; Refrigerated Cargo, and Vehicles. In order to take advantage of these rates, both the shipper and consignee must be a Government or Government Agency and the cargo must be tendered under a Shipping Order as opposed to a Commercial Bill of Lading. The Shipping Orders are set forth specifically in Sea-Land's tariffs.

Under consideration of the subject rates and rules and their potential conflict with the Congressional intent in the repeal of section 6 of the Intercoastal Shipping Act, 1933, the Commission is of the opinion that the proposed tariff matter should be made the subject of a public investigation to determine whether it is unjust, unreasonable or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

The Commission currently has pending an investigation of essentially identical tariff provisions in Docket No. 75-20, *Puerto Rico Maritime Shipping Authority Rates on Government Cargo.* The record in this proceeding is ripe for decision. Due to similarity of the issues herein and those in Docket No. 75-20, it is felt that any investigation in this proceeding should be delayed until the initial decision in the companion docket. This course of action is consistent with our Order served on May 20, 1977, in Docket No. 77-18, *Seatrain Gitmo, Inc.—Rates on Government Cargo.* The tariff amendments and attending circumstances of Seatrain Gitmo, Inc.'s (Seatrain) government rates and rules, which became effective on May 25, 1977, are similar to those involved herein. These parallel situations dictate our decision to treat the provisions of the two carriers in a like manner.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed tariff matter set forth in Appendix A hereto for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether Sea-Land, by the subject rates and rules, is proposing to grant any undue or unreasonable preference or advantage to Government, Government agencies or Government cargoes or to subject any particular person or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsover within the meaning of that section;

It is further ordered, That Sea-Land Service, Inc., be named respondent in this proceeding;

It is further ordered, That the parties submit to the Secretary, not later than 30 days after service of the initial decision in Docket No. 75-20 individual or joint recommendations to the Commission identifying all unresolved issues and specifying the type of procedure best

[1] The applicable tariff matter is set forth in appendix A hereto.

suited to resolve them. After consideration of these recommendations, the Commission will issue an appropriate order limiting the issues and establishing the procedure for their resolution or, alternatively, refer the matter to the Office of Administrative Law Judges for the establishment of such a procedure;

It is further ordered, That (1) a copy of this order be forthwith served upon the respondent and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

Sea-Land Service, Inc.

TARIFF FMC-F NO. 34

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[FR Doc.77-21610 Filed 7-26-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI77-65]

ATLANTIC RICHFIELD CO.

Order Granting Special Relief

JULY 20, 1977.

On May 2, 1977, Atlantic Richfield Co. (Atlantic) filed a petition for special relief pursuant to section 2.76 of the Commission's General Policy and interpretations (18 CFR § 2.76) for the sale of its 50 percent interest in natural gas produced from the Smith Gas Unit, Well No. 1-36, Clark County, Kans., to Northern Natural Gas Co. (Northern).

Atlantic is currently making this sale under a contract dated June 15, 1961, on file with the Commission as Atlantic's FPC Gas Rate Schedule No. 234, pursuant to authority granted in Docket No. CI62-105. Atlantic is currently collecting a rate of 29.45 cents per Mcf for the sale to Northern. Atlantic states that in order to prevent premature abandonment and increase present day productivity of the subject well it will be necessary to install compression facilities which will increase the production costs of the well. In an effort to achieve the optimum recovery of the gas reserves, Atlantic and Northern entered into an amendment to their gas sales agreement on December 13, 1976, which provides for a price of 40 cents per Mcf for gas produced from the well and this is the price requested in Atlantic's petition for special relief.[1]

Notice of Atlantic's petition for special relief was issued on May 13, 1977. No protests or petitions to intervene have been filed.

Based on its analysis of data submitted by Atlantic, Staff accepts Atlantic's cost of compression installation and estimate of remaining recoverable reserves as reasonable and concludes that the requested special relief is warranted. Upon considerations of the data submitted and Staff's analysis thereof, we conclude that the proposed rate is justified.

The Commission orders: (A) The petition for special relief of Atlantic is hereby granted.

(B) Atlantic is authorized to collect a total rate of 40 cents per Mcf at 14.65 psia for gas sold to Northern from the Smith Gas Unit, Well No. 1-36, Clark County, Kan., effective on the date of issuance of this order or on the date of completion of the proposed work, whichever is later. This authorization is contingent upon Atlantic's filing within 30 days of the effective date set forth above a statement, signed by Northern, that the proposed work has been performed to Northern's satisfaction.

(C) The contract amendment designated as Supplement No. 14 to Atlantic's FPC Gas Rate Schedule No. 234 is hereby accepted to become effective as provided in Ordering Paragraph (B).

(D) Atlantic shall file within 30 days hereof a notice of change in rate to the level authorized in Ordering Paragraph (B).

By the Commisson.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-21638 Filed 7-26-77;8:45 am]

[Docket No. CP66-235]

ATLANTIC SEABOARD CORP.

Order Granting Petition for Declaratory Order

JULY 20, 1977.

On December 28, 1976, Columbia Gas Transmission Corp. (Columbia), as successor to Atlantic Seaboard Corp. (Seaboard), filed pursuant to section 1.7(c) of the Rules of Practice and Procedure of the Federal Power Commission, a petition for a Declaratory Order in the above-captioned docket. In its petition, Columbia requests the Commission to issue an order stating that the herein described replacements to its pipelines with like-size minimum wall thickness pipe on its 20-inch gas transmission pipeline extending from Flat Top, West Virginia to Dranesville, Va., are replacements under section 2.55(b) of the Commission's Statement of General Policy.

Columbia intends to replace 35-year old 20-inch pipeline with like-size minimum wall thickness pipeline which has deteriorated. Although Columbia alleges that such replacement would fall under section 2.55(b) of the Commission's Rules of Practice and Procedure, its prior experience dictated that it file the instant petition. In 1964 and 1965, Seaboard replaced 34 miles of 20-inch pipeline with like diameter pipe, whereupon the Commission issued an order to show cause questioning whether the replacements were under section 2.55(b). The show cause proceeding was terminated by Commission Order issued September 13, 1967, at FPC Docket No. CP67-167 and CP66-235. All subsequent replacements on the gas transmission pipeline had been made pursuant to Commission authorization.

The replacements which have been made were part of a planned program to replace the pipeline in systematic large sections, as delineated in the Commission's show cause proceeding, having the long range objective of providing increased capacity for Columbia's eastern markets. With the advent of the shortage of gas supplies, in 1970, Columbia abandoned its replacement program. All replacements subsequently have been due to the deterioration of the pipeline. Columbia anticipates that any future replacements undertaken will be only as required by the Department of Transportation Regulations, class location changes or the condition of the pipe.

Due to the Commission's prior actions, Columbia seeks hearing and an order from the Commission declaring that future replacements of the limited nature herein above described not require authorization under section 7(c) of the Natural Gas Act. Columbia further states that they have no objection to the attachment of a condition to the Commission's order specifically requiring it to file for certificate in order to replace sections of a 20-inch pipeline for the purpose of increasing the capacity of the line. Further, should the Commission deem appropriate, Columbia would report on an annual basis any replacements made on a 20-inch pipeline and would file to obtain certificate authorization for utilization of any potential increase in capacity resulting in the ultimate replacement of the remaining sections of a 20-inch pipeline.

In support thereof, Columbia cites the delay inherent in the regulatory process. Upon discovery of the deteriorated pipe, Columbia must prepare the necessary filings and receive Commission au-

[1] Atlantic's petition meets the shortened procedure criteria set forth in section 2.76 (d)(1) of the Commission's General Policy and Interpretations (18 CFR § 2.76(d)(1)). See Order No 551, mimeo, at 3.

thority to proceed prior to replacing the deteriorated pipe. At the time the deteriorated pipe condition becomes apparent, it would be in the public interest for Columbia to have the flexibility to immediately effect such replacement. It is difficult for us to foresee an instance when a regulatory authority would deny an application to effect such replacement. However, we do find it necessary to point out in this order that Columbia is still required to seek authorization under section 7(c) when such replacements result in any increase in capacity of the pipeline. In order to allow our staff to be informed of the replacements, we further find that Columbia should report on an annual basis any replacements made.

On April 14, 1977, Columbia filed in Docket No. CP77-341 an application for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities due to the Commission's inaction on its petition. The proposed replacements as described clearly fall within the exemption of section 2.55(b) in that "they constitute the replacement of the existing facilities which have or will soon become physically deteriorated * * * will not result in a reduction or abandonment of service * * * (and) shall have substantially equivalent design delivery capacity as the particular facilities being replaced." Based on the foregoing, the Commission finds that Columbia's petition should be granted under the previous states conditions and the application filed in Docket No. CP77-341 is dismissed accordingly.

The Commission orders: The petition for a declaratory order filed by Columbia Gas Transmission Corp. on December 28, 1976, in the above-captioned docket is hereby granted. Columbia shall file an annual report with the Commission listing all replacements of pipeline that fall within section 2.55(b) of the Commission's Statement of General Policy.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-21636 Filed 7-26-77;8:45 am]

[Docket No. ER76-800]

APPALACHIAN POWER CO.

Proposed Settlement Agreement

JULY 21, 1977.

Take notice that Appalacian Power Co. (APC) on June 16, 1977, tendered for filing a proposed Settlement Agreement between APC and Carolina Power and Light Co. (Carolina).

APC indicates that during the pendency of the proceedings in the above-noted docket, APC and Carolina entered into negotiations which have resulted in certain understandings and agreements which, if approved by the Commission, would result in the termination of the proceedings in the above-noted docket and the withdrawal of the petition for review now pending before the United States Court of Appeals for the District of Columbia Circuit.

APC indicates that the proposed Settlement Agreement includes (1) a modification to APC's FPC Rate Schedule No. 24, (2) a notice of cancellation to be effective as of 11:59 p.m. on March 31, 1977, of the Service Schedule contained in FPC's Rate Schedule No. 24, and (3) Carolina's certification of concurrence in the notice of cancellation.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should be submitted on or before August 1, 1977. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21639 Filed 7-26-77;8:45 am]

[Docket No. ER77-493]

BLACKSTONE VALLEY ELECTRIC CO.

Tariff Change

JULY 21, 1977.

Take notice that Blackstone Valley Electric Co. ("Blackstone") on July 1, 1977, tendered for filing proposed changes in Exhibit D (Supplement No. 1) to its FPC Rate Schedule No. 21. Blackstone indicates that the proposed changes would increase revenues paid by Montaup Electric Company to Blackstone for certain transmission facility rentals by $21,612 for the twelve months ending August 1, 1977.

Blackstone indicates that the filing is intended to recover Blackstone's increased cost of capital.

According to Blackstone copies of the filing were served upon the affected jurisdictional customers, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission Division of Public Utilities and Carriers, the Rhode Island Consumers' Council and the Attorneys General of Massachusetts and Rhode Island.

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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21621 Filed 7-26-77;8:45 am]

[Docket No. ER77-494]

BROCKTON EDISON CO.

Tariff Change

JULY 21, 1977.

Take notice that Brockton Edison Co. ("Brockton") on July 1, 1977, tendered for filing proposed changes in Exhibit D (Supplement No. 1) to its FPC Rate Schedule No. 15. Brockton indicates that the proposed changes would increase revenues paid by Montaup Electric Co. to Brockton for certain transmission facility rentals by $53,230 for the twelve months ending August 1, 1977.

Brockton indicates that the filing is intended to recover Brockton's increased cost of capital.

Copies of the filing were served upon the affected jurisdictional customers, the Massachusetts Department of Public Utilities, the Rhode Island Public Utilities Commission Division of Public Utilities and Carriers, the Rhode Island Consumers' Counsel and the Attorneys General of Massachusetts and Rhode Island, according to Brockton.

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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21622 Filed 7-26-77;8:45 am]

[Project No. 2786]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Application for Preliminary Permit

JULY 21, 1977.

Public notice is hereby given that an application for preliminary permit was filed on January 5, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Central Vermont Public Service Corporation (Correspondence to: Seymour H. Robinson, Senior Vice President, Central Vermont Public Service Corp., 77 Grove Street, Rutland, Vt. 05701) for the proposed Ball Mountain Project No. 2786, to be located on the West River in Windham County, Vt.

Applicant proposes to develop a hydroelectric facility in conjunction with the existing Ball Mountain Dam, a flood control dam owned by the U.S. Army Corps of Engineers. The proposed project would utilize the existing conservation pool at Ball Mountain, plus additional head developed through the installation of a

downstream penstock approximately 12 feet in diameter and 8,800 feet long. Although subject to modifications based on economic optimization studies, the proposed project would also consist of: (1) a bypass valve structure; (2) a semi-outdoor type powerhouse with a concrete sub-structure and removable hatchway; (3) a vertical shaft turbine rated at approximately 29,000 horsepower; (4) a tailrace to be excavated downstream from the powerhouse to the West River; (5) an outdoor substation and switchyard; and (6) a 46-kv transmission line from the proposed facility to Applicant's existing transmission line system.

The power developed by the proposed project would be utilized by Applicant to assist in meeting its present and future load requirements.

A preliminary permit does not authorize the construction of a project. A permit, if issued, gives the permittee, during the period of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make protest with reference to said application should, on or before September 6, 1977, file with the Federal Power Commission,, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21628 Filed 7-26-77;8:45 am]

[Docket No. E-9598]

CLEVELAND ELECTRIC ILLUMINATING CO.

Application

JULY 21, 1977.

Take notice that on June 29, 1977, the Cleveland Electric Illuminating Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from the City of Cleveland, Ohio (Cleveland).

Applicant indicates that Cleveland is under the laws of the State of Ohio with its principal business office at Cleveland, Ohio, and is engaged in the electric utility business in the City of Cleveland and in nine counties in the State.

Applicant indicates that Cleveland is a municipality, a body politic of the State of Ohio and is engaged in the electric utility business in a portion of the City of Cleveland.

The Applicant proposes, subject to regulatory approval, to purchase approximately 1.6 miles of 138 kV transmission line, 20 miles of 69 kV transmission lines, 113 miles of 11 kV transmission lines, together with related auxiliary equipment, located in the City of Cleveland.

Applicant indicates that Cleveland has reported the depreciated original cost of said property as $5,270,207.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21634 Filed 7-26-77;8:45 am]

[Docket No. CP77-487]

COLUMBIA GAS TRANSMISSION CORP.

Application

JULY 20, 1977.

Take notice that on July 5, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-487 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Ball Corporation (Ball) for 2 years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 325 Mcf of natural gas per day for Ball, which volumes would be received by Applicant into its Line V-W11449 in Milton Township, Mahoning County, Ohio, at a specific point to be mutually agreed upon. Applicant states that it would redeliver the gas for the account of Ball at an existing point of delivery near its Bickers Compressor Station in Greene County, Virginia, to CNG Transmission Company (CNG), who would in turn deliver the gas to Virginia Electric and Power Company (Vepco) for use at Ball's Williamburg, Virginia, plant.

It is stated that Ball was severely curtailed by Vepco during the 1976-77 winter season and has been informed that continuing curtailment is imminent. It is further stated that Ball's Williamsburg plant produces metal containers primarily for beverages, and that Ball supplies approximately 90 percent of all containers used by Anheuser-Busch at their Williamsburg brewery under a long-term contract. Ball has installed a standby system utilizing No. 2 fuel oil as alternate fuel capability to replace natural gas at the Williamsburg plant, and the gas to be transported hereunder is for process uses for which an alternate fuel can not be used, i.e., the firing of washers that clean the metal containers and for the ovens through which the containers pass three different times in the manufacturing process, it is said. It is stated that natural gas is necessary for this equipment because the products of combustion from alternate fuels would contaminate the beverage containers, making them unacceptable for consumer use.

Applicant states that it has agreed to transport up to 485 Mcf of natural gas per day for Ball; up to 325 Mcf per day of which would be transported hereunder and up to 160 Mcf per day would be transported under a companion filing.

It is indicated that Montara Petroleum Company and Mutual Oil and Gas Company (Producers) have contracted to sell to Ball up to 250 Mcf of natural gas per day from Producers' wells located in Mahoning County, Ohio. It is further indicated that the price at which Ball would purchase such gas from Producers is $2.20 per Mcf for the first contract year and $2.50 per Mcf for the second contract year. Applicant states that in order to deliver the gas into Applicant's pipeline, Ball would be required to make an investment in field gathering facilities costing approximately $25,000 which facilities would be used for this and other transportation arrangements for Ball. Applicant further states that it would not be required to construct any additional facilities to perform the proposed transportation service.

It is stated that Applicant's transportation charge for this service would be its average system-wide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 24.75 cents per Mcf. Applicant indicates that it would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Ball, which percentage is currently 3.1 percent.

It is stated that the gas proposed herein to be transported would be used for high priority use and is not available to the interstate market.

Applicant indicates that the gas transported hereunder is subject to diversion to Applicant in emergency periods when, in its sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21632 Filed 7-26-77;8:45 am]

[Docket No. ER77-497]

DELMARVA POWER & LIGHT CO.

Change in Newark Service Agreement

JULY 21, 1977.

Take notice that Delmarva Power & Light Company (Delmarva) on July 2, 1977, tendered for filing a proposed new Service Agreement with the City of Newark, Delaware under Delmarva FPC Electric Tariff, Volume No. 6.

Delmarva indicates that the proposed Service Agreement will supersede an existing Service Agreement dated June 28, 1963, as amended by a First Amendment, dated June 8, 1972. Delmarva indicates that the proposed service agreement modifies the present Agreement to eliminate certain outmoded requirements on the parties, and to define a date (July 1, 1982) and a location (Chapel Street, in the vicinity of Kershaw Park) when and where Newark will accept service from Delmarva at a single delivery point. According to Delmarva the Service Agreement further specifies the respective rights and obligations of the parties with respect to the future transition from service at a single delivery point. Delmarva has asked waiver of notice requirements, and an effective date for the new Service Agreement of May 23, 1977.

Delmarva states that a copy of the filing has been served upon City Manager, Newark, Delaware, the only jurisdictional customer affected thereby.

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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21619 Filed 7-26-77;8:45 am]

[Docket No. ER77-500]

DUKE POWER CO.

Proposed Supplement to Electric Power Contract

JULY 21, 1977.

Take notice that Duke Power Company (Duke) tendered for filing on June 29, 1977, a supplement to the Company's Electric Power Contract with Laurens Electric Cooperative, Inc. which is proposed to become effective on June 20, 1977. Duke indicates that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 144.

Duke indicates that this contract supplement, made at the request of the customer with the agreement obtained from the customer, provides for an additional delivery point (No. 25), cancellation of Delivery Point No. 19, and reallocation of SEPA capacity and energy to preference customers. Duke also indicates that the supplement also includes an estimate of sales and revenue for the twelve months immediately preceding and for the twelve months immediately succeeding the effective date.

Duke states that a copy of this filing was mailed to Laurens Electric Cooperative, Inc. and to the South Carolina Public Service Commission.

Duke requests waiver of the Commission's notice requirements to allow for an effective date of June 20, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., 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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21620 Filed 7-26-77;8:45 am]

[Docket No. ER77-506]

GEORGIA POWER CO.

Proposed Change in Rate Schedule

JULY 21, 1977.

Take notice that on July 10, 1977, Georgia Power Company (Georgia Power) tendered for filing a proposed change in its Interconnection Agreement with Crisp County Power Commission (Power Commission) (Georgia Power Company FPC Rate Schedule No. 791).

Georgia Power states that the proposed amendment does not change the level of the rates applicable to power transactions under the Agreement, and that the proposed change merely recites the sale by Georgia Power, pursuant to Commission order in Docket No. E-9594, of certain utility assets constructed to serve Power Commission to the Municipal Electric Authority of Georgia (MEAG) of which Power Commission is a member. Georgia further states that pursuant to the Amendment, Power Commission's obligation to make monthly payments of $14,828.24 toward the fixed charges associated with the facilities shall cease.

Georgia Power requests that an effective date of June 29, 1977 be assigned to the proposed modification, and therefore requests that the Commission waive the 30-day notice requirement.

Georgia Power indicates that copies of its filing have been mailed to Power Commission.

Any person desiring to be heard or to protest said applications 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 August 3, 1977. Protests will considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21623 Filed 7-26-77;8:45 am]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

Two Applications for Approval of Change in Land Rights and One Application for Approval of Change in Land Rights and Revised Exhibit K

JULY 21, 1977.

Public notice is hereby given that two applications were filed November 1, 1976, under the Federal Power Act (the Act) (16 U.S.C. §§ 791(a)–825(r) (1970)) by Grand River Dam Authority (GRDA) (correspondence to: Robert W. Sullivan, Jr., Esq., General Counsel, Grand River Dam Authority, Administrative Headquarters, Drawer G., Vinita, Oklahoma 74301) for approval of change in land rights for Project No. 2183, known as the Markham Ferry Project, located on the Grand River, a navigable water of the United States, in Mayes County, Oklahoma. On March 14, 1977, GRDA also filed under the Act, a third application for approval of change in land rights and revised Exhibit K for the same project.

GRDA, licensee for Markham Ferry Project No. 2183, requests Commission approval of the sale of various parcels of land located within the project boundary but, according to the applications, not necessary for project purposes.

One application for approval of change in land rights describes the sale of approximately 3.6 acres of project land to an individual for probable construction of a residence. An existing house, barn and an unspecified structure, all above the 636-foot mean sea level contour (maximum flood pool elevation), are located on the lands to be sold. Approximately one-third of this land has been determined to be below the 636-foot contour.

The second application for approval of change in land rights describes the sale at public auction on October 4, 1976, of approximately one-half acre of project land, subject to Commission approval and GRDA's retention of flowage rights. The entire parcel is above the 636-foot maximum flood level established in the license for the project.

The third application for approval of change in land rights and revised Exhibit K describes the sale of approximately 10.1 acres of extremely hilly lake front property to an abutting landowner subject to GRDA's flowage rights. The application also requests approval of a revised Exhibit K drawing which shows the change in project boundary that would result from deletion of the subject lands.

Any person desiring to be heard or to make protest with reference to said application should on or before September 8, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10 (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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Act and the Commission's Rules of Practice and Procedure, specifically section 1.32(b) (18 CFR § 1.32(b) (1976)), a hearing may be held without further notice before the Commission on its application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of section 1.32 (b) be used.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

LOIS D. CASHELL,
Acting Secretary

[FR Doc.77-21630 Filed 7-26-77;8:45 am]

[Project No. 2756]

GREEN MOUNTAIN POWER CORP. AND CITY OF BURLINGTON, VERMONT

Amended Application for Preliminary Permit

Public notice is hereby given that an amended application for preliminary permit was filed on June 3, 1977, under the Federal Power Act, 16 U.S.C. § 791a–825r, by the Green Mountain Power Corporation and the City of Burlington, Vermont (Correspondence to: Mr. Raymond C. De Forge, Vice President, Engineering and Operations, Green Mountain Power Corporation, 1 Main Street, Burlington, Vermont 05401 and Mr. Robert C. Young, Superintendent, City of Burlington Electric Department, 585 Pine Street, Burlington, Vermont 05401; copies of correspondence to: Mr. Richard M. Merriman, Esq., Richard T. Witt, Esq., Reid & Priest, 1701 K Street, N.W., Washington, D.C. 20006 and Joseph E. McNeil, Esq., City Attorney, Burlington, Vermont 05401) for the proposed Chace Mill Project, FPC No. 2756, located on the Winooski River in the cities of Winooski, Burlington, and South Burlington Chittenden County, Vermont.

In its amended application, Green Mountain Power Corporation and the City of Burlington, Vermont request that the Commission include the City of Burlington, Vermont as a point applicant for a preliminary permit to study the proposed Chace Mill Project. On June 3, 1977, the City of Burlington which has previously filed a competing application for preliminary permit under FPC Project No. 2764, requested permission to withdraw its application in favor of collaborating, as a joint applicant, with Green Mountain Power.

According to the amended application, the joint applicants propose to study the feasibility of a low dam approximately 10 feet high and 500 feet long, to be located approximately 900 feet upstream from a highway bridge (U.S. Routes 2 and 7) between Burlington and Winooski. The proposed powerhouse would contain an estimated 6 megawatts of installed capacity and would be located adjacent to the dam. A tailrace channel, of sufficient length and depth to develop the full 55 feet of potential head at the site, would be cut into the rock riverbed downsteam from the powerhouse. The estimated annual energy output from the project would be about 34,000,000 kilowatt hours.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR §§ 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21627 Filed 7-26-77;8:45 am]

[Docket No. ER77-413]

ILLINOIS POWER CO.

Filing of Modification No. 3

JULY 21, 1977.

Take notice that on June 30, 1977, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 3 to the Interconnection Agreement ("Agreement") dated August 5, 1974, between Illinois Power and the City of Freeburg, Illinois. According to Illinois Power the Commission has previously designated the August 5, 1974 Agreement as Illinois Power Rate Schedule FPC No. 66.

Illinois Power states that Modification No. 3 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of July 1, 1977 is requested, and Illinois

Power therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the City of Freeburg and the Illinois Commerce Commission, according to Illinois Power.

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 August 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21635 Filed 7-26-77;8:45 am]

[Docket No. ER77-415]

ILLINOIS POWER CO.

Filing of Modification No. 3

JULY 20, 1977.

Take notice that on June 20, 1977, Illinois Power Company (Illinois Power) tendered for filing proposed Modification No. 3 to the Interconnection Agreement (Agreement) dated August 19, 1974, between Illinois Power and the City of Peru, Illinois. Illinois Power indicates that the Commission has previously designated the August 19, 1974 Agreement as Illinois Power Rate Schedule FPC No. 67.

Illinois Power states that Modification No. 3 provides for a proposed increase in the demand charges for Short-Term Firm Capacity and Maintenance Capacity transactions. An effective date of July 1, 1977 is requested, and Illinois Power therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the City of Peru and the Illinois Commerce Commission, according to Illinois Power.

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 August 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21629 Filed 7-26-77;8:45 am]

[Docket No. ER77-499]

KANSAS CITY POWER & LIGHT CO.

Filing of Service Schedule

JULY 21, 1977.

Take notice that on July 5, 1977, Kansas City Power & Light Company (KCPL) tendered for filing a Service Schedule under the Missouri Participation Agreement, KCPL's Rate Schedule FPC No. 31A, Supplement No. 2, and KCPL requests that said Service Schedule be permitted to become effective thirty (30) days after filing. KCPL states that the Service Schedule provides for the sale of Two Unit Capacity Participation Service to Associated Electric Cooperative, Inc. (AEC).

KCPL states that AEC needs to be assured of the availability of capacity from KCPL for the years 1980 and 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21633 Filed 7-26-77;8:45 am]

MONTANA POWER CO.

[Project No. 2188]

Application for Amendment of License

JULY 21, 1977.

Public notice is hereby given that an application was filed on October 21, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by The Montana Power Company (Correspondence to: Mr. Melvyn M. Ryan, Vice President and General Counsel, The Montana Power Company, 40 East Broadway, Butte, Montana 59701) for Commission approval of an amendment to Article 28 of the license for the Missouri-Madison Project, FPC Project No. 2188, which pertains to the dates of operation of the Hebgen Lake Development for the purpose of maintaining the reservoir at summer pool level. The Hebgen Lake Development is located on the Madison River, within the boundary of Gallatin National Forest, near the Town of West Yellowstone, Gallatin County, Montana.

Applicant, upon the recommendation of the U.S. Forest Service, requests an amendment in the time period during which the elevation of the Hebgen Lake Development reservoir is required to be within four feet of full pool. Article 28 of the license for Project No. 2188 currently requires that Hebgen Lake be operated at such elevation from June 1 to October 1 of each year. The dates for maintaining the summer pool elevation have, in recent years, been temporarily modified to permit Applicant to store additional water, thereby minimizing dam stream erosion resulting from heavy spring runoff. Applicant propores to maintain the pool at the required level from June 20 to October 1 of each year in order to achieve necessary flood control.

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 September 6, 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 C.F.R. § 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21631 Filed 7-26-77;8:45 am]

[Docket Nos. ER77-427 and ER77-473]

MINNESOTA POWER & LIGHT CO. AND SUPERIOR WATER, LIGHT & POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Procedures and Consolidating Proceedings

JULY 21, 1977.

On June 27, 1977, Superior Water, Light and Power Company (Superior) tendered for filing in Docket No. ER77-473 proposed revised rates for service to its single wholesale customer, Dahlberg Light and Power Company (Dahlberg), resulting in increased revenues of $224,-144, a 14.26 percent increase, for the twelve month period succeeding the proposed effective date of July 27, 1977.

In addition to increasing the demand and energy charges, the proposed rates would eliminate an automatic cost of power adjustment clause and substitute a fuel adjustment clause conforming to Commission Order No. 517.

Superior states that the proposed increase is necessary in order to recover a proportionate share of the increased cost of power purchased from Minnesota Power and Light Company (MP&L) due to MP&L's proposed rate increase in Docket No. ER77-427. Superior purchases 87 percent of its total requirements from MP&L and generates the balance. By Commission order issued on July 1, 1977, in Docket No. ER77-427, MP&L's proposed increase was suspended for five (5) months to become effective on December 8, 1977. Inasmuch as the two proceedings have common issues of law and fact, we shall consolidate them for purposes of hearing and decision.

Public notice of Superior's filing was issued on July 6, 1977, with protests or petitions to intervene due on or before July 20, 1977. No protests or petitions to intervene have been received at this time.

Our review of Superior's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unduly discriminatory or preferential, unreasonable, or otherwise unlawful. Accordingly, the proposed rates shall be suspended until December 8, 1977, whereupon they shall go into effect subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the increased rates proposed by Superior and to suspend those rates until December 8, 1977, whereupon the rates shall become effective subject to refund.

(2) Good cause exists to consolidate Docket Nos. ER77-427 and ER77-473.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission enter upon a hearing to determine the justness and reasonableness of Superior's proposed rates and to establish procedures for that hearing.

The Commission orders: (A) Pursuant to the authority contained in the Federal Power Act, the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Superior in Docket No. ER77-473.

(B) Pending a hearing and decision thereon, Superior's proposed rates tendered in the Docket No. ER77-473 are hereby accepted for filing and suspended to become effective subject to refund on December 8, 1977.

(C) The proceedings in Docket Nos. ER77-427 and ER77-473 are hereby consolidated for purposes of hearing and decision.

(D) The dates for the top sheet procedure and the other procedures set forth in our order of July 1, 1977, in Docket No. ER77-427 shall remain in full force and effect and shall be applicable in all respects to Superior's filing in Docket No. ER77-473.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) 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.77-21637 Filed 7-26-77;8:45 am]

[Docket No. ER77-245]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Memorandum

JULY 21, 1977.

Take notice that on May 2, 1977, Northern Indiana Public Service Company (NIPSCO) tendered for filing copies of Memorandum No. 68 to its Electric Service Agreement with Commonwealth Edison Company of Indiana, Inc. (CEC) (NIPSCO Rate Schedule FPC No. 8).

NIPSCO indicates that this Memorandum is an acknowledgement by CEC of notice that NIPSCO has placed into commercial operation Unit No. 14 at the Rollin M. Schahfer Generating Station near Wheatfield, Indiana, with a net generating capacity of 320,000 kilowatts and the inclusion of this capacity in NIPSCO's capacity as of January 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21640 Filed 7-26-77;8:45 am]

[Docket No. ER77-496]

OHIO POWER CO.

Proposed Changes in Rates and Charges

JULY 21, 1977.

Take notice that American Electric Power Service Corporation (AEP) on July 5, 1977 tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 6 dated June 1, 1977 to the Facilities and Operating Agreement dated September 6, 1962 between Ohio Power Company and Duquesne Light Company, designated Ohio's Rate Schedule FPC No. 33.

AEP indicates that Section 1 of Modification No. 6 provides for an increase in the Demand Charge for Short Term Power from $0.50 to $0.60/kW-week, and Section 2 provides for an increase in the charge for third party Short Term Power transactions from $0.125 to $0.15/kW-week.

AEP also indicates that Section 3 of Modification No. 6 provides for an increase in the minimum energy charge for Emergency Service from 17.5 mills to three $0.03 cents/kWh. All of the aforementioned schedules are proposed to become effective June 1, 1977, and AEP therefore requests waiver of the Commission's notice requirements.

AEP states that since the use of Short Term Power and Emergency Service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

According to AEP copies of the filing were served upon Duquesne Light Company and sent to the Public Utilities Commission of Ohio and to the Public Utility Commission of Pennsylvania.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426 in accordance with 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 August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21624 Filed 7-26-77;8:45 am]

[Docket No. CP77-498]

PANHANDLE EASTERN PIPE LINE CO.

Application

JULY 21, 1977.

Take notice that on July 11, 1977, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-498 an application pursuant to Section 7 of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 160 Mcf of Natural gas per day on a firm basis for two years for Ball Corporation, an Indiana Corporation, (Ball), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport certain gas supplies purchased by Ball for use at its manufacturing facility in Muncie, Indiana. Ball's Muncie Plant is served by Indiana Gas Company, Inc., (Indiana), which, in turn, is supplied by Applicant pursuant to Applicant's Rate Schedule G-1, it is indicated.

Applicant states that Ball has made arrangements to purchase for high priority use the subject gas which is unavailable to the interstate market from Montara Petroleum Company, a California corporation, and Mutual Oil and Gas Company, an Ohio corporation (Producers). It is indicated that Ball would pay Producers for each Mcf of gas delivered $2.20 for the first contract year and $2.50 per Mcf for the second contract year. During any consecutive 12-month period, Ball would be obligated to pay 75 percent of the quantities of gas for which it has contracted, whether or not taken, it is stated. Applicant states that the subject gas is produced in Mahoning County, Ohio and would be delivered to Columbia Gas Transmission Corporation (Columbia) who, in turn, would deliver by displacement to Applicant at an existing interconnection in Darke County, Ohio for the account of Ball. Applicant proposes to transport the proposed volumes of gas on a firm basis with redelivery to Indiana for the account of Ball at the existing point of interconnection between Applicant and Indiana near Muncie, Indiana. It is stated that from such point the gas would be transported by Indiana to Ball through existing distribution facilities. Applicant states that it does not propose to construct any additional facilities to perform the proposed transportation services.

It is stated that Ball would pay to Applicant a monthly transportation charge of $122 such charge being subject to increase or decrease by an amount equal to 2.50 cents for each Mcf that Applicant would transport in excess of the firm volumes on any day or fails or is unable to take on any day.

Applicant states that Ball's Muncie, Indiana, plant produces caps and lids for the home canning market, and that the caps and lids are blanked from decorated tinplate and transported to machines where they are lined with liquid plastisol. They are then transported to gas fired ovens where the liquid plastic compound is cured, it is said. Applicant indicates that the curing process is essential to the setting and puffing of the compound, both of which are required for adequate sealing, and that the curing process requires a clean burning fuel to avoid contamination of the caps and lids since they are subsequently used for the preparation and preservation of home canned food products. It is further indicated that there is no proven technically feasible alternate fuel for the natural gas requirements of the ovens.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) as the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21625 Filed 7-26-77;8:45 am]

[Docket No. ER77-501]

PUBLIC SERVICE CO. OF INDIANA, INC.

Tariff Change

JULY 21, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on July 8, 1977, tendered for filing pursuant to the Service Agreement between Hancock County Rural Electric Membership Corporation and Public Service Company of Indiana, Inc. a First Supplemental Agreement to become effective August 6, 1977.

PSCI indicates that the Supplemental Agreement provides for the addition of two new delivery points, namely, the Heritage Delivery Point and the Mt. Comfort Delivery Point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before August 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are available for public inspection at the Federal Power Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21618 Filed 7-26-77;8:45 am]

[Docket No. RI 77-50]

VENUS OIL CO.

Amended Petition for Special Relief

JULY 21, 1977.

Take notice that June 30, 1977, Venus Oil Company (Venus), 2100 National Bank of Commerce Building, San Antonio, Texas 78205, filed an amendment to its petition for special relief previously filed in the captioned docket on March 25, 1977. Such petition sought special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76) to enable Venus to continue a sale of natural gas then and now being made to Transwestern Pipeline Company from Venus' Archer No. 1 Well in the Hansford (Lower Morrow) Field, Hutchinson County, Texas. The rate requested by Venus was 99.76 cents per Mcf at 14.65 psia. Following filing of the petition, conferences were held between representatives of Venus and the Commission staff relative to the costs and reserves involved.

In its June 30 filing, Venus amended its petition to request Commission approval of a total rate of 77.55 cents per Mcf at 14.65 psia in lieu of the rate originally requested.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21626 Filed 7-26-77;8:45 am]

[Docket No. RP76-97]

GULF ENERGY & DEVELOPMENT CORP.

Certification of Proposed Settlement Agreement

JULY 19, 1977.

Take notice that on July 11, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the captioned docket. The proposed agreement allegedly resolves all issues in this proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 27, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-21717 Filed 7-26-77;8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Order Approving Proposed Settlement Agreement

JULY 20, 1977.

On October 30, 1975, Louisiana-Nevada Transit Company (LNT) tendered for filing a revised tariff sheet reflecting an annual rate increase of $157,059 to the single wholesale customer, the City of DeQueen, Arkansas. By order issued November 28, 1975, the proposed rate increase was accepted for filing and suspended for five months until May 1, 1976. It became effective subject to refund on May 7, 1976, the date on which LNT filed a motion to make effective the suspended tariff sheet.

Following service of Staff's top sheets and several conferences, LNT filed a proposed stipulation and agreement in settlement of the rate issues in this proceeding on January 11, 1977. Notice of the proposed stipulation and agreement was issued on February 1, 1977, providing for comments or protests to be filed on or before February 18, 1977. The Commission Staff filed comments in support of the proposed settlement on February 18, 1977. As discussed below, the Commission shall accept without modification and approve the proposed Stipulation and Agreement.

This docket also encompasses a separate and ongoing show cause proceeding, initiated by order issued March 22, 1976, that concerns the Commission's jurisdiction over producer sales to LNT out of the Walker Creek (Arkansas) Field. LNT has stated that these are intrastate sales and that therefore the producers are not required to file rate schedules covering these sales to LNT from the Walker Creek Field.

The proposed Stipulation and Agreement provides for a reduction in the filed base rate from 54.9 cents per Mcf to 46.93 cents per Mcf, and for refunding with interest of amounts collected in excess of the settlement base rate within sixty days. The proposed settlement rate reflects an overall rate of return of 10.6 percent, including a return on equity of 14.0 percent. The settlement rate does not include any amounts attributable to a decision of the United States District Court for the Western District of Arkansas in *Louisiana-Nevada Transit Company* v. *Dalton J. Woods*, et al. (Case No. T-73-C-43, issued June 9, 1975) holding LNT liable for additional payments to Walker Creek producers for gas purchased by LNT during 1972-1975. In that court case LNT sought a declaratory judgment that certain third-party sales contracts did not "trigger" the favored nation clauses in its Walker Creek contracts. The U.S. District Court has not entered a final judgment fixing LNT's exact liability. However, LNT in its original rate filing in this docket sought an allowance of 5.0 cents per Mcf to amortize its estimated maximum liability, this allowance is eliminated under the terms of the settlement.

Paragraph 4 of the Stipulation and Agreement provides that, prior to January 1, 1978, LNT may file a tracking rate increase to amortize the jurisdictional portion of any additional payments made pursuant to a final Court order. Paragraph 5 further provides that LNT will immediately flow through to the City of DeQueen the jurisdictional portion of any producer refunds finally ordered by the Commission or the Court, to the extent collected under the tracking provision of paragraph 4.

The Commission's review of the proposed Stipulation and Agreement indicates that it resolves reasonably all of the rate issues relating to the tariff sheet tendered by LNT on October 30, 1975, in this docket, and that it should be approved without modification. However, acceptance of this settlement will not directly affect or terminate the ongoing show cause proceeding pursuant to section 7 of the Natural Gas Act, initiated by order issued March 22, 1976 in this docket.

The Commission orders: (A) The proposed Stipulation and Agreement, filed by LNT in this docket on January 11, 1977 is hereby incorporated by reference, accepted and approved.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Louisiana-Nevada Transit Co., docket No. RP76-31, derivation of jurisdictional rates*

Line No.		
1	Allocated jurisdictional cost	$526,484.
2	Jurisdictional sales	1,121,851 M ft³.
3	Settlement rate	46.93¢/M ft³.

Allocated cost of service

		Gas supply and gathering	Transmission	Distribution	Customer accounting and collecting	Rate case expense
Total cost of service	2,232,425	1,486,206	320,770	235,531	145,490	44,425
Distribution loss		(10,074)		10,074		
Net cost of service	2,232,425	1,476,132	320,770	245,605	145,490	44,425
Jurisdictional allocation factors		0.277361	0.277361		0.021265	(1)
Jurisdictional cost of service	526,484	409,421	88,969		3,094	35,000

[1] Dir. assign.

Total cost of, service, 12 mo ended June 30, 1975, as adjusted

Line No.	Description	Total	Gas supply and gathering	Transmission	Distribution	Customer accounting and collecting	Rate case expense
1	Operating and maintenance expense:						
2	Natural gas purchased	1,377,449	1,377,449				
3	Other gas supply expense	10,331	10,331				
4	Transmission expense	73,955		73,955			
5	Distribution expense	85,497			85,497		
6	Customer accounting and collecting expense	66,239				66,239	
7	Administrative and general expense	255,127	12,297	85,901	80,850	76,079	
8	Subtotal	1,868,598	1,400,077	159,856	166,347	142,318	
9	Rate base expense	44,428					44,428
10	Total operating and maintenance expense	1,913,026	1,400,077	159,856	166,347	142,318	44,428
11	Depreciation, depletion, and amortization expense	61,273	1,805	42,795	16,673		
12	Return at 10.6 pct	134,956	51,749	53,827	27,401	1,979	
13	Federal income taxes	75,428	28,920	30,087	15,316	1,105	
14	State income taxes	6,034	2,314	2,407	1,225	88	
15	Taxes other than income	43,969	1,341	31,798	10,830		
16	Other gas revenues	(2,261)			(2,261)		
17	Subtotal	319,399	86,129	160,914	69,184	3,172	
18	Settlement cost of service	2,232,425	1,486,206	320,770	235,531	145,490	

Capital structure and rate of return

[In percent]

	Ratio	Cost factor	Weighted total
Long-term debt	50.15	8.17	4.10
Preferred stock	5.24	4.75	.25
Common equity	44.61	14.00	6.25
Total	100.00		10.60

[FR Doc.77-21486 Filed 7-26-77;8:45 am]

FEDERAL RESERVE SYSTEM

DOWNS BANCSHARES, INC.

Formation of Bank Holding Company

Downs Bancshares, Inc., Downs, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Downs National Bank, Downs, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

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 15, 1977.

Board of Governors of the Federal Reserve System, July 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-21566 Filed 7-26-77;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of June 21, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on June 21, 1977.[1]

The information reviewed at this meeting suggests that real output of goods and services has grown in the current quarter at about the rapid rate of the first quarter. In May industrial output and employment continued to expand at a substantial pace, and the unemployment rate edged down from 7.0 to 6.9 per cent. Total retail sales increased from the advanced March-April level. The rise in the wholesale price index for all commodities slowed substantially in May, as average prices of farm products and foods changed little after having increased sharply for three consecutive months; average prices of industrial commodities also rose less than in other recent months.

The average value of the dollar against leading foreign currencies has changed little on balance over the past month. The U.S. foreign trade deficit was nearly as large in April as in March.

M–1 increased only slightly in May, after rising at an exceptionally rapid rate in April. Reflecting mainly the behavior of M–1, growth in M–2 and M–3 also slowed sharply. Inflows to banks of time and savings deposits other than large-denomination CD's continued to slacken, but inflows to nonbank thrift institutions remained sizable. Business short-term borrowing moderated from the sharply increased pace of April, and corporate borrowing in the capital markets was reduced further. Short-term market interest rates have changed little on balance in recent weeks, while longer-term yields have declined.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

At its meeting on April 19, 1977, the Committee agreed that growth of M–1, M–2, and M–3 within ranges of 4½ to 6½ per cent, 7 to 9½ per cent, and 8½ to 11 per cent, respectively, from the first quarter of 1977 to the first quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

At this time, the Committee seeks to maintain about the prevailing money market conditions during the period immediately ahead, provided that monetary aggregates appear to be growing at approximately the rates currently expected, which are believed to be on a path reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, the Committee seeks to maintain the weekly-average Federal funds rate at about 5⅜ per cent, so long as B–1 and M–2 appear to be growing over the June–July period at annual rates within ranges of 2½ to 6½ per cent and 6 to 10 percent, respectively. If, giving approximately equal weight to M–1 and M–2, it appears that growth rates over the 2-month period are approaching or moving beyond the limits of the indicated ranges, the operational objective for the weekly-average Federal funds rate shall be modified in an orderly fashion within a range of 5¼ to 5¾ per cent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary insrtuctions from the Committee.

By order of the Federal Open Market Committee, July 22, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-21569 Filed 7-26-77;8:45 am]

[1] The record of Policy Actions of the Committee for the meeting of June 21, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors

of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by First City Bancorporation of Texas Inc., Houston, Texas ("First City"), for a determination that, with respect to a sale by First City (through its subsidiary, Texas Fiduciary Corporation, Dallas, Texas), of its stock interest in Commercial National Bank of Dallas, Dallas, Texas ("Bank"), to Mr. Mack L. Owens, First City is not nor will be in fact capable of controlling Bank through Mack L. Owens, notwithstanding the fact that Mack L. Owens is indebted to a subsidiary of First City, which indebtedness reulted from the financing of his purchase of said shares.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than August 19, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, July 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-21567 Filed 7-26-77;8:45 am]

FORT WORTH BANCHSHARES, INC.

Formation of Bank Holding Company

Fort Worth Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of Forth Worth Bank & Trust, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 17, 1977.

Board of Governors of the Federal Reserve System, July 21, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-21606 Filed 7-26-77;8:45 am]

LANDMARK BANCSHARES CORP.

Acquisition of Bank

Landmark Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Fidelity Bank and Trust Company, Creve Coeur, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1977.

Board of Governors of the Federal Reserve System, July 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-21568 Filed 7-26-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 20, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 15, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests an extension no change clearance of the reporting requirements in Part 223 of the Board's Economic Regulations—Free and Reduced-Rate Transportation. Submission of data called for in several sections of this Part are mandatory under the Federal Aviation Act of 1958, as amended. The sections involved include reporting and recordkeeping requirements relative to providing free transportation for technical in-flight observations of equipment by representatives of aircraft and aircraft equipment companies; free or reduced rate transportation for travel agents on domestic group familiarization tours; rules and regulations of an air carrier governing its practices in connection with issuance and interchange of passes; listing of personnel and immediate families of an air carrier's affiliates who might be issued passes; application for authority to carry free or at reduced rates persons to whom the carrier would not ordinarily be authorized to furnish such transportation. CAB estimates potential respondents to be 169. Time periods for submission of reports vary with the requirements of the particular sections and CAB estimates respondent burden to average 15-60 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-21667 Filed 7-26-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

PROGRAM ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the next meeting of the Program Advisory Committee of the Federal Preparedness Agency, GSA, will be held on August 25-26, 1977, in Room 5208, General Services Administration Building, 18th and F Streets NW., Washington, D.C. The meeting times are 9:30 a.m. to 4 p.m. on August 25, and 9:30 a.m. to 12 noon on August 26 and will be open to the public.

Since space is limited, those wishing to attend should call Linda Stonestreet, 566-0854.

Dated: July 18, 1977.

DALIMIL KYBAL,
Acting Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.77-21526 Filed 7-26-77;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, August 11–12, 1977, from 9:30 a.m. to 4 p.m., Room 10E, 1776 Peachtree St., N.W., Atlanta, Georgia. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Conversion and Renovation of the Tallahassee, FL, U.S. Post Office. The meeting will be open to the public.

Dated: July 21, 1977.

L. D. STROM,
Regional Administrator.

[FR Doc.77-21547 Filed 7-26-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PHARMACEUTICAL REIMBURSEMENT ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Advisory Committee meeting:

NAME: Pharmaceutical Reimbursement Advisory Committee.

DATE AND TIME: September 6, 1977 (1 p.m. to 5 p.m. Orientation for new members. September 7, 1977 (9 a.m. to 5 p.m.). September 8, 1977 (9 a.m. to 5 p.m.).

PLACE: Auditorium, HEW South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

PURPOSE OF MEETING: The Pharmaceutical Reimbursement Advisory Committee was established pursuant to § 19.4 of the regulations "Limitations on Payment or Reimbursement for Drugs" (45 CFR Part 19), published in the FEDERAL REGISTER, July 31, 1975 (40 FR 32284). The Committee advises the Pharmaceutical Reimbursement Board (composed of Department employees) on the appropriateness of proposed Maximum Allowable Cost (MAC) determinations submitted to it by the Board, and upon request advises the Secretary and the Board on general policies and procedures of the Department in reimbursing or paying the cost of drugs used in Departmentally funded programs.

MAC Proposals—The Board has submitted proposed MAC limits for certain forms and strengths of chlordiazepoxide HCL, propoxyphene HCL, and tetracycline HCL to the Committee. The Committee will review and advise the Board on the appropriateness of the following MAC limits:

Drug/Strength/Dosage Form:	*Proposed MAC Limit*
Chlordiazepoxide HCL, 10mg capsules	0.0378
Chlordiazepoxide HCL, 5mg capsules	.0270
Chlordiazepoxide HCL, 25mg capsules	.0640
Propoxyphene HCL, 65mg capsules	.0317
Propoxyphene HCL, w/APC, 65mg capsules	.0330
Tetracycline HCL, 250mg capsules	.0250
Tetracycline HCL, 500mg capsules	.0465

Copies of the transmittal and supportive materials are on display in Room 921 Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. 20009. Limited single copies may be obtained from the Executive Secretary of the Committee.

Public Comments: Requests for scheduled oral presentations to the Committee on the MAC proposals should be submitted to the Executive Secretary. These requests will be accepted no later than August 11, 1977.

A summary report of the written comments received no later than August 11, 1977, will be forwarded to Committee members prior to the meeting. All written comments will be filed and will be available at the meeting for consideration. For the convenience of the Committee, written comments should address any of the following subjects as a separate report: general comments; economic justification of the MAC proposal; quality and bioequivalence justification of the MAC proposal; acquisition cost provisions of the regulations; dispensing fee provisions of the regulations.

The Committee meeting is open to the public. Public attendance is limited to space available.

All communications regarding this Committee should be addressed to: Mr. Peter J. Rodler, Executive Secretary, Pharmaceutical Reimbursement Advisory Committee, Health Care Financing Administration, Room 919 Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Dated: July 20, 1977.

PETER J. RODLER,
Executive Secretary, Pharmaceutical Reimbursement Advisory Committee.

[FR Doc.77-21571 Filed 7-26-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the Evaluation Task Force of the National Advisory Council. It also describes the functions of the Council in general. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: August 22–23, 1977; Arlington, Va.

ADDRESS: Holiday Inn—Airport, Aldrin Room, 1489 Jefferson Davis Highway, Arlington, Va. 22202. Phone 703–521–1600.

FOR FURTHER INFORMATION CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street NW., Suite 710 Washington, D.C. 20005. Phone: 202–724–0221

SUPPLEMENTARY INFORMATION: The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII, as amended by Pub. L. 93–380 and Pub. L. 94–482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 3:30 p.m. until 5:30 p.m. on Monday, August 22nd, and reconvene at 9 a.m. on Tuesday, August 23rd, until 3:30 p.m. The meeting will be held to review and critique the Year III ESAA Evaluation Study reports prepared by System Development Corporation of Santa Monica, Calif. for USOE. As a result of this review the Task Force will develop program recommendations for presentation to the full Council.

Requests for oral presentations by the public before the Task Force must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Task Forces will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on July 21, 1977.

LEO A. LORENZO,
Executive Director.

[FR Doc.77-21574 Filed 7-26-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

AGENCY: Office of Education, HEW.

ACTION. Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Adult Eduction. The meeting shall be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10(a)(2)).

DATE: August 19, 1977, 10 a.m. to 8 p.m.; August 20, 1977, 8:30 a.m. to 12 noon.

ADDRESS: Office of the National Advisory Council on Adult Education, 425 13th Street, N.W., Suite 323, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street, N.W., Washington, D.C. 20004, 202-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

1977-78 Council Organization Structure.
Committee Chairmen Appointments.
Committee Responsibilities.
Council Operational Budget.
Council Meeting Dates and Sites.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C., 20004.

Signed at Washington, D.C., on July 21, 1977.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.77-21581 Filed 7-26-77;8:45 am]

TITLE I—AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Pennsylvania and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds for programs under Title I of the Elementary and Secondary Education Act during Fiscal Year 1973. The local education agency involved is Philadelphia and the sum of money involved is $25.4 million. The Audit Control Number is 50002-03.

The Prehearing Conference will be held at 10:30 a.m. on September 29, 1977, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before September 15, 1977.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Number 13.428 Educationally Deprived Children—Local Educational Agencies.)

Dated: July 22, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-21593 Filed 7-26-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 8670]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 20, 1977.

The Department of Agriculture filed application, Serial No. M 8670, on January 5, 1967, for a withdrawal in relation to the following lands:

PRINCIPAL MERIDIAN, MONTANA

DEERLODGE NATIONAL FOREST

Mormon Gulch Campground

T. 6 N., R. 6W.,
Sec. 21, Lot 6, W½NE¼NE¼SW¼, NW¼NE¼SW¼, and N½SW¼NE¼SW¼.

Total area—59.34 acres.

Canyon Picnic Ground

T. 1N., R. 7W.,
Sec. 9, E½SW¼NW¼NE¼, SW¼SW¼NW¼NE¼, SE¼NW¼NE¼, NW¼NE¼SW¼NE¼, and N½NW¼SW¼NE¼.

Total area—25 acres.

Main Gulch Campground

T. 5 N., R. 7W.,
Sec. 23, W½SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, SE¼NE¼NW¼, and N½NE¼SE¼NW¼.

Total area—22.50 acres.

Orofino Campground

T. 6 N., R. 8 W.,
Sec. 21, W½SW¼SW¼NE¼, SE¼SW¼SW¼NE¼, E½SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, N½NW¼NW¼SE¼, and SW¼NW¼NW¼SE¼.

Total area—30 acres.

The areas described aggregate 136.84 acres in Jefferson, Silver Bow, and Deer Lodge Counties, Montana.

The applicant desires that the land be reserved for recreational areas.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 13, 1967, Volume No. 32, Page No. 678, Document No. 67-649, under M 1171.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested person who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Mont. 59107, on or before August 29, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec.

2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 29, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Mont. 59107.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21582 Filed 7-26-77;8:45 am]

[NM 31132 and 31139]

NEW MEXICO

Applications

JULY 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 12, SW¼SE¼.
T. 32 N., R. 11 W.,
Sec. 28, E½NW¼.

These pipelines will convey natural gas across 0.380 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21583 Filed 7-26-77;8:45 am]

[NM 31036, 31038, 31142, 31143, 31146, 31150, and 31151]

NEW MEXICO

Applications

JULY 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 4 W.,
Sec. 17, NW¼NW¼.
T. 30 N., R. 8 W.,
Sec. 28 W½NE¼ and NE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 11, lot 9;
Sec. 12, lots 11 and 12;
Sec. 22, lots 1, 2, and 3.
T. 31 N., R. 10 W.,
Sec. 10, lot 3.
T. 31 N., R. 11 W.,
Sec. 11, SW¼SW¼;
Sec. 14, W½NE¼ and N½NW¼.
T. 32 N., R. 11 W.,
Sec. 35, N½NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 2.844 miles of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21584 Filed 7-26-77;8:45 am]

Bureau of Land Management

[Wyoming 59882]

WYOMING

Application

JULY 18, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application to construct a 16-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 86 W.,
Secs. 4 and 24.
T. 22 N., R. 86 W.
Secs. 18, 20 and 32.
T. 22 N., R. 87 W.,
Sec. 12.
T. 23 N., R. 87 W.,
Secs. 4, 10, 22, 26 and 36.
T. 24 N., R. 87 W.,
Secs. 18, 20 and 32.
T. 25 N., R. 87 W.,
Sec. 31.
T. 25 N., R. 22 W.,
Secs. 1 and 12.
T.25 N., R. 88 W.,
Secs. 3, 4, 10, 11, 13, 14, 24 and 25.
T. 26 N., R. 88 W.,
Secs. 7, 17, 18, 20, 28, 29 and 33.
T. 30 N., R. 88 W.,
Secs. 6, 7 and 30.
T. 31 N., R. 88 W.,
Sec. 31.
T. 26 N., R. 89 W.,
Sec. 1.
T. 27 N., R. 89 W.,
Secs. 1, 12, 13, 23, 25 and 26.
T. 28 N., R. 89 W.,
Secs. 2, 11, 14, 25 and 26.
T. 29 N., R. 89 W.,
Secs 1, 2, 11, 14, 23, 26 and 35.
T. 31 N., R. 89 W.,
Secs. 1, 12, 13, 24 and 25.
T. 32 N., R. 89 W.,
Secs. 2, 11, 13, 14 and 24.
T. 33 N., R. 89 W.,
Secs. 2, 11, 14, 23 and 26.
T. 34 N., R. 89 W.,
Secs. 3, 4, 10, 11, 14, 23, 26 and 35.
T. 35 N., R. 89 W.,
Secs. 17, 20, 21, 28 and 33.
T. 36 N., R. 89 W.,
Sec. 32.
T. 37 N., R. 90 W.,
Secs. 1 and 13.
T. 38 N., R. 90 W.,
Secs. 14, 23, and 26.

The pipeline will transport natural gas from section 11, T. 38 N., R. 90 W., Fremont County, Wyoming to an existing compressor site in sec. 25, T. 21 N., R. 86 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21523 Filed 7-26-77;8:45 am]

[Wyoming 59891]

WYOMING

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Kennedy & Mitchell, Inc. of Engelwood, Colo., filed an application for a right-of-

way to construct a 4-inch pipeline for the purpose of transporting gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 25 N., R. 88 W.,
Sec. 4, W½SE¼, SE¼SE¼;
Sec. 9, E½E½;
Sec. 10, SW¼SW¼;
Sec. 15, W½W½;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NW¼.

The pipeline will transport gas from a well in sec. 4, T. 25 N., R. 88 W. to existing pipeline facilities in sec. 21, T. 25 N., R. 88 W., in Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21525 Filed 7-26-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Everglades National Park, U.S. Dept. of the Interior, National Park Service, Homestead, Florida 33030, John Good, Superintendent.

Form approved. 42-R139

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Research and management of the remaining population of wild American Crocodiles within Everglades National Park necessitating capture, handling, tagging and release of wild animals, and examination of active nests.

3. APPLICANT: (Name, complete address and phone number of individual, Business, Agency, or institution for which permit is requested)
U.S. Department of the Interior
National Park Service
Everglades National Park
Homestead, Florida 33030
305-247-6211

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
N/A
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION.
Public Agency: U.S. National Park Service

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. John Good, Superintendent, Everglades National Park

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Florida Bay and vicinity including Everglades National Park

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number)
N/A

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Will coordinate with State of Florida

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
1 June 1977

11. DURATION NEEDED
5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Superintendent | DATE 6/9/77

12 ATTACHMENTS

CFR 17.22(a)1. Common name, American crocodile: Scientific name, *Crocodylus acutus*. Number: Less than 200 young and 50 larger animals per year, Age: All ages. Sex: Both sexes, Activity: Capturing, tagging, releasing, monitoring, studying.

CFR 17.22(a)(2). Wildlife cover is in wild.

CFR 17.22(a)(3). N/A.

CFR 17.22(a)(4). N/A.

CFR 17.22(a)(5). Wildlife taken for research purposes will be released to wild at the same location as taken and will not be maintained in captivity. Activities will be conducted in and near Everglades National Park, Homestead, Florida, 33030.

CFR 17.22(a)(6)(i). N/A Wildlife will not be held in captivity.

CFR 17.22(a)(6)(ii). Program will be accomplished by the U.S. National Park Service research and resource management personnel under the direction of Dr. James A. Kushlan, a member of the Department of the Interior Crocodile Recovery Team, who has 6 years experience studying crocodilians in south Florida and holds endangered species permit for study of the American alligator, and Dr. William B. Robertson, Jr., who has 20 years experience studying wildlife populations in crocodile habitat.

CFR 17.22(a)(6)(iii). N/A.

CFR 17.22(a)(6)(iv). N/A Wildlife will not be transported.

CFR 17.22(a)(6)(v). Prior to the species being classified as endangered, efforts to hatch crocodile eggs artificially failed, probably because of improper temperature control and handling. Artificial hatching will not be attempted during the proposed study.

CFR 17.22(a)(7). N/A.

CFR 17.22(a)(8)(i). This research program will determine the population status of the crocodile in Everglades National Park and possible limiting factors associated with the population or its habitat. The program will include the following activities: 1. Surveys; 2. Censuses of nests; 3. Determining nest site characteristics; 4. Determining hatching success; 5. Determining causes mortality; 8. Capturing; 9. Tagging; 10. Releasing individuals; 11. Observing behavior; 12. Collecting food samples; 13. Monitoring effects of disturbance.

CFR 17.22(a)(8)(ii). The activities will be carried out as follows: 1. Surveys will be by 14' to 24' boat along bays and rivers by both day and night. Aerial surveys will be flown by Lake amphibious fixed-wing airplane from 50 to 200 feet and by Bell helicopter from 50 to 200 feet. Surveys will be flown on a monthly schedule and more frequently in spring and summer. They will include known and suspected crocodile habitat. 2. Nest censuses will be done similarly. 3. Nest site characteristics such as substrate, temperature, shade, water, salinity will be measured. 4. Hatching success will be determined by counting clutches before and after hatching. Eggs will be removed from the nest, counted, and immediately returned using procedures standard for crocodilian research. 5. Causes of hatching failure will be determined by observation and the data collected at nest sites. 6. This will provide information on whether procedures for protecting or otherwise increasing productivity of some nest sites are desirable. Depending on the results, potential actions may include changing the amount of plant shade at a nest site, providing alternative nesting substrate near the nest site, or protecting nests from predators or predator repellents or removal. 7. Mortality will be monitored through surveys and the survival of tagged animals. 8. As the best methods for

capturing American Crocodiles are not known, various methods will be tried and a capture system developed. Animals less than 2 feet long will be captured by hand or by dip net. Attempts to catch larger animals will be based on methods proven successful on alligators. Hand held kleflock snares and rope nooses on poles will be used initially. A baited snare trap based on the design of the Murphy and Pendley Alligator trap (27 Conf. S.E. Assoc. Game Fish. Comm., 1973) will be tested and used if feasible. Use of manned stop nets on narrow creeks may be attempted if snares fail. Blunted No. 2 hooks on heavy monofilament line may be used on medium-sized animals. These hooks do not penetrate the hide but cause the animal to become entangled in the line and can then be noosed. Captured animals will be quieted by covering their eyes. Their jaws will be temporarily bound during capture with tape, rope or rubber bands. 9. Several types of tags will be used. Monel toe tags (National Band) will be attached to the hind toe web of one foot. Plastic spaghetti tags (Floy Tag) will be placed on the neck. Three by three inch, numbered plastic tags will be attached by rivets to tail scutes. Tracking devices will be attached to the animal by plastic collars. All procedures have been tested on alligators and other crocodilians and are without adverse effect. 10. Weight and linear dimensions will be measured on captive animals. They will then be released at the same location as they were captured. 11. Behavior will be observed whenever possible from boat, canoe, shore or helicopter. 12. Food samples will be taken by a tube method. A flexible plastic tube ¼ to ¾ inch diameter is inserted through the mouth into the gullet. When the tube is filled with water and the stomach is massaged, stomach contents are carried up the tube. The tube is then removed. This method has proven harmless and effective on Alligators. 13. The effects of human disturbance will be monitored by observation of behavior and crocodile habitat selection.

CFR 17.22(a)(8)(iii). The goal of this proposed program is to maintain a viable crocodile population in its ecosystem in Everglades National Park. The proposed project will provide information crucial to the survival of the American crocodile in the United States. All information obtained is for the purpose of determining possible causes of population limitation and for providing management strategies that will reverse any population decline and so perpetuate this species in a naturally functioning ecosystem. Proposed activities to increase hatching success and to determine causes of mortality will augment the population. The activities proposed will permit the development and institution of a program to monitor population levels. They will also permit discovery of critical unnatural limiting factors and the development of management strategies necessary to eliminate such factors. Present population status, distribution, age structure, habitat, food and nesting requirements will be determined as will critical habitat conditions such as salinity and water discharge. Together these activities will provide information essential to perpetuate the crocodile in Everglades National Park. No activities will in any way jeopardize individuals or adversely affect the population.

CFR 17.22(a)(8)(iv). No wildlife will be taken for study but dead animals encountered will be provided to a scientific institution for study specimens.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-700-07; please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977 will be considered.

Dated: July 22, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-21559 Filed 7-26-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Los Angeles Zoo, 5333 Zoo Drive, Los Angeles, California 90027.

OMB NO. 42-R1413

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permission to purchase 1 male clouded leopard (Neofelis nebulosa) from the Cheyenne Mountain Zoo, Colorado Springs, Colorado. This animal was born there on March 20, 1975.

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Los Angeles Zoo
5333 Zoo Drive
Los Angeles, California 90027

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public zoo operated by City of Los Angeles, Department of Recreation and Parks.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Warren D. Thomas, D.V.M., Zoo Director.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Los Angeles, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
PRT-8-374-C
PRT-8-237-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
A.S.A.P.

11. DURATION NEEDED
60 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF APPLICANT
Michael J. Conley
DATE

CHIEF,
Branch of Permits,
U.S. Department of Interior,
Bureau of Sport, Fisheries and Wildlife,
Washington, D.C.

Subject: Request to Purchase One Male Clouded Leopard (Neofelis nebulosa) from the Cheyenne Mountain Zoo, Colorado Springs, Colorado. This animal was captive born at the Cheyenne Mountain Zoo March 20, 1975.

MARCH 31, 1977.

DEAR SIR: 1. Status of Species in Wild. Ranging across southeastern Asia from India to Indonesia, the clouded leopard apparently has never been a common animal. Hunted for its pelt, the animal has become increasingly rare throughout its range.

2. *Status of Species in Captivity.* Volume 16 of the *International Zoo Yearbook* lists 113 clouded leopards in 52 zoos throughout the world.

3. *Manner of Procurement.* The animal is presently at the Los Angeles Zoo on breeding loan and was shipped by air from Colorado Springs to Los Angeles.

4. *Outline of Breeding Project.* The clouded leopard, will be paired with the female currently in the zoo's collection. The exhibit for the animals (see photographs measures approximately 35' long, 17' wide and 8' high). Attached to this is an off exhibit holding area measuring approximately 8' long, 4' wide and 3' high. Another holding area for felines containing six units is also available. Other small species and medium felines are maintained in the Los Angeles Zoo in similar enclosures.

5. *Zoological Credentials of Personnel.* Dr. Warren D. Thomas, Director of the Los Angeles Zoo, formerly the Director of the Gladys Porter Zoo, graduated from Ohio State University, Columbus, Ohio, with a Degree of Bachelor of Science and also a Doctor's Degree in Veterinary Medicine. He received a Faculty Appointment as Assistant Professor of Internal Medicine in Omaha, Nebraska, and as Assistant Professor of Research Medicine at the University of Nebraska. He was a keeper at the Columbus Municipal Zoo, Consultant for the Jardin Zoologico de Barranco in Lima, Peru, Director of the Oklahoma City Zoo, and Director of the Henry Doorly Zoo in Omaha, Nebraska. He is a fellow member of the American Association of Zoological Parks and Aquariums.

Michael J. Crotty, Curator of Mammals at the Los Angeles Zoo graduated from Canisius College, Buffalo, New York, with a Bachelor of Science Degree in Biology. From February of 1966 to November of 1970, he was superintendent of the Children's Zoo, Buffalo Zoological Gardens. From November of 1970 to February of 1973, he served as General Curator at the Cheyenne Mountain Zoo, Colorado Springs, Colorado, where under the Zoo Director he was responsible for the management of the animal collection. He has held the position of Curator of Mammals at the Los Angeles Zoo since March of 1973. Mr. Crotty is a fellow member of the American Association of Zoological Parks and Aquariums and served as the editor of the 1974/1975 edition of "Zoos and Aquariums in the Americas".

6. *Propagation.* The Los Angeles Zoo will attempt to breed the clouded leopards and would retain ownership of at least two breeding pairs. The Cheyenne Mountain Zoo has had considerable success in breeding the clouded leopard (the animal we are requesting approval to purchase is the offspring of animals also born at Cheyenne Mountain Zoo. This would provide our female animals with similar type of nest box and privacy to allow her to rear her cubs.

7. *Reproductive Potential.* As mentioned earlier, considerable breeding success with the clouded leopard has been achieved by the Cheyenne Mountain Zoo. The female in our collection was also captive born at the Dallas Zoo. The Los Angeles Zoo has had considerable success in breeding various species of felines. The majority of these are maintained in enclosures much like that for the clouded leopard. The following species of felines have been bred successfuly at the Los Angeles Zoo: cacacal, serval, golden cat, margay, marbled cat, jungle cat, mountain lion, snow leopard, jaguar, black leopard and Bengal tiger. There is no reason to believe that successful reproduction will not occur between this male and the female currently owned by the Los Angeles Zoo. This male clouded leopard is a captive born animal; it represents no drain on the wild population.

8. *Cooperation in Studbook.* A studbook on the clouded leopards has recently begun. Data on our animal(s) has and will continue to be submitted to the studbook keeper.

(a) A male clouded leopard died in the collection on December 3, 1976 cause of death was pancreatitis of unknown etiology. All felines in the zoo's collection receive inoculations against panleucopenia (2 strains live virus), rhinotracheitis calicivirus and rabies (killed vaccine of murine origin).

I hereby certify that the foregoing information is complete and accurate to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exemption from the requirements of the Endangered Species Conservation Act of 1969 (83 Stat. 274), and regulations promulgated thereunder, and that any statement, false, hereon may be subject to the criminal penalities of 18 U.S.C. 1001.

Respectfully submitted,

WARREN D. THOMAS, D.V.M.
Director, Los Angeles Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-737-07; please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977 will be considered.

Dated: July 22, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office,
U.S. Fish and Wildlife Service.

[FR Doc.77-21561 Filed 7-26-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee, Wisconsin 53226, George Speidel, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Transport one (1) male Cotton-top Marmoset from Valley Zoo, Edmonton, Alberta, Canada to Milwaukee, WI for public display and propagation.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
MILWAUKEE COUNTY ZOO
10001 West Bluemound Road
Milwaukee, WI 53226
(414) 771-3040

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit, county owned and operated public Zoological Park.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (414) 771-3040
George Speidel, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate shipment from Edmonton, Alberta, Canada to Milwaukee, WI

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☒ YES ☐ NO
(If yes, list license or permit number)
See attachments #5 and #5A

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
See attachment #4

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
30 days

11. DURATION NEEDED
permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Geo. Speidel
DATE 3/28/77

PARK COMMISSION,
MILWAUKEE COUNTY,
May 16, 1977.

Mr. D. H. SWENDSEN,
Asst. Special Agent-in-Charge, Law Enforcement District # 7, U.S. Department of the Interior, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn.

DEAR MR. SWENDSEN: In answer to your letter dated May 10, 1977, to Mr. George Speidel, Zoo Director, in regards to our application for an Endangered Species Permit—File # FWS/LE PRT 1-08—I am pleased to enclose the information you request.

Section 17.22 A-1: One (1) male Cotton-top Marmoset (SAGUINUS OEDIPUS) born Calgary Zoo, Calgary, Alberta, Canada, May 6, 1972. Activity is to import this animal on a breeding loan to the Milwaukee County Zoo.

Section 17.22 A-4: Male Cotton-top Marmoset born at the Calgary Zoo, Calgary Alberta, Canada on May 6, 1972. Sold to Valley Zoo, Edmonton, Alberta, Canada on April 24, 1973.

Section 17.22 A-6II: See attachment # 1 (Births), Zoo Director—43 years in zoo work. Assistant Zoo Director—33 years in zoo work. Keepers average 10–15 years in animal care.

Section 17.22 A-6IV: Size of the shipping crate will be 10" x 14" x 18", lightweight wood construction, open wire front. Since the transit time will not exceed approximately six (6) hours the animal will be provided with dry food (monkey chow) and moisture in the form of whole oranges. Animal may also be watered through the open wire front of the crate in case of a delay. The animal will be shipped via Western Airlines from Edmonton, Alberta, Canada to Denver, Colo.; then United Airlines from Denver to Milwaukee. There are three direct flights daily from Denver to Milwaukee. The animal will be transferred from Milwaukee Mitchell Field to the Zoo at the time of arrival.

Section 17.22 A-6V: See attachment #1.

Section 17.22 A-8I: To import, transport and propagate the Cotton-top Marmoset at the Milwaukee County Zoo.

Section 17.22 A-8III: The Milwaukee County Zoo presently has two (2) female Marmosets set up in a breeding colony at the zoo hospital. This is a humidity and temperature controlled room with automatic twelve-hour lighting. The animals are set up in smaller cages and the animal in question, who is a proven breeder, is to be placed with a female who is also a proven breeder. It is suspected that only the dominant female in any group of Marmosets will breed, therefore by parring the Marmosets we insure that each female is a dominant animal.

Section 17.22 A-8IV: See attachment #1.

I hope this information is satisfactory. Please notify the undersigned if additional information is needed.

Sincerely,

ROBERT BULLERMANN,
Assistant Director.

RB:al
Enc.

PARK COMMISSION,
MILWAUKEE COUNTY,
March 28, 1977.

Director, Department of the Interior, U.S. Fish and Wildlife Service, Washington, D.C.

DEAR SIR: Pursuant to the Code of Federal Regulations, Title 50, we hereby respectfully apply for a permit to transfer and keep endangered wildlife for the Milwaukee County Zoo.

In accordance, and to comply with all regulations affected, we include the following documentations:

1. Original of Form 3-200, Federal Fish and Wildlife License/Permit Application, duly completed and signed by the Zoo Director.

2. Official name and address: The Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee, Wis. 53226.

3. Name of Zoo Director: George Speidel.

4. Name and scientific name of animals: 50 CFR 17 Sec. 17.23A-1. One (1) male Cotton-top Marmoset (Saguinus oedipus) Property of the Valley Zoo, Edmonton, Alberta, Canada.

5. Copy of contract (letter) in which the Milwaukee County Zoo agrees to borrow 1.0 Cotton-top Marmoset from the Valley Zoo. 50 CFR 17 Sec. 17.25A-2. See attachment No. 1 and 1A.

6. Purpose of the permit: To transport, exhibit and propagate the Cotton-top Marmoset at the Milwaukee County Zoo. 50 CFR 17 Sec. 17.25A-3.

7. The Cotton-top Marmoset is in residence at the Valley Zoo, Edmonton, Alberta, Canada.

8. Description and drawing where wildlife is to be held. 50 CFR 17 Sec. 17.23 A-7 No 1. See attchment No. 2.

9. The technical expertise: The Milwaukee County Zoo presently has two (2) female Cotton-top Marmosets (Saguinus oedipus). There has been five (5) births of this species at the Milwaukee County Zoo in the past. 50 CFR 17 Sec. 17.23 A-7 No. 2.

10. The Milwaukee County Zoo is willing to participate in breeding loans to other approved zoos as evidenced by the enclosed list of breeding loan animals. 50 CFR 17 Sec. 17.23 A-3. See attachment No. 3.

11. Animals to be shipped via air carrier from Edmonton, Alberta to Denver; Denver to Milwaukee. See attachment No. 1A.

12. A report will be sent to the Director within ten days of receiving the animal covered in the permit. The Milwaukee County Zoo further agrees to report immediately any deaths or escapes, and also agrees to make the remains available to interested institutions for scientific use. 50 CFR 17 Sec. 17.23 B-1 and B-2.

13. The desired effective date of permit is 30 days from application date.

14. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any

false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated this 28th day of March, 1977.

GEORGE SPEIDEL,
Zoo Director, Milwaukee County Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1115-07; please refer to this number when submitting comments. All relevant comments received on or before July 26, 1977 will be considered.

Dated: July 22, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-21562 Filed 7-26-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Gerald L. Warnock, 6095 Southwest Old Scholls Ferry Road, Portland, Oreg. 97223.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate as appropriate)
[XX] IMPORT XXXXXXX LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
I desire to import two skulls with attached horns and accompanying head skins of the Red Lechwe (Kobus leche leche) of the variet present in the Kwando flood plain of Botswan. A study in the comparati e radiographic anatomy of these specimens will be performed and submitted for publication in the appropriate scientific journal.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Gerald L. Warnock
6095 S W Old Scholls Ferry Rd.
Portland, Or. 97223
503-292-5236

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[X] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: 5' 11" WEIGHT: 155
DATE OF BIRTH: 10 March 1934
COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 503-253-1107
SOCIAL SECURITY NUMBER: 543-34-5956
OCCUPATION: Physician, M. D.
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Not applicable
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
East Portland X-ray Clinic, P. C.
133 N E 102
Portland, Or. 97220

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document)
Game Division Department of Botswana Export Permits for the two Lechwe are available upon request and would accompany specimens upon importation.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DATE ACTIVITY IS PROPOSED TO BEGIN: Immediately
DURATION OF ACTIVITY FOR WHICH PERMIT IS NEEDED: 180 days

11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See accompanying explanatory cover letter relative to CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Gerald L. Warnock M.D.
DATE: 22 June 1977

3-200
10/76

GPO 696-047

The following statements are given as per your request in amplification and explanation of my request for an importation permit as follows:

17.22(a) Application requirements:

1. Red Lechwe (*Kobus leche leche*). Two in number, both mature rams, age estimated six year plus. I desire to import these for purposes to be explained below.

2. At the time of application, the wildlife to be covered by the permit have been removed from the wild and are, in fact, dead.

3. Radiography of the specimens would obviously be impossible in the live state short of full anesthesia so that adequate projections, measurements, etc., would be impossible.

4. The lechwe in question were removed from the wild in Botswana Kwando River flood plain on the 29th of August 1976.

5. The extensive radiographic and duplicating facilities of the East Portland X-ray Clinic P. C. will be utilized, situated at 133 Northeast 102nd Ave. Portland, Oreg. 97220. Following extensive radiographic analysis, and assuming head skins have not yet deteriorated, it was my intention to have the animals mounted for eventual museum display. Should the head skins be defective, the horns and skulls will be retained permanently.

6. Not applicable.

7. No contracts or agreements have been let. The bulk of the research will be performed by myself, Gerald L. Warnock, M.D., diplomat of the American Board of Radiology. In addition to special expertise in radiological technique and interpretation, I possess a Bachelor's Degree in Biology from Reed College and have written an extensive thesis in Animal Parasitology.

8. There has been some dispute as to whether the Red Lechwe of the Okavong and Kwando area of Botswana is, indeed, the same species as is present on the Kafue flats of Zambia. The purpose of the investigation will be to attempt to establish similarities or differences in the radiographic anatomy of the skulls of the individuals from the two areas. (I have available locally, skulls of the Kafue flats Lechwe and require the Red Lechwe from Botswana for comparative purposes.)

(i) Radiographs of the dried skulls of the specimens will be exposed in varying projections with accompanying scales for accurate mensuration.

(ii) Variations in contour, etc., shall be noted as well as comparison of dentition, horn development, etc.

(iii) Establishment of whether these are, indeed, separate races or subspecies of the antelope may be of further importance as to survival, particularly when plans are afoot to drain portions of the Okavongo with attendant habitat destruction.

(iv) Upon completion of the above project, the scientific paper will perhaps be presented locally at appropriate scientific session and will be submitted for publication in appropriate scientific journals. The skulls will be retained permanently by yours truly and would be available for further evaluation be interested parties. (See above No. 5.)

(b) Issuance criteria:

1. Issuance of the permit would in no way change the status of the wildlife in question.

2. Issuance of the permit would in no way affect the wild populations, the animals now dead.

3. The permit would in no way directly or indirectly conflict with any known program intended to enhance the survival

probabilities of the population and may, in fact, help to enhance the survival probabilities as noted above.

4. Unlikely to have significant influence.

5. Unavailable.

6. The persons in question have more than ample expertise, facilities, and resources for accomplishment of the objective state.

I note that one must also meet the criteria under the Convention of International Trade and Endangered Species which took effect on May 23, 1977. Reading over these regulations in CFR 23.12 I feel that what I have stated in this present application should be sufficient for all information there available. Under 23.14(b) countries that are not parties (Botswana not being a party to the convention), I have been assured that an export permit with the appropriate documentation would accompany the shipment upon its departure. I am sure I could obtain this in advance if this is required. The way I read 23.12(a) is that the certificate must be available prior to importation which I would assume could accompany the shipment.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1051-07; please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977 will be considered.

Dated: July 22, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-21563 Filed 7-26-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dallas Game Farm, 5307 120th Avenue, Coal Valley, Ill. 61240, Charles R. Dallas.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
For the interstate shipment to be ready to maintain, breed, and further establish certain species of endangered pheasants and game birds, and to sell and buy the same from other authorized persons.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles R. Dallas
(Dallas Game Farm)
5307-120th Ave.
Coal Valley, Ill. 61240
PH.-787 3224

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT 6'4" WEIGHT 210
DATE OF BIRTH May 14, 1944 COLOR HAIR Blk. COLOR EYES Brn.
PHONE NUMBER WHERE EMPLOYED 22 747 3911 SOCIAL SECURITY NUMBER 337-36-5419
OCCUPATION Body MAN-Game Breeder
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
—

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Residence of:
Charles R. Dallas
5307-120th Ave
Coal Valley, Ill. 61240

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO
(If yes, list licenses or permit numbers)
PRT 2-424-TW

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☑ YES ☐ NO
(If yes, list jurisdictions and type of documents)
State of Ill. Dept. of Conservation Game Code and Administrative Code
Wild Game Breeder Permit #710

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
March 1, 1977

11. DURATION NEEDED 1 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Endangered Wildlife Permits: 17.22 a
50 CFR

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink)
Charles R. Dallas
DATE
Jan. 22, 1977

APRIL 25, 1977.

INCLOSURE No. 1

The following is a list of endangered species (pheasants) which I desire to have shipped to me for the purpose of propagation:

1 pair of Elliott's Pheasants (syrmaticus ellioti) 1 year old.

1 pair of Swinhoe Pheasants (lophura swinhoii) 1 year old.

From: Bill Procyk, R.R. No. 1, Parker Road, Mokena, Ill. 60448.

The following information is submitted as inclosures as required by 50 CFR 17.

17.22a

(1) Provided above.

(2) The above will all be captive born birds.

(3) All of the above pheasants will be purchased as captive born stock, thus there will be no death or removal from the wild of any of the above.

(4) All of the above pheasants will be birds born in the United States of America.

(5) All of the above pheasants will be kept at Coal Valley, Ill. 61240.

(6) (i) Inclosure 2.

(6) (ii) Inclosure 3.

(6) (iii) Inclosure 4.

(6) (iv) All of the above will be shipped via air in containers approved by the carrier, that provide for the protection and safe delivery of the birds.

(6) (v) Inclosure 5.

(7) None. I can not legally acquire the above pheasants without the issuance of the permit I am applying for.

(8) (i) The interstate shipment, to me, of the above listed, captive born pheasants.

(8) (ii) The above will be purchased and shipped to me, via air, for the propagation of that species.

(8) (iii) The above pheasants will be used for the enhancement of that species through captive propagation.

(8) (iv) I do not plan to terminate my activities in raising birds. If such occurrence should ever happen it would be in accordance with any applicable federal or state regulations.

CHARLES R. DALLAS.

APRIL 25, 1977.

INCLOSURE No. 3

I have three years of experience in raising and breeding game birds.

I am a member of the Illinois Game and Pet Breeders Society and a close friend and neighbor of Mr. and Mrs. James Duffy, R.R. No. 1, Box 263-A, Moline, Ill. 61265.

Their expert advice comes with 33 years of raising exotic and ornamental Game birds and waterfowl.

I have a good circulated air incubator with which I have tremendous success, very efficient brooder systems, and enough space to insure constantly sanitary surroundings.

CHARLES R. DALLAS.

APRIL 25, 1977.

INCLOSURE No. 4

I am willing to participate in a cooperative breeding Program and to maintain such records as are necessary to insure the preservation of the species listed in Inclosure No. 1.

CHARLES R. DALLAS.

APRIL 25, 1977.

INCLOSURE No. 5.—SUMMARY OF MORTALITIES

1 Black Pheasant died from a weakened condition due to severe winter.

5 Reeves purchased from weakened inbred stock—I inspect parent stock more closely now.

1 Yellow Golden, causes unknown. Probably weakened from old age.

15 Bob White Quail killed by neighbors dog. We enclosed the pen on the bottom to prevent this.

5 Red Golden killed by owls. Lowered perches in aa pens to prevent problem.

CHARLES R. DALLAS.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Rom 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-671-25; please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977 will be considered.

Dated: July 22, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. and Wildlife Service.

[FR Doc.77-21558 Filed 7-26-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Napoleon A. Jesus, 43 Tihonet Road, Wareham, Mass. 02571.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Captive/Self-sustaining Pop.
RECEIVED — FWS #13
MAR 16 1977
BOSTON, MASS.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
NAPOLEON A. JESUS
43 TIHONET ROAD
WAREHAM, MASS. 02571
617-295-2271

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	5'6"	175
DATE OF BIRTH	COLOR HAIR	COLOR EYES
03-29-38	Brown	Brown
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
617-295-1212	019-38-5034	

OCCUPATION
Police officer

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
43 TIHONET ROAD
WAREHAM, MASS.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE SUCH APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 1 APRIL 77

11. DURATION NEEDED: TWO YEARS

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. (SEE SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: Also permit to purchase and to breed different species of pheasants 17.32 & 17.33

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Napoleon A. Jesus
DATE March 12, 1977

43 Tihonet Road,
Wareham, Mass. 02571,
March 21, 1977.

U.S. Dept. of the Interior,
Fish and Wildlife Service, P.O. Box 277, Newtonville, Mass. 02160

(Att. Mr. Wayne E. Sanders, Special Agent in Charge, District 13 Law Enforcement).

Dear Mr. Sanders: Enclosed please find my application with the requested attachments as outlined in 50 CFR 17.32(a) (1) through (8), or 17, 33.

Pheasants:

1. Pair a. Edward's—Lophophorus—ihuysii; Pair b. Elliot's—Syrmaticus—Elliotl; Pair c. Swinhoe's—Lophura—Swinhoii; Pair d. Mikado—Symaticus—Mikado.
2. These born in captivity.
3. To purchase from farms advertising sales in the U.S.A.
4. Same.
5. Maintained on my 3 acre farm. My home on the street side, Tihonet Road, Wareham, and the mill pond in the rear.
6. (1) Eight foot by twenty foot enclosed yard with a four foot wide, by eight foot long, and five foot high house.
(2) Have the past four years raised Ringnecks, Goldens, Reeves, and Silvers.
(3) Am interested in cooperative breeding program.
(4) Will be properly shipped by farm.
(5) In the last four years, I have hatched silvers with great luck. With the reeves, I lost a few in the first hatching before removing the male.
7. None.
8. (1) To purchase and propagate; (2) by mail; (3); (4) may deal through authorized clubs or farms.

I hope this will be sufficient information so that my application can be processed.

Sincerely yours:

Napoleon A. Jesus.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-937-25; please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977, will be considered.

Dated: July 22, 1977.

Donald G. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-21560 Filed 7-26-77; 8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dink Robinson, 1381 Parrow Road, Memphis, Tenn. 38116.

DEPARTMENT of THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1379

1. APPLICATION FOR (Use * only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: to bring protected birds (Elliots, Swinhoe, Mikado, Edwards, Ringnecks, Pheasants) across state lines for propagation purposes, and to later sell offspring of such birds. I will not buy or store pheasants at one time but will get them over a period of 10 to 14 months.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dink Robinson
1381 Parrow Rd.
Memphis, Tenn. 38116
Phone: 346-0276

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☒ MRS. ☐ MISS ☐ MS. | HEIGHT 5'7" | WEIGHT 160
DATE OF BIRTH: Nov 16. 1920 | COLOR HAIR: Grey | COLOR EYES: brown
PHONE NUMBER WHERE EMPLOYED: | SOCIAL SECURITY NUMBER: 425-44-2668
OCCUPATION: Housewife
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: none

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
1381 Parrow Rd.
Memphis, Tenn. 38116

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMITS? ☒ YES ☐ NO
(If yes, list license or permit numbers)
4 FR 11.2-1 Woodduck Propagation

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: January 1977

11. DURATION NEEDED: 2 years (or more)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR Part 17.22 Permit for the enhancement of propagation or survival

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (do not print): Dink Robinson
DATE: Dec. 31, 1976

3-200 (6/76) GPO 845-042

The applicant wishes to bring the following protected and endangered pheasants across state line for propagation purposes and later selling of offspring in interstate commerce: Elliot's Pheasant (*Syrmaticus elliotl*), captive reared; Swinehoe's Pheasant (*Lophura swinhoii*), captive reared; White-eared Pheasant (*Crossoptilon crossoptilon*), captive reared; Mikado Pheasant (*Syrmaticus mikado*), captive reared; Edward's Pheasant (*Lophura edwardsi*), captive reared; Hume's Pheasant (*Syrmaticus humiae*), captive reared.

The above pheasants will be cared for on a 4-acre home lot with covered aviaries (two) 50 ft. by 75 ft. The applicant has not encountered an outbreak of any kind of avian disease and has lost only two pheasants in previous years due to freezing weather. A veterinarian is readily available.

The applicant does not plan to import or export, and the majority shipments will only take a few hours to arrive due to the nearness of an international airport.

The applicant has been advised that separate permits are required for the Elliot's, White-eared, Hume's pheasants according to 50 CFR 17.22.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-616-25 please refer to this number when submitting comments. All relevant comments received on or before August 26, 1977, will be considered.

Dated: July 22, 1977.

Fred L. Bolwahnn,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-21564 Filed 7-26-77;8:45 am]

Geological Survey

OKLAHOMA

Proposed Approval of Coal Mining Plan

In accordance with the requirements of 30 CFR 211.5(c)(2), notice is hereby given that Garland Coal and Mining Company, P.O. Box 186, Fort Smith, Ark. 72901, has submitted a modification to its approved mining plan to mine coal by strip mining methods on Federal coal lease BLM–C–030953–031215. The mining plan was initially approved on January 10, 1973, and the mine has continued operations since that date. A modification was submitted to the Area Mining Supervisor on November 22, 1976, to comply with the Coal Mining Operating Regulations 30 CFR 211.

The Garland Coal and Mining Company Mine is an ongoing strip mine in sec. 5, T. 9 N., R. 21 E., Indian Meridian. The modification proposes expansion of the current operations by extending the mine into secs. 6 and 7, T. 9 N., R. 21 E. The plan covers mining of 180,000 tons of coal per year from the Federal lease through the year 1980.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan.

Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 816, 509 South Third Street, McAlester, Okla. 74501. All requests should be made on or before August 16, 1977. No decision on the mining plan will be made prior to August 16, 1977.

Dated: July 20, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-21522 Filed 7-26-77;8:45 am]

Mining Enforcement and Safety Administration

NATIONAL MINE HEALTH AND SAFETY ACADEMY

Payment of Fees for Training and Use of Space

The schedule of fees to be charged in connection with the training and use of the National Mine Health and Safety Academy, Beckley, W. Va., was published as a notice in the FEDERAL REGISTER on January 26, 1977 (42 FR 4910), and was made effective on that date. The notice states that the fees "are payable upon registration."

Since the fee schedule became effective, several organizations and persons have requested that they be permitted to pay for training after they have completed the training rather than "upon registration." Bookkeeping systems incompatible with pre-training payment have been the most often cited justification for the request.

After consideration of these requests, it has been determined that the Academy's goal to improve the health and safety conditions in mines through education and training may be furthered by also permitting payment of fees after the training has been received. Organizations or persons interested in post-training payment should submit in writing a request for such a fee payment arrangement to:

Superintendent, National Mine Health and Safety Academy, P.O. Box 1166, Beckley, West Virginia 25801.

The request include a justification for post-training payment and a statement that payment to the Academy will be made upon completion of the training received. Requests will be evaluated in light of the needs and goals of the Academy. Approval of post-training payment must be received from the Superintendent in writing before training may begin. The procedures for payment of fees will continue to be reviewed periodically. Information concerning future changes in payment procedures will be published in the Academy's General Catalog.

Inquiries concerning post-training payment or other Academy information should be directed to the National Mine Health and Safety Academy, P.O. Box 1166, Beckley, West Virginia 25801 (Telephone 304–245–0451).

The principal persons responsible for preparation of this notice are: Dr. Michael G. Zabetakis, Superintendent, National Mine Health and Safety Academy, MESA, and Donald R. Tindal, Assistant Solicitor, Metal and Nonmetallic Mine Health and Safety, Office of the Solicitor.

Dated: July 19, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77-21585 Filed 7-26-77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. DIEBOLD, INC., ET AL.

Proposed Consent Judgments and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that two proposed Final Judgments and a Competitive Impact Statement as set out below have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, Akron, Ohio, in Civil Action No. C76–49A, *United States* v. *Diebold, Incorporated, et al.* The complaint in this case alleges that defendant Chubb & Son, Ltd., a major English manufacturer of bank security equipment, and Diebold, Incorporated, a major U.S. manufacturer in the same field, restrained United States foreign and interstate trade and commerce in bank security equipment by agreeing that Chubb would refrain from selling or distributing such equipment in the United States through Consolidated Exporters, Inc., of Canton, Ohio, and by agreeing that Diebold would refrain from selling or distributing such equipment in the United Kingdom through ADM Business Systems Ltd., London, England, its then distributor.

The proposed judgment as to Diebold prohibits the consenting defendant from securing with any manufacturer of bank security equipment, or with any person acting on behalf of any manufacturer of such equipment, agreements or understandings which would have a restrictive effect on United States foreign or domestic trade or commerce. In addition, Diebold is required, given favorable business conditions, to promote the sale and distribution of its products in the United Kingdom and to maintain careful records of its refusals to any written request to sell or distribute bank security equipment in the United Kingdom. In addition, Diebold is barred, for a term of five years, from entering representation arrangements with Chubb.

The proposed judgment as to Chubb prohibits the consenting defendant from securing with any manufacturers having United States sales of bank security equipment in excess of $12,000,000 agreements or understandings which would have a restrictive effect on United States foreign or domestic trade or commerce, while specifically encouraging the defendant to enter the U.S. market through competitive licensing or distribution arrangements. Chubb is barred, however, for a term of five years, from entering U.S. representation arrangements with Diebold. Another provision requires Chubb to report periodically to the Department of Justice on its efforts to enter the United States market.

Public comment is invited on or before September 12, 1977. Such comments and the response thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: July 13, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO

United States of America, Plaintiff v. *Diebold, Inc., et al.*, Defendants.
Civil No. C76–49 A.
Filed: July 13, 1977.
Entered: _____

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant Chubb & Son Limited

("Chubb") and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever, and the making of this stipulation shall be without prejudice to plaintiff and defendant Chubb in this or any other proceeding.

Dated: June 14, 1977.

For the plaintiff: John H. Shenefield, Acting Assistant Attorney General; William E. Swope, Joel Davidow, Charles F. B. McAleer, Thomas E. Sheldon, William J. Kananack, and Carl A. Cira, Jr.

For defendant Chubb & Son Limited: Jones, Day, Reavis & Pogue.

By: Richard W. Pogue, and Hugh R. Whiting.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, PLAINTIFF V. DIEBOLD, INC., ET AL., DEFENDANTS.

Civil No. C76-49 A.
Filed: July 13, 1977.
Entered _____

FINAL JUDGMENT AS TO CHUBB & SON, LTD.

Plaintiff, United States of America, having filed its complaint herein on February 12, 1976, and defendant, Chubb & Son Limited, having filed its answer denying the substantive allegations of the complaint; and plaintiff and defendant, Chubb & Son Limited, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue; and this Court having determined pursuant to Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in entering a Final Judgment against the consenting Defendant Chubb & Son Limited:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue, and upon consent of the parties hereto it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and, by consent, of the defendant solely for the purposes of this Final Judgment. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(a) "Chubb" means the defendant Chubb & Son Limited, a corporation organized and existing under the laws of the United Kingdom;

(b) "Diebold" means the defendant Diebold, Incorporated, a corporation organized and existing under the laws of the State of Ohio;

(c) "Bank security equipment" means any product of a type manufactured by Chubb and primarily used by banks, savings and loan institutions, credit unions, brokerage houses, insurance companies and other financial institutions for the safekeeping and protection of premises, cash, securities, documents and other valuables against the hazards of theft, robbery, burglary, fire and flood. The term includes, but is not limited to, safes, vaults, vault doors, tills, drive-in teller systems, night deposit systems, safety deposit box systems, electronic and photographic surveillance systems, robbery, burglary and fire alarms and fire-resistant files;

(d) "Person" means any individual, partnership, firm, corporation, association or other business or legal entity unaffiliated with defendant;

(e) "Representative" means any person other than an employee who promotes, facilitates or otherwise accomplishes the sale of bank security equipment.

III

The provisions of this Final Judgment shall apply to Chubb and to each of its directors, officers, agents, employees, subsidiaries, successors and assigns of each, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment Chubb, together with its subsidiaries or affiliates as to which it owns a majority of the voting stock or exercises effective working control, along with any of their officers, directors, agents and employees, when acting in such capacity shall be deemed to be one person. This Final Judgment shall apply only to acts which have a substantial and foreseeable effect upon United States trade or commerce in bank security equipment.

IV

A. Chubb is enjoined and restrained from directly or indirectly in any manner entering into, adhering to, enforcing, claiming any rights under or in any way maintaining or attempting to secure, any contract, agreement or understanding having a substantial and foreseeable effect upon United States trade or commerce in bank security equipment with any manufacturer of bank security equipment which had sales of bank security equipment in the United States in excess of $12,000,000 in any of the three calendar years preceding the entry of this Final Judgment with respect to the manufacture and sale of a product or products falling within the definition of bank security equipment set forth in Section II(c) hereof:

1. To refuse to appoint or to terminate relations with any third person as Representative;

2. To allocate, divide, or restrict customers, territories, or product markets;

3. To refuse to sell in any territory or market or to any third person; or

4. To limit or restrict imports into or exports from the United States;

B. Provided that this section IV shall not prevent Chubb from entering into distribution or licensing arrangements with any manufacturer having sales of bank security equipment in the United States in excess of $12,000,000 in any of the three calendar years preceding the entry of this Final Judgment as long as no equivalent of the Chubb bank security equipment item which is the subject of such arrangement is manufactured or sold in the United States by the other party to the arrangement; and

C. Provided further that this section IV shall not limit the right of the United States to institute a legal action independent of an action to enforce this Final Judgment, or the right of Chubb to defend such action, regarding the legality of any agreement between Chubb and any manufacturer of bank security equipment having sales of bank security equipment in the United States not in excess of $12,000,000 in any of the three calendar years preceding the entry of this Final Judgment.

V

A. For a period of five (5) years from the date of entry of this Final Judgment, Chubb is enjoined and restrained from, directly or indirectly, acting as Representative for Diebold in the United Kingdom, or having Diebold act as its Representative in the United States, in the sale of bank security equipment; provided, however, that nothing in this Section V shall prevent Chubb from purchasing, selling or otherwise acting with respect to (a) parts or components of bank security equipment obtained from Diebold for inclusion or use in Chubb products or (b) bank security equipment bearing Chubb's own name or trademark or any other name or trademark excepting those in actual use by Diebold.

VI

A. For a period of five (5) years from the date of entry of this Final Judgment, Chubb shall retain all written inquiries and retain memoranda reflecting oral inquiries respecting the purchase or distribution of Chubb bank security equipment from the United Kingdom for export to the United States, together with copies of Chubb's response to such inquiries or a memorandum of Chubb's response where said response was oral.

B. In the event that Chubb or its subsidiaries have not commenced the regular sale of bank security equipment in the United States before the third anniversary of the entry of this Final Judgment, Chubb shall so advise plaintiff and shall furnish plaintiff with a written report setting forth the reasons why such sales were not commenced and, upon written request of plaintiff, copies of the correspondence and memoranda retained pursuant to section VI-A hereof. The same procedure shall again apply if Chubb or its subsidiaries have still not commenced such sales by the fifth anniversary of the entry of this Final Judgment.

VII

For the purpose of securing or determining compliance with this Final Judgment with regard to Chubb and for no other purpose, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, or his agent, and on reasonable notice to Chubb at either its principal business office in London, England or any successor location, and subject to any legally recognized privilege, within 60 days of receipt of such request for books, ledgers, accounts, correspondence, memoranda, and other records in the possession or under the control of Chubb, Chubb shall provide duly authenticated copies of such documents at the Department of Justice in Washington, D.C.; provided, however, that Chubb shall not be required to bring to the United States any books or other records or copies thereof when such action is prohibited by the laws of the United Kingdom or of any country or treaty organization with jurisdiction over Chubb and Chubb has exercised good faith efforts to obtain permission of the appropriate authorities, but such permission has not been secured. A copy of any such request shall, insofar as it relates to documents within the United Kingdom or to information to be compiled therefrom, be sent to the Government of the United Kingdom at the same time as it is served on Chubb. Chubb shall promptly notify plaintiff of any change of address of its principal business office.

No information obtained by the means provided in this section shall be divulged by any representatives of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with any Final Judgment entered in this action or as otherwise

required by law. If at the time information or documents are furnished by Chubb to plaintiff, Chubb indentifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Chubb marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then, in the event that plaintiff asserts the right to divulge such material pursuant to this section VII, plaintiff shall give at least ten (10) days' written notice to Chubb prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which Chubb is not a party.

VIII

Jurisdiction is retained by this Court for the purpose of enabling either of the parties consenting to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provision thereof, for the enforcement of compliance therewith, and for the punishment of any violations hereof.

IX

This Judgment shall be of no force or effect beyond ten years from the date of its entry.

X

Entry of this Judgment is in the public interest.

United States District Judge.

Dated: Akron, Ohio, ----------, 1977.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, PLAINTIFF, V. DIEBOLD, INC., AND CHUBB & SON, LTD., DEFENDANTS.

Civil No. C76-49A.
Filed: July 13, 1977.
Entered ----------

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrwna its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever, and the making of this stipulation shall be without prejudice to plaintiff and defendant Diebold in this or any other proceeding.

For the plaintiff: John H. Shenefield, Acting Assistant Attorney General;
Thomas E. Sheldon,
William E. Swope,
William J. Kananack,
Joel Davidow,
Carl A. Cira, Jr.,
Kenneth L. Jost.

For defendant Diebold, Inc., Arnold & Porter.

By: Richard J. Wertheimer,
Stephen M. Sacks,
Paul S. Ryerson.

Dated: July 13, 1977.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, PLAINTIFF V. DIEBOLD, INC.; AND CHUBB & SON, LTD., DEFENDANTS.

Civil No. 776-49A.
Filed: July 13, 1977.
Entered ----------

FINAL JUDGEMENT AS TO DIEBOLD, INC.

Plaintiff, United States of America, having filed its complaint herein on February 12, 1976; plaintiff and defendant Diebold, Incorporated, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue, and this Court having determined pursuant to Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in entering a Final Judgment against the consenting defendant Diebold, Incorporated:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue, and upon consent of the parties hereto it is hereby

ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I

This Court has jurisdiction of the subject matter hereof and of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. "Diebold" means the defendant Diebold, Incorporated, a corporation organized and existing under the laws of the State of Ohio;

B. "Chubb" means the defendant Chubb & Son, Ltd., a corporation organized and existing under the laws of the United Kingdom;

C. "Bank security equipment" means any product primarily used by banks, savings and loan institutions, credit unions, brokerage houses, insurance companies and other financial institutions for the safekeeping and protection of premises, cash, securities, documents and other valuables against hazards such as theft, robbery, burglary, fire and flood. The term includes, but is not limited to, safes, vaults, vault doors, tills, drive-in teller systems, night deposit systems, safety deposit box systems, electronic and photographic surveillance systems, robbery, burglary and fire alarms, files and filing systems, data storage vaults and automated cash dispenser systems;

D. "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

E. "Representative" means any person who promotes, facilitates or in any way accomplishes the sale of bank security equipment for any other person.

III

The provisions of this Final Judgment shall apply to Diebold and to each of its directors, officers, agents, employees, subsidiaries, successors and assigns of each, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall apply only to acts which affect United States trade or commerce in bank security equipment.

IV

A. Diebold is enjoined and restrained from directly or indirectly in any manner entering into, adhering to, enforcing, claiming any rights under or in any way maintaining, or attempting to secure, any contract, agreement or understanding with any manufacturer of bank security equipment, or with any person acting on behalf of any manufacturer of bank security equipment:

(1) To allocate, divide, or restrict customers, territories, products or markets for the manufacture, sale, service or use of bank security equipment;

(2) To refuse to sell bank security equipment in any territory or market or to any third person; or

(3) To refuse to appoint or to terminate relations with any third person as Representative for bank security equipment.

B. Provided that this Section IV shall not prevent Diebold from entering a distribution or licensing agreement with any manufacturer of bank security equipment, except that Diebold may not act as a United States distributor or licensee of bank security equipment not of its own manufacture unless:

(1) The manufacturer of such bank security equipment had United States sales of bank security equipment of less than $12,000,000 during calendar year 1976; or

(2) As a result of Deibold's unilateral commercial determination, no equivalent of the bank security equipment which is the subject of such distribution or licensing agreement is manufactured or sold in the United States by Diebold; or

(3) The same rights to such bank security equipment are contemporaneously made available to other United States manufacturers of bank security equipment; and

C. Provided further, that this Section IV shall not limit the right of the United States to institute a legal action, independent of an action to enforce this Final Judgment, or the right of Diebold to defend such action, regarding the legality of any agreement between Diebold and any manufacturer of bank security equipment.

V

For a period of five (5) years from the date of entry of this Final Judgment, Diebold is enjoined and restrained from directly or indirectly acting as Representative for Chubb in the United States, or having Chubb act as its Representative in the United Kingdom; provided, however, that nothing contained in this Section V of this Final Judgment shall prevent Diebold from purchasing from Chubb bank security equipment or component parts thereof for resale by Diebold in the United States under Diebold's own name or trademarks or under any other name or trademark excepting those in actual use by Chubb.

VI

For a period of five (5) years from the rate of entry of this Final Judgment:

A. Diebold shall promote in good faith the sale and distribution of Diebold bank security equipment in the United Kingdom when warranted by reasonable and prudent business considerations;

B. In the event that Diebold refuses a written request to sell or distribute bank security equipment in the United Kingdom, Diebold shall advise in writing the person making such request of the reasons for its refusal and shall retain all written inquiries.

responses and memoranda respecting each such request and refusal. Diebold shall prepare an annual written analysis of the business considerations affecting Diebold's sales and distribution of bank security equipment in the United Kingdom.

C. Diebold shall retain correspondence and all other documents relating to Diebold's sales and distribution of bank security equipment in the United Kingdom.

D. Diebold shall, upon written request of plaintiff, furnish plaintiff with copies of correspondence, memoranda or other material, retained or prepared pursuant to VI B. and VI C. hereof.

VII

For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division or of an authorized agent of either and on reasonable notice to defendant Diebold made to its principal office be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of consenting defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division or of an authorized agent of either made to consenting defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section VII or by the means provided in section VI D shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. If at the time information or documents are furnished by consenting defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

VIII

Jurisdiction is retained by this Court for the purpose of enabling either of the parties consenting to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of any violations hereof.

IX

This Judgment shall be of no force or effect beyond ten years from the date of its entry.

X

Entry of this Judgment is in the public interest.

Dated: Akron, Ohio, ---------, 1977.

United States District Judge.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, PLAINTIFF v. DIEBOLD, INC. AND CHUBB & SON, LTD., DEFENDANTS

Civil Action No. C76-49A.
Filed: July 13, 1977.

COMPETITIVE IMPACT STATEMENT

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b)-(h), the United States of America hereby files this Competitive Impact Statement relating to the two proposed Final Judgments submitted for entry in this civil antitrust proceeding against Diebold, Inc., and against Chubb & Son, Ltd.

I

THE NATURE AND PURPOSE OF THE PROCEEDING

On February 12, 1976, the Department of Justice filed a civil antitrust suit under section 4 of the Sherman Act (15 U.S.C. § 4) in order to obtain relief against a violation by the defendants, Diebold Incorporated and Chubb & Son, Ltd., of section 1 of the Sherman Act (15 U.S.C. 1).[1] Both firms are among the world's largest manufacturers and sellers of bank security equipment. Common items of bank security equipment include bank vaults, safes, safe deposit boxes, night deposit boxes, remote (television and pneumatic) teller systems, alarm systems, and tellers' cages. This civil action charges that pursuant to an agreement between Diebold, Incorporated (hereafter referred to as "Diebold") and Chubb & Son, Ltd. (hereafter referred to as "Chubb"), each discontinued commercial relations with distributors of its products in the home market of the other in violation of section 1 of the Sherman Act.

Diebold, an Ohio corporation with general offices in Canton, Ohio, is a diversified operating company engaged in the manufacture and distribution of bank security equipment, automated teller systems, and materials handling equipment. Diebold has manufacturing and/or distribution facilities throughout the United States and in many foreign countries. Much of Diebold's export business, i.e., products manufactured in the United States and shipped to destinations outside the United States, is solicited, handled and facilitated by independent agents or distributors appointed by Diebold to represent it in a particular foreign country or countries. In 1976, Diebold had net sales of over $213 million, the majority of which were sales of bank security equipment.

Chubb is a holding corporation organized under the laws of the United Kingdom with general offices in London, England. Through various operating subsidiaries in the United Kingdom and other countries, Chubb is engaged in the manufacture and distribution of bank security equipment, builders' hardware, fire protection systems and vehicles, and other products. Chubb's principal markets are the United Kingdom, Ireland, Continental Europe and countries associated with the British Commonwealth. Chubb controls a substantial manufacturer and distributor of bank security and fire protection equipment in Canada and has regularly sold some of its British-made products for export to United States, principally airport fire and rescue vehicles and safes designed for the jewelry trade. Chubb's 1976 sales were over $200 million.

The complaint in this case alleged that the defendants, between February 1974 and October 1974, mutually agreed that Chubbo would refrain from selling or distributing bank security equipment in the United States through Consolidated Exporters, Inc. and its President, Charles A. Rogler, of Canton, Ohio, and that Diebold would refrain from selling or distributing bank security equipment in the United Kingdom through ADM Business Systems Ltd. of London, England. The complaint also alleged that the effects of this agreement were to restrain the foreign commerce of the United States and to suppress potential competition between Diebold and Chubb in the United States. The relief sought was an adjudication that the agreement in question violated section 1 of the Sherman Act and a permanet injunction against the defendants' continuing, maintaining, or renewing the alleged anticompetitive agreement.

II

EVENTS GIVING RISE TO THE ALLEGED VIOLATION OF THE ANTITRUST LAWS

While both Diebold and Chubb are major competitors in various significant foreign markets, including Canada, Australia, Latin America, and Spain, there has been little exploitation by either company of the home market of the other. Chubb's sales in the United States have been sporadic, limited and have not involved the main bank security equipment products, particularly vault doors. Diebold had for some time sold certain of its products in the United Kingdom through agents or distributors. These products sold in the United Kingdom were mainly mechanical filing systems and parts thereof. Diebold's United Kingdom agent had little contact with buyers of bank security equipment and did not seek to exploit this market.

Sometimes in 1973 both Diebold and Chubb considered significant expansions of their exploitation of the other's home market. In the case of Diebold, this involved the termination, by mutual agreement, of their then agent in the United Kingdom and the search for a replacement. This search finally located ADM Systems Ltd. ("ADM") of London, a manufacturer, distributor, and importer of office equipment. A distribution agreement was signed covering most items of Diebold bank security equipment, and ADM began to service Diebold filing products installed in the United Kingdom as well as to solicit orders for other Diebold products. Chubb began specific consideration of sales into the United States market after receiving an inquiry in 1973 from Charles A. Rogler of Canton, Ohio, a former Diebold sales employee and consultant who was the President

[1] On the same day, a grand jury sitting in the Northern District of Ohio returned a one count indictment charging the same two defendants with a misdemeanor violation of 15 U.S.C. § 1. On April 29, 1976, defendant Diebold Incorporated pled nolo contendere to the charge in the indictment and was fined $30,000. A disposition of the criminal proceeding against defendant Chubb & Son, Ltd. is expected in the near future.

of an independent manufacturers' representative firm. Consolidated Exporters, Inc. ("CEI"), which sells various products in the United States and Latin America, including certain security items used by banks and other financial institutions. Rogler's approach to Chubb suggested several ways in which Rogler believed he might aid Chubb's marketing efforts of bank security equipment in the United States and Latin America. Negotiations followed aimed at establishing CEI as a Chubb bank security equipment representative in the United States and a marketing consultant in certain Latin American markets.

Sometime in February 1974, Diebold became aware of Rogler's efforts to establish his company as a Chubb representative in the United States market. Chubb had earlier become aware of ADM's offering in the British market of several competing items of Diebold bank security equipment not previously sold there by Diebold. An exchange of communications between high officials of the two companies took place, and shortly thereafter both Chubb and Diebold took certain steps which had the effects of disengaging themselves from their newly-appointed representatives in each other's home market. The complaint alleges that these actions were the result of a mutual agreement in violation of the antitrust laws which had the effect of illegally restraining United States foreign commerce.

III

EXPLANATION OF THE PROPOSED FINAL JUDGMENTS

A. *Proposed Final Judgment as to Diebold, Inc.*—Under this proposed Final Judgment, Diebold is prohibited from securing or attempting to secure, with any manufacturer of bank security equipment or with any person acting on behalf of any manufacturer of such equipment, agreements or understandings which would have a restrictive effect on United States trade or commerce. Specifically, Diebold is barred from agreements with such manufacturers or such persons to (1) allocate, divide, or restrict customers, territories, products or markets; (2) refuse to deal in bank security equipment or with third persons; or (3) refuse to appoint third persons as representatives for bank security equipment.

Section IV contains a proviso (section IV B) which allows Diebold to deal in a limited manner with other bank security equipment manufacturers. This proviso permits Diebold to freely enter distribution or licensing agreements with minor United States sellers of bank security eequipment. However, Diebold may only enter such agreements with the major manufacturers or sellers in the United States to act as a United States distributor or licensee if the bank security equipment, which is the subject of the agreement, is not manufactured by Diebold due to it own independent business judgment, or if the same distribution or licensing rights are also made available to other United States manufacturers of bank security equipment.

A second proviso (sction IV C) states that while Dibold is free to conclude certain distribution or licensing agreements, the United States is not barred by this proposed Final Judgment from a challenge of any such arrangement in an independent legal action. Conversely, this proviso does not limit defenses to the lawfulness of any such arrangement. The limitations in the provisos to Section IV of this proposed Final Judgment will largely eliminate the possibility of significant anticompetitive dealings between Diebold and its major United States competitors while permitting Diebold to remain a successful participant in the international bank security equipment market.

Section V of the proposed Final Judgment enjoins Diebold from acting as a representative for Chubb in the United States or Diebold having Chubb as its representative in the United Kingdom for five years after the date of entry of this proposed Judgment. This section does allow outright purchase by Diebold of bank security equipment or component parts thereof from Chubb for inclusion in Diebold products or resale under Diebold brands without any distributorship arrangement. This is a pro-competitive arrangement as it does not restrict the seller, in this case Chubb, from exporting the same or similar products to the United States under its own brand.

Section VI of this proposed Final Judgment is aimed at restoring Diebold to the competitive status quo as to sales in Great Britain which existed prior to Diebold's alleged agreement with Chubb to terminate distribution arrangements in the other's home country. This section requires that Diebold promote in good faith the sale and distribution of its products in the United Kingdom when warranted by reasonable and prudent commercial considerations. Diebold is also required to maintain careful records of any refusal by Diebold to a written request to sell or distribute bank security equipment in the United Kingdom and, upon written request, to furnish plaintiff with such records.

Finally, the proposed Final Judgment (1) binds Diebold's subsidiaries and successors, (2) allows representatives of the Department of Justice access to Diebold's records and personnel for the purpose of determining or securing compliance with the proposed Judgment, and (3) retains jurisdiction in the Court to modify or enforce the Judgment as required. This proposed Final Judgments runs for ten years.

B. *Proposed Final Judgment as to Chubb & Son, Ltd.*—Under the terms of this proposed Final Judgment, Chubb will be subjected to its terms only for its business activities which have a substantial and foreseeable impact upon United States commerce (section III). The business activities giving rise to this proposed Judgment satisfy this test. Because Chubb is an alien corporation which currently makes only sporadic sales in the United States, this is a proper limitation on the U.S. Court's supervision of Chubb's business. As recently pointed out in the Antitrust Division's Antitrust Guide for International Operations, this test of substantial and foreseeable impact on United States trade or commerce will normally be used by the Antitrust Division in evaluating business actions with international aspects for possible antitrust enforcement, and special caution is always mandated when subject matter jurisdiction over the activities of foreign corporation is asserted. See Restatement of Foreign Relations Law § 18(b) (1965). The specific injunctions of this proposed Final Judgment should provide sufficient controls on Chubb's activities to prevent a recurrence of the past anticompetitive conduct alleged in the complaint, without unduly restricting the legitimate business freedom of this foreign domiciled company.

Section IV of this proposed Final Judgment prohibits Chubb from securing or attempting to secure, with Diebold or any other manufacturer with United State sales of bank security equipment in excess of $12,000,000 in any of the three calendar years preceding the entry of this proposed Final Judgment, agreement or understandings which would have a restrictive effect on United States trade or commerce. Specifically, Chubb is barred from agreements with such manufacturers to (1) refuse to appoint third persons as representatives for bank security equipment; (2) allocate, divide, or restrict customers, territories or product markets; (3) refuse to deal in bank security equipment or with third persons; or (4) limit or restrict United States imports or exports of bank security equipment.

Section IV contains a proviso (section IV B) which allows Chubb to deal in a limited manner with major manufacturers of bank security equipment, i.e., those having United States sales in excess of $12,000,000. This proviso is intended to make clear that Chubb may enter into distribution or licensing arrangements with the principal sellers of bank security equipment in the United States, including foreign importers. However, this is permitted only as long as no item of bank security equipment comparable to the Chubb item, which is the subject of the arrangement, is manufactured or sold in the United States by the other party to the arrangement. The effect of this provision is to deny Chubb the ability to conclude a major distribution arrangement with a significant horizontal competitor and thus the provision promotes the likelihood of a more competitive entry by Chubb into the United States market.

A second proviso to section IV (IV C) states that while Chubb is free to conclude any type of distribution arrangement it wishes with horizontal competitors having sales of $12,000,000 or less within the specified time period, the United States is not prevented by this proposed Final Judgment from a challenge of any such arrangement in an independent legal action. Likewise, this proviso does not limit defenses to the lawfulness of any such arrangement with a smaller competitor. The purpose of this clause is to promote Chubb's entry into the United States market in a vigorous manner, recognizing that distribution arrangements with smaller competitors, or even the purchase of all or part of the business of such a competitor by Chubb, may provide a vehicle for Chubb's entry in a manner which need not create or tend to create a situation inconsistent with the antitrust laws. As pointed out in the Antitrust Guide for International Operations (Case J), there are serious antitrust questions raised by the appointment by a firm of a substantial competitor as distributor for its products. The limitations in the provisos to Section IV will largely eliminate the possibility of anticompetitive distributorship arrangements if Chubb chooses to enter the domestic market other than with a captive manufacturing or sales effort.

Section V of this proposed Final Judgment enjoins Chubb from acting as a representative for Diebold in the United Kingdom or Chubb having Diebold as its representative in the United States market for five years after the date of entry of this proposed Final Judgment. This Section does allow outright purchase by Chubb of items of bank security equipment and parts or components thereof from Diebold for inclusion in Chubb products or resale under Chubb brands without any distributorship arrangement. This is a pro-competitive arrangement as it does not restrict the seller, in this case Diebold, from exporting the same or similar products to the United Kingdom under its own brand.

Section VI of this proposed Final Judgment is further aimed at establishing Chubb as a significant competitor in the United States market. This Section ensures that Chubb will maintain careful records of oral or written inquiries regarding the sale or distribution of Chubb bank security equipment products in the United States. If Chubb does not begin the regular sale of its bank security equipment products in the United States within three years from the date of the entry of this proposed Judgment, it must provide a written explanation of the reasons for such failure. Chubb is further required to report after five years on any failure to that point to begin such regular sales in the

United States, and to provide plaintiff with copies of the required records of inquiries and responses regarding United States sales.

Finally, this proposed Judgment (1) binds Chubb's subsidiaries and successors, (2) allows representatives of the Department of Justice access to Chubb's records for the purpose of determining or securing compliance with the proposed Judgment, and (3) retains jurisdiction in the Court to modify or enforce the Judgment as required.

This proposed Final Judgment runs for ten years. This term is felt appropriate since the regulating prohibitions concerning distribution and licensing agreements should not be needed beyond ten years if Chubb enters the U.S. market.

IV

EFFECTS OF THE PROPOSED JUDGMENTS ON COMPETITION

Because both Diebold and Chubb were only in the beginning stages of significant attempts at penetration of each other's home markets, it is difficult to accurately assess the effects on competition of the proposed Judgments. Nevertheless, they provide impetus for the renewal of sales by Diebold into the United Kingdom, and they clearly establish a framework for independent entry by Chubb into the concentrated United States bank security equipment market. The prohibitions on horizontal restrictive agreements with competitors, dealings with Diebold, and the reporting provisions will help ensure that Chubb's entry into the United States market is as pro-competitive as possible. This market remains the most significant in the world unexploited by Chubb and, at this time, the most economically healthy significant market. The Department of Justice expects Chubb to commence the regular sale of its products in the near future. During the pendency of this civil litigation, Chubb began to seek personnel and offices in order to begin such sales. These proposed Judgments require that Chubb deal in the United States independently from its major worldwide competitors. The proposed Judgments should thus provide an important source of competition, through imported products, to an oligopolistic domestic industry which has not been a model of vigorous price competition. A comparison of Chubb's export prices for certain major items of bank security equipment with those of Diebold shows that, even after transportation and duty costs, Chubb can offer significant price competition in the domestic United States market. The purpose of the proposed Judgments is to encourage the United States market entry of Chubb and to provide through such entry significant benefits to competition.

In addition, the proposed Judgments help to ensure that Diebold's future exports to the United Kingdom will be carried out in an independent manner and, therefore, to prevent any anticompetitive restraint of United States exports. Lastly, the proposed Judgments also assure the likelihood of procompetitive distribution or licensing arrangements between Diebold and its major competitors.

V

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and other equitable remedies which they would have had, were the proposed Judgments not entered. However, the Judgments may not be used as prima facie evidence in private litigation pursuant to section 5(a) of the Clayton Act, as amended (15 U.S.C. § 16(a)).

VI

DESCRIPTION OF PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENTS

Each proposed Final Judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Final Judgment at any time before the Court has found that its entry is in the public interest. By their terms, the proposed Judgments provide for retention of jurisdiction of this action in order, among other things, to permit the parties thereto to apply to the Court for such orders as may be necessary or appropriate for modification.

As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment upon either proposed Judgment may, for a 60-day period, submit written comments to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530. The Department will file with the Court and publish in the FEDERAL REGISTER all such comments together with its response to them, and will carefully evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgments.

VII

DESCRIPTION AND EVALUATION OF ALTERNATIVES TO THE PROPOSAL ACTUALLY CONSIDERED BY THE UNITED STATES

In formulating the proposed Judgments, the United States considered alternative provisions. As to Diebold, the United States considered an injunction making it mandatory that Diebold distribute or sell bank security equipment of its own manufacture in the United Kingdom and thus achieve a more immediate entry into that bank security equipment market. However, current commercial realities in the British market led the United States to believe that such a requirement was not practical and might prove counterproductive.

As to Chubb, the United States considered two alternative provisions. One was a specific mandatory injunction requiring Chubb to invest specific amounts of money in developing its bank security equipment sales in the United States. The other was a provision requiring Chubb to make all good faith efforts to independently develop the United States market.

A mandatory requirement to invest or sell in the United States was rejected in favor of Chubb's reports on the reasons for any nonentry. In light of the facts of Chubb's foreign nationality, and its limited actual business in the United States, the concept of a required expenditure was thought impracticable. In addition, current and future business conditions in Chubb's home market as well as the United States and other markets may make such a rigid requirement unreasonable in light of Chubb's future business options. Chubb also requires the approval of the British Government to invest funds abroad. In light of these factors it was decided that such a required investment provision would not be pursued.

The second alternative considered but not adopted was a requirement that Chubb make good faith efforts to pursue independent entry into United States markets. This provision was not adopted because Chubb's actual activities in the United States market during the pendency of this action established a clear intention on its part to again take up efforts to develop this market, suspended since early 1974. In addition, a preference for independent entry may have dissuaded Chubb from taking advantage of an otherwise lawful joint venture agreement or acquisition of a smaller U.S. competitor, possibilities which could have a significant effect on the speed and vigor of Chubb's penetration of the domestic United States market.

As to both Diebold and Chubb, it was determined that, in view of the sufficiency of the relief obtained, it was not in the public interest to expend resources pursuing Final Judgments containing the alternative provisions. The provisions of the proposed Final Judgments should restore the competitive status quo with respect to Diebold's activities in the United Kingdom and particularly with respect to Chubb's activities in the United States market. At the time of the alleged violation Chubb was in the early stages of marketing its products in the United States. This is the current situation, with the added competitive impetus, in the proposed Judgment, of limits on dealing with its major competitor, specific prohibitions on anticompetitive activities with all competitors in the United States, and a requirement to fully inform the Antitrust Division of the reasons for any failure to develop this market after reasonable intervals have passed.

VIII

OTHER MATERIALS CONSIDERED

There are no materials or documents which the Government considered determinative in formulating these proposed Final Judgments. Therefore, no such materials are being filed along with this Competitive Impact Statement.

Joll Davidow, Thomas E. Sheldon, William J. Kananack, Carl A. Cira, Jr., Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530 (202-739-2464).

Dated: ----------

[FR Doc.77-21527 Filed 7-26-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

PROJECT REVIEW AND NOTIFICATION SYSTEM

Amendments to Procedures

The National Capital Planning Commission, at its July 14, 1977 meeting, further amended its procedures, adopted November 11, 1976, (41 FR 53375), and first amended March 3, 1977 (42 FR 17189), implementing the requirement in Section 2.a. of Part I of Attachment A to Office of Management and Budget Circular No. A-95 (Revised) on Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, dated January 2, 1976, respecting notification to the Commission.

Pursuant to Section 2.a., the Commission is to be notified by local jurisdictions of their intent to apply for Federal assistance for projects involving land or water use and development or construction in the National Capital Region. The Commission procedures for its project review and notification system require applicants to furnish notification on Standard Form 424 of:

1. Identity of the applicant;

2. A map depicting the project's geographic boundaries;

3. A brief description of the proposed project, including estimated cost and beneficiaries. Where appropriate, drawings or other graphics shall be submitted;

4. A list of Federal installations affected, if any, and other project characteristics which will enable the Commission to identify agencies of the Federal government in the National Capital Region having plans, programs, or projects which may be affected by the project;

5. A statement as to whether the applicant has been advised by the funding agency from which assistance is being sought that it will be required to submit environmental impact information in connection with the proposed project;

6. The Federal program title and number and agency under which assistance will be sought as indciated in the latest "Catalogue of Federal Domestic Assistance." In the case of programs not listed therein, programs shall be identified by Public Law number or U.S. Code citation; and

7. The estimated date the applicant expects to formally file an application.

With the exception of item (4) above, the procedures were identical to the requirements of OMB for all applicants seeking Federal funds.

As a result of concerns expressed through the Metropolitan Washington Council of Governments (COG), the Commission is simplifying compliance by applicants in the following respects:

1. Eliminate the requirement for a list of Federal installations affected, if any.

2. Clarify the notification procedures statement that applications "involving land or water use and development or construction in the National Capital Region" will be forwarded to NCPC, by adding a list of "covered programs", for which the Commission requires notification, with the indication that notification is not required for applications involving all other programs.

3. Consider as compliance with the requirement in Part I of Attachment A to OMB Circular A-95 (Revised) receipt of a copy of the completed Form 424 through COG rather than from the applicant directly.

The proposed amendments were published for comment in the FEDERAL REGISTER on June 20, 1977. Comments were received from OMB and the staff of COG. Both recommended changes in the list of "covered programs", suggesting both additions and deletions to the list. Many of the programs that the COG staff recommended be deleted are housing programs for which arrangements are being made for notifications to the Commission directly by the Farmers Home Administration, Federal Housing Administration and Veterans Administration rather than by the applicants. OMB recommended that the reference in the list of "covered programs" be to the "Catalogue of Federal Domestic Assistance" rather than to Attachment D of OMB Circular A-95 (Revised). The COG staff recommended that provisions be made for the Commission staff to attempt to resolve any potential problems involving adverse impact on Federal interests prior to commenting on the notifications received. The COG staff also recommended that provisions be made to forward Commission comments on notifications to the applicants and affected local jurisdictions and areawide clearinghouses. All of the comments of OMB and the COG staff have been considered in refining and modifying the proposed amendments.

The list of "covered programs" has been reduced from 92 to 47 (less than ten percent of all Federal grant programs). Of the 47 programs now proposed to be listed, ten are programs recommended for inclusion by OMB and/or the COG staff which were not previously listed. The list of 47 programs to be covered in the Commission's procedures slightly exceeds the 37 programs that the COG staff recommended be included. Most of the programs over and above the list recommended by the COG staff are programs that were suggested for the list of "covered programs" by OMB in its comments to the Commission.

The amendments are as follows: 1. Amend Section B. by

a. Numbering the first two sentences of the first paragraph thereof as paragraph "1." and deleting the last sentence:

b. Deleting in the first sentence of Paragraph 1 the words "covered by Part I of OMB Circular A-95 (Revised)" and inserting in lieu thereof the words "listed in Paragraph 3 below"; and

c. Adding the following new paragraphs: "2. If the Commission receives notification from or through the Metropolitan Washington Council of Governments at least thirty (30) days prior to the submission of the application and in the form set forth in Section C., the applicant will be deemed to have satisfied these procedures.

"3. The following programs set forth in Appendix I of the *Catalogue of Federal Domestic Assistance* are covered by these procedures:

DEPARTMENT OF AGRICULTURE

10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans (Exception: Loans to grazing associations to develop additional pasturage and loans for purchase of equipment).
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed Protection and Flood Prevention Loans.
10.423 Community Facilities Loans.
10.424 Industrial Development Grants.
10.901 Resources Conservation and Development (Exception: Small projects costing under $7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems).
10.904 Watershed Protection and Flood Prevention.

DEPARTMENT OF COMMERCE

11.300 Economic Development—Grants and Loans for Public Works and Development Facilities.
11.304 Economic Development—Public Works Impact Projects (Procedural variation).
11.305 Economic Development—State and Local Economic Development Planning.
11.307 Economic Development—Special Economic Development and Adjustment Assistsance Program.
11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and IX Activities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

13.224 Community Health Centers.
13.240 Mental Health—Community Mental Health Centers.
13.295 Community Mental Health Center—Comprehensive Services Support.
13.369 Nursing School Construction—Loan Guarantees and Interest Subsidies.
13.392 Cancer—Construction.
13.408 Construction of Public Libraries.
13.427 Educationally Deprived Children—Handicapped.
13.477 School Assistance in Federally Affected Areas—Construction.
13.493 Vocational Education—Basic Grants to States.
13.626 Rehabilitation Services and Facilities—Special Projects.
13.630 Developmental Disabilities—Basic Support.
13.639 Special Programs for the Aging—Title V Multipurpose Senior Centers.
13.877 Medical Facilities Construction—Project Grants. Pub. L. 92-318 (Section 161) Construction of Academic Facilities. Pub. L. 93-641 (Section 1516 *et seq.*, Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.203 Comprehensive Planning Assistance.
14.218 Community Development Block Grants—Entitlement Grants.
14.219 Community Development Block Grants—Discretionary Grants.

DEPARTMENT OF THE INTERIOR

15.400 Outdoor Recreation—Acquisition, Development and Planning.
15.605 Fish Restoration.
15.611 Wildlife Restoration.
15.904 Historic Preservation.

DEPARTMENT OF JUSTICE

16.502 Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice.

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program.
20.103 Airport Planning Grant Program.
20.205 Highway Research, Planning, and Construction.
20.309 Railroad Rehabilitation and Improvements—Guarantee of Obligation.
20.500 Urban Mass Transportation Capital Improvement Grants (Planning and construction only).
20.501 Urban Mass Transportation Capital Improvement Loans (Planning and construction only).
20.506 Urban Mass Transportation Demonstration Grants.
20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants.

COMMUNITY SERVICES ADMINISTRATION

49.011 Community Economic Development.

VETERANS ADMINISTRATION

64.005 Grants to States for Construction of State Nursing Home Care Facilities.

ENVIRONMENTAL PROTECTION AGENCY

66.028 Solid Waste Demonstration Grants.
66.418 Construction Grants for Wastewater Treatment Works.

"4. These notification requirements apply to all types of applications, except augmentation applications, as defined in

the instructions to Standard Form 424 prescribed by GSA Federal Management Circular 74-7, for the programs listed in Paragraph 3. above involving: "(1) acquisition or leasing of land;

"(2) construction of a new building, structure, facility, or transportation improvement;

"(3) modification or alteration of a building, structure, facility, or transportation improvement where there is a change in its character extent: or

"(4) installation of new utilities or modification of existing utilities which provide increased capacity."

2. Amend Section C. by deleting subparagraph numbered "(4)" and renumbering subparagraphs "(5)", "(6)", and "(7)" as subparagraphs "(4)", "(5)", and "(6)", respectively.

3. Amend Section D. by adding the following new paragraphs: "4. If the Executive Director's review of a project or activity indicates a potential negative impact on the Federal establishment or other Federal interests in the National Capital Region, the Executive Director shall work with the applicant, the affected local jurisdiction and areawide clearinghouses to mitigate such potential negative impact prior to presenting the project or activity to the Commission for review and comment.

"5. Copies of the comments on all notifications shall be sent to applicants and appropriate Federal funding agencies and areawide clearinghouses."

DANIEL H. SHEAR,
Secretary.

JULY 21, 1977.

[FR Doc.77-21586 Filed 7-26-77;8:4 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 20, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Certification of inability to pay transportation costs, VA-07-2323, on occasion, claimant for VA benefits, Tracey Cole, 395-5870.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaire to determine the U.S. sales of beef and veal by form, single time, selected wholesalers, retailers and merchandisers of beef Evinger, S. K., 395-3710.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agriculture Research Service:

Biological Shipment Records—Beneficial Organization, ARA form 442 ARA form 441, on occasion, Biological Control Research Facilities, Lowry, R. L., 395-3772.

Fruit Germanplasm Resources Inventory, ARS 185, on occasion, institutional and private fruit variety collections, Warren Topelius, 395-5872.

Food Composition Data—Nutrient Contents, ARS 200, on occasion, food processors and producers, Warren Topelius, 395-5872.

National Poultry Improvement Plan, on occasion, State agencies, Human Resources Division, Raynsford, R., 395-3532.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census,

Broad Woven Goods Finished, MA-22S, annually, finishers of broadwoven fabrics, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration:

Course Evaluation, OSHA-49, on occasion, all employers and employees, Marsha Traynham, 395-4529.

Employer/Employee Application for Training, OSHA-66, on occasion, employers and employees, Marsha Traynham, 395-4529.

Application for Accreditation to Perform Gear Certification, OSHA-70, on occasion, industries using gears, Marsha Traynham, 395-4529.

Occupational Safety and Health Complaint Form, OSHA-7, on occasion, employers making observations in industries, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-21713 Filed 7-26-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 21, 1977 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

New Source Environmental Questionnaire, single time, point sources of surface discharges, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Follow-up Questionnaire for A National Study of Student Progress, OE-508, single time, college students, Human Resources Division, Raynsford, R., 395-3532.

REVISIONS

ADS Student Report (Request of Additional Payment of BEOG Award), OE 304-1 on occasion, BEOG recipients and institutions they are enrolled in, Warren Topelius, 395-5872.

Request for Payment of BEOG award, OE 304, on occasion BEOG recipients and institutions they are enrolled in; Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Fresh Market Vegetable Inquiries Acreage, Production and Prices, other (see SF-83), vegetable growers and shippers, Marsha Traynham, 395-4529.

Milk and Cream Receipts, SRSCE9209F, monthly, milk market administrators and milk plants, Marsha Traynham, 395-4529.

DEPARTMENT OF DEFENSE

Department of the Air Force, Nondiscrimination in Federally Assisted Programs, other (see SF-83), Recipients of Federal financial assistance, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-21714 Filed 7-26-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 13786, File No. (SR-Amex-77-12)]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JULY 21, 1977.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006.

On May 23, 1977, the American Stock Exchange, Inc. filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule

change. The rule change expands the requirements for diligent supervision of all customer accounts by requiring supervision of a member organization's options activity by a senior Registered Options Principal.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13624, (June 14, 1977)) and by publication in the FEDERAL REGISTER (42 Fed. Reg. 31507 (June 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on May 23, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-21599 Filed 7-26-77;8:45 am]

[Release No. 13785; (SR-CBOE-77-13)]

CHICAGO BOARD OPTIONS EXCHANGE INC.

Order Approving Proposed Rule Change

JULY 21, 1977.

In the matter of Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604.

On June 2, 1977, The Chicago Board Options Exchange, Inc. ("CBOE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to add a new Rule 3.19 ("Obligations of Terminating Members") to require that a member who sells or transfers his membership must be current in all filings and payments of dues, fees and charges relating to that membership, and to prescribe what action the CBOE may take if a member fails to comply with this rule.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13613 (June 9, 1977)) and by publication in the FEDERAL REGISTER (42 FR 30957 (June 17, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on June 2, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-21600 Filed 7-26-77;8:45 am]

[Release No. 9863; (812-4117)]

COLONIAL OPTION INCOME FUND INC. AND COLONIAL MANAGEMENT ASSOCIATES INC.

Notice of Filing of Application Pursuant to Section 11(a) of the Act To Permit an Offer of Exchange and Pursuant to Section 6(c) for an Exemption From Section 22(d)

In the matter of Colonial Option Income Fund, Inc. and Colonial Management Associates, Inc., 75 Federal Street, Boston, Massachusetts 02110.

Notice is hereby given that Colonial Option Income Fund, Inc. ("Fund"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), and Colonial Management Associates, Inc. ("CMAI"), the investment adviser to and the principal underwriter for the Fund (collectively "Applicants"), filed an application on April 4, 1977, and an amendment thereto on July 5, 1977, for an order of the Commission (1) pursuant to section 11(a) of the Act to permit the Fund to offer its shares in exchange for those shares of Standard & Poor's/InterCapital Liquid Asset Fund, Inc. ("S&P") which were originally acquired with proceeds from the redemption of Fund shares and from additional S&P shares received through reinvestment of dividends and capital gains distributions, upon payment of a $5 exchange fee, and (2) pursuant to section 6(c) of the Act, to exempt Applicants from section 22(d) of the Act and rules thereunder to the extent necessary to permit the sale of Fund shares through such exchange offers without the customary sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that CMAI, as principal underwriter for the Fund, will maintain a continuous public offering of the shares of the Fund at net asset value plus a sales charge. Applicants state that shares of the Fund are sold with a maximum sales charge of 8.5 percent and that there is no sales charge imposed on the reinvestment of dividends and capital gains.

S&P is an open-end investment company registered under the Act which invests primarily in short-term money market instruments, acts as its own distributor, and imposes no sales or administrative charge in connection with the sale of its shares.

Applicants propose to permit certain S&P shareholders who were formerly owners of Fund shares to obtain shares of the Fund by exchanging those shares of S&P acquired (1) by investing directly the net proceeds from a redemption of shares of the Fund and held in the shareholder's name at S&P in a Colonial Exchange Account, and (2) by the reinvestment of income dividends and capital gain distributions paid on all S&P shares held in such Colonial Exchange Account (hereinafter referred to as the "Exchange Privilege"). The customary sales charge described in the prospectus of the Fund would not be imposed in connection with such exchanges. S&P shares acquired in any other manner would not qualify for the Exchange Privilege. Applicants state that the Fund imposes no charge on redemption of its shares, and that a shareholder of the Fund will be able to redeem his Fund shares and purchase shares of S&P (provided that his minimum initial investment in S&P shares is $1,000), without payment of any redemption or sales charges, other than a $5 service fee that will be charged by Bradford Trust Company of Boston ("Bradford"), the transfer and shareholder services agent for the Fund, for setting up the shareholder's Colonial Exchange Account at S&P and for handling all exchanges made pursuant to the Exchange Privilege. Applicants represent that no other charge will be imposed by S&P or Applicants on the exchange of S&P shares for shares of the Fund. Applicants further state that a participant in a Colonial Exchange Account would be able to exercise his Exchange Privilege at any time by instructing S&P to redeem shares of S&P in his Colonial Exchange Account and apply the redemption proceeds to the acquisition of shares of the Fund.

The Exchange Privilege will not be available with respect to the proceeds from a redemption of S&P shares which are paid directly to the investor. Fund and S&P have reserved the right to establish a limit on the number of exchanges pursuant to the Exchange Privilege which any investor may make within a certain period. The Exchange Privilege will be subject to termination by the Fund or S&P on not less than six months' prior written notice to holders of the Fund's Colonial Exchange Accounts. The Exchange Privilege will lapse for an investor if his account balance of shares of the Fund shows a zero balance for a period of three consecutive years. Applicants state that an investor maintaining a Colonial Exchange Account will receive the current prospectuses of both S&P and the Fund, provided he remains entitled to the Exchange Privilege. Applicants further state that the Exchange Privilege will not be available to investors in the Colonial Prototype Keogh Profit-Sharing Retirement Plan (with or without Insurance), the Colonial Corporate Prototype Profit-Sharing Plan or Pension Plan, or the Colonial Individual Retirement Account (collectively the "Colonial Retirement Plans") since the provisions of each of the Colonial Retire-

ment Plans restrict eligible investments by the trustees of those Plans to shares of investment companies for which CMAI acts as principal underwriter or distributor. Applicants state that the unavailability of the Exchange Privilege to investors in the Colonial Retirement Plans will be disclosed in the Fund's prospectus.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants assert that the Exchange Privilege is an integrated arrangement, exercisable only by an investor who initially acquires S&P shares by redeeming his shares of the Fund and applying the proceeds therefrom to the purchase of S&P shares. Applicants submit that an exercise of the Exchange Privilege may be deemed an exchange on a basis other than the relative net asset values of the shares since a $5 service charge would have been imposed on the initial acquisition of S&P shares held in Colonial Exchange Accounts. Applicants represent that the $5 service charge will defray the administrative costs involved in each exchange.

Applicants state that the Exchange Privilege may also be deemed to violate section 22(d) of the Act since an investor would be able to purchase shares of the Fund without the customary sales charge. Applicants state that because each investor eligible for the Exchange Privilege must have been initially an investor in the Fund and will continue to receive current prospectuses of the Fund while he holds a Colonial Exchange Account with S&P, no additional sales efforts will be incurred by CMAI in connection with the reacquisition of shares of the Fund, and that no sales charge should be imposed on the investor in connection with his reacquisition of shares of the Fund. It is asserted that the Exchange Privilege will not enable any investor to avoid payment of the applicable sales charge on his original investment in shares of the Fund.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class of transactions from any provisions of the Act or any rule thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders isssued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-21601 Filed 7-26-77;8:45 am]

[Release No. 9859 (812-4097)]

HARTFORD VARIABLE ANNUITY LIFE INSURANCE CO., ET AL.

Application for an Order of Exemption and for Approval of an Offer of Exchange

JULY 20, 1977.

In the matter of Hartford Variable Annuity Life Insurance Company, Hartford Variable Annuity Life Insurance Company, QP Variable Account, Hartford Fund, Incorporated, Hartford Plaza, Hartford, Conn. 06115, and Axe Securities Corporation, 400 Benedict Avenue, Tarrytown, N.Y. 10591.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), a stock life insurance company organized under the laws of the State of Connecticut; Hartford Variable Annuity Life Insurance Company QP Variable Account ("HVA-QP-VA"), a separate account of HVA, registered as a unit investment trust under the Investment Company Act of 1940 ("Act"); Hartford Fund, Incorporated ("Fund"), a management open-end diversified investment company registered under the Act; and Axe Securities Corporation ("Axe"), a Delaware corporation registered as a broker-dealer under the Securities Exchange Act of 1934, sponsor-depositor and principal underwriter of HVA-QP-VA, (collectively "Applicants") filed an Application on February 27, 1977 and amendments thereto on June 9 and June 30, 1977, pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of sections 12(d)(1), 22(d), 22(e), 26(a)(2), 27(a)(3), 27(c)(1), 27(c)(2) and 27(d), to the extent requested, and pursuant to section 11 of the Act for an order approving certain offers of exchange and for an order pursuant to section 9(c) of the Act for exemption from section 9(a). All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

HVA-QP-VA was created and organized as a unit investment trust class of investment company by means of a certain custodian agreement dated November 10, 1976 by and between Axe, as sponsor-depositor, and Hartford Nationtl Bank and Trust Company ("HNB"), as Custodian. HVA-QP-VA was registered with the Securities and Exchange Commission under the Act on November 26, 1976.

On May 1, 1977 Hartford Variable Annuity Life Insurance Company, a South Carolina corporation, was merged into Hartford Variable Annuity Life Insurance Company of Connecticut and, simultaneously, the name of the latter company was changed to Hartford Variable Annuity Life Insurance Company.

All of the outstanding shares of common and preferred stock of Axe are owned of record and beneficially by E. W. Axe & Co., Inc. which serves as investment adviser to the Axe-Houghton Funds group; as investment adviser to Fund, the shares of which will serve as the underlying investment media of, inter alia, HVA-QP-VA; and as investment adviser to Hartford Variable Annuity Life Insurance Company Separate Account ("HVA Separate Account"), another separate account of HVA registered under the Act.

The Group Variable Annuity Contracts (hereafter "Group Contract" or "Group Contracts" as the context requires) and the Individual Variable Annuity Contracts (hereafter "Individual Contract" or "Individual Contracts" as the context requires) to be funded by HVA-QP-VA are designed for purchase only in conjunction with tax-qualified plans, such as: corporate pension and profit sharing plans; tax-deferred annuity plans for public school teachers and employees; plans for employees of certain other tax-exempt and qualifying employers; HR-10 plans for self-employed individuals; and individual retirement accounts.

The Contracts, both Group and Individual, provide for the purchase of both fixed annuity benefits and variable annuity benefits, at the direction of the

Contract Owner, and purchase payments made pursuant to the terms of the Contracts will be applied, after authorized deductions, to purchase fixed and/or variable benefits in accordance with the Contract Owner's instructions. Those net purchase payments or parts thereof that are to be applied to purchase variable annuity benefits will be invested, again at the direction of the Contract Owners, in Hartford Fund "Bond Series" shares or Hartford Fund "Stock Series" shares or a combination thereof.

SECTION 12 (d) (1)

Section 12(d)(1) of the Act provides that a registered investment company may not purchase or otherwise acquire securities issued by another investment company if, as a result of such transaction, the acquiring company would own in the aggregate: (1) more than 3% of the total outstanding voting stock of the acquired company; (2) securities issued by the acquired company having an aggregate value in excess of 5% of the value of the total assets of the acquiring company; or (3) securities issued by the acquired company and all other investment companies having an aggregate value in excess of 10% of the value of the total assets of the acquiring company.

However, section 12(d)(1)(E) specifically exempts a security or securities purchased or acquired by an investment company, the depositor of or principal underwriter for which is a broker-dealer registered under the Securities Exchange Act of 1934 and the investment portfolio of which consists only of such securities (or such securities are the only securities held by a registered unit investment trust issuing two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company).

Applicants assert that the Investment Company Act Amendments of 1970 amended section 12(d)(1) of the Act in order to limit the creation of new fund-holding companies and to deal with the problems raised by foreign-based fund-holding companies that invested primarily in the securities of American funds and which were not themselves subject to the federal securities laws. The exemption from the proscriptions of section 12(d)(1) provided by section 12(d)(1)(E)(ii) is not applicable to the HVA-QP-VA/Fund situation because HVA-QP-VA is a unit investment trust that issues only one class or series of Contracts which provide for investment in the shares of Fund, a series fund having two classes or series of shares.

Applicants have requested an exemption from section 12(d)(1) of the Act in order that HVA-QP-VA may acquire shares of both the "Bond Series" and the "Stock Series" of Fund in satisfaction of the directions of the Contract Owners respecting the investment of their periodic purchase payments made pursuant to the terms of the Contracts.

SECTION 26 (a) AND SECTION 27 (c) (2)

Section 27(c)(2) of the Act provides essentially that a registered unit investment trust and any depositor or underwriter for such trust are prohibited from selling periodic payment plan certificates issued with respect to such trust unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing certain specified provisions required by, inter alia, section 26(a)(2) of the Act.

Section 26(a)(2) of the Act requires that the custodian agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (i) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and, if necessary, from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants assert that HVA, as a life insurance company, may not properly place the assets of HVA-QP-VA in trust with another because the insurance laws of the State of Connecticut require HVA to retain ownership and control of the disposition of its property. Accordingly, Applicants have requested an exemption from sections 26(a) and 27(c)(2) of the Act so that the securities and other property of HVA-QP-VA need not be held by HNB as custodian in trust.

Section 26(a)(D) provides, inter alia, that the custodian shall have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under section 26(a)(2) until distribution thereof to the security holders of the trust.

The contracts issued with respect to HVA-QP-VA provide that there shall be deducted from the periodic purchase payments made pursuant to the terms of the contracts, in addition to the deduction for sales load as permitted by section 27(c)(2), a charge for the minimum death benefit undertaking (0.75 percent) of each payment) which shall be paid over to HVA for providing such undertaking and a charge for such annuity premium taxes as may be payable in accordance with state and local laws. Further, the contracts provide that HVA is entitled to receive an amount equal to one percent (1 percent) per annum of the value of HVA-QP-VA for providing the mortality and expense undertakings in connection with the contracts.

In addition to the deductions for the minimum death benefit undertaking, annuity premium taxes and mortality and expense undertakings, HVA shall be entitled to receive an annual policy fee of $10 per annum which shall be reflected as a deduction from the value of each Contract Owner's or Contract Participant's account, as appropriate. This fee, which is charged for the servicing and handling of a Contract Owner's or Contract Participant's account, will be deducted from the value of each such account under a contract on the last business day of each calendar year; provided, however, that if the value of an account is redeemed in full at any time before the last business day of the year, the annual policy fee charge will be deducted from the proceeds of such redemption. No annual policy fee deduction will be made during the annuity payment period.

Applicants have requested that the Commission enter an Order exempting them from the provisions of Sections 26(a)(2) and 27(c)(2), to the extent necessary, to permit the deduction by HVA of the minimum death benefit premiums and payment to HVA of the minimum death benefit premiums; to permit the deduction, on a daily basis, and payment to HVA by HNB of the charges for providing the mortality and expense undertakings and for the annual policy fee charges; and, depending upon the requirements of the particular state, either: (i) to permit the deduction from purchase payments when made and payment of applicable annuity premium taxes to such state by HVA, or (ii) to permit the deduction of such taxes by HNB from the value of the Contract account or the Participant's account, and the payment of such taxes to such state at the time when an annuity is effected.

As noted above, section 26(a)(2)(D) of the Act, in pertinent part, provides, in substance, that the trustee or custodian shall have possession of all securities in which the funds of the trust are invested and shall segregate the same and hold them in trust until distribution. This has been interpreted to mean that the securities owned by the trust must be actually represented by share certificates maintained in the custody of the custodian. The custodian agreement between Axe and HNB provides that all Fund shares of both Series, and other securities and property acquired by or on behalf of HVA-QP-VA, and all income upon, accretions to, and proceeds of such property and funds shall be held by the custodian. However, Fund maintains an open-account system and certificates for shares of Fund of both Series will not be issued until such time as Fund shares are made available for purchase by members of the general public, and then, share certificates will be issued only when requested by the shareholder.

Applicants assert that the primary purpose of section 26(a)(2)(D) is to provide for the safekeeping of assets of registered unit investment trusts. Applicants contend that to require that share

certificates be physically issued by Fund to the custodian would not significantly add to the safety of the unit investment trust's assets and would result, in fact, only in unnecessary administration expenses for the trust. As noted above, the assets of HVA–QP–VA will be invested exclusively in both Series of shares of Fund. Furthermore, HNB in its capacity as custodian for Fund will have physical possession of Fund's portfolio of securities and other assets. Applicants contend that, in their view, the issuance of Fund share certificates to the custodian will not significantly add to the protective features of the custodianship.

Applicants, accordingly, have requested that the Commission enter an order of exemption from the provisions of section 26(a)(2)(D) and section 27(c)(2) in order that the custodian may accept "book shares" on the investment of the purchase payments that are made, from time to time, by the Contract Owners and invested in shares of Fund to purchase variable annuity benefits.

In support of the requested exemptions from the foregoing provisions of the Act, Applicants state that HVA will pay the custodian fees for the safekeeping of the HVA–QP–VA assets by the custodian. Applicants also state that the Fund shares acquired by HVA–QP–VA will be held in a book account (as hereinabove described) so that the ownership of Fund shares by HVA–QP–VA will be indicated only on the books of Fund and HVA–QP–VA and not evidenced by transferable stock certificates, and that under the Custodian Agreement the assets of HVA–QP–VA other than Fund shares that come into the hands of the custodian will be kept physically segregated by the custodian and held separate from the assets of any other firm, person or corporation. HVA, under the terms of a certain Recordkeeping Agreement with the custodian, will maintain a record of all purchases and redemptions of Fund shares in HVA–QP–VA.

Applicants further state that HVA is subject to the extensive supervision and control by the Connecticut Insurance Commissioner and the comparable official of each state in which it does business. Such supervision requires HVA to file complete and detailed periodic reports. Applicants also state that the activities of HVA are subject to review by the Connecticut Insurance Department and its representatives at all times and are subject to comprehensive examinations periodically. Applicants also state that any substitution of the shares of an underlying fund for the shares of Fund can only take place with the prior approval of the Commission.

Applicants contend that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under the contracts issued by HVA will be performed.

Applicants have consented that the foregoing requested exemptions from sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) the charges to variable annuity Contract Owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) the payment of sums and charges out of the assets of HVA–QP–VA shall not be deemed to be exempted from regulation by the Commission by reason of the requested Order; provided, that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 27(a)(3)

Applicants represent that the amounts deducted for sales charges from periodic payments made pursuant to the terms of the contracts, both Group and Individual, are calculated as follows:

Under the Group Contracts:	*Percent*
Up to and including $2,500	6.25
More than $2,500 and up to and including $50,000	2.75
More than $50,000 and up to and including $100,000	1.25
More than $100,000	.25
Under the Individual Contracts:	
Up to and including $2,500	8.25
More than $2,500 and up to and including $5,000	6.25
More than $5,000 and up to and including $50,000	4.25
More than $50,000 and up to and including $100,000	2.25
More than $100,000	.25

The minimum periodic payment that may be made on behalf of a Group Contract Participant at any time and that may be made under an Individual Contract at any time is $30.

In determining the Group Contract sales charge percentage applicable to a purchase payment made on behalf of a Group Contract Participant, only the cumulative amount of purchase payments made on behalf of such Participant is considered.

When an employer making application for a Group Contract has 1,000 or more eligible employees, and when annualized stipulated purchase payments with respect to all Participants shall equal or approximate $750,000 at the end of the Group Contract's second anniversary, the sales deducation on aggregate contributions up to and including $2,500 with respect to all Participants shall equal or rate of 4.25 percent instead of 6.25 percent; all other sales charge percentage deductions shall be the same as shown above for Group Contracts.

Section 27(a)(3) provides, in substance, that it shall be unlawful for any investment company issuing periodic payment plan certificates or any depositor of or underwriter for such company to sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount of sales load deducted from any other such payment or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Because the scale of sales load deductions decreases on the basis of the total value of the periodic payments made rather than on the numerical sequence of the periodic payments, the amount of sales load deducted from ay one of the first twelve monthly payments may exceed proportionately the amount deducted from any other payment of the same series of payments (i.e., the sum of the periodic payments made after the sixth payment on behalf of a Participant equals $2,500 and, therefore, the next payment made—the seventh payment—shall be subject to a sales load deduction of 2.75 percent) or the amount deducted from any subsequent payment may exceed proportionately the amount deducted from any other subsequent payment.

Applicants have requested an exemption from the provisions of section 27(a)(3) to permit them to deduct sales charges on the basis of the sum total of the dollar amount of payments made under a contract.

Section 11(a) and 11(c)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company, or any principal underwriter for such a company, to make, or cause to be made, an offer to the holder of a security of such a company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commisisoner. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants have requested an order pursuant to sections 11(a) and 11(c) of the Act in order to permit an offer to be made to certain owners of contracts issued by HVA Separate Account which has been organized as an open-end diversified, management investment company and which is registered as such under the Act. Certain of the variable annuity contracts issued with respect to HVA Separate Account have been issued in connection with tax-qualified retirement plans.

Applicants state that the requested Order permitting an offer of exchange to be made will make available to such Contract Owners certain advantages which will accrue to them from owning contracts issued by HVA with respect to HVA–OP–VA. Thus, Contract Owners will have the option of investing payments in a fixed-income portfolio of investments as well as an equity portfolio of investments, or a combination thereof, with the further option of making transfers between the two portfolios. Finally,

those Contract Owners of older group contracts issued with respect to HVA Separate Account that are presently paying a combined sales and administrative expense charge greater than the corresponding sales charge under an HVA-QP-VA contract, may find it advantageous to exchange their contracts for an HVA-QP-VA contract because of the scale of reducing sales charges applicable to the latter class of contracts.

Applicants state that no charges will be assessed in connection with the exchange, and the principal abuse at which Section 11(a) is directed—the imposition of additional sales charges—will not be present. Applicants represent that no compensation will be paid to any sales representative in connection with any such exchange, although compensation may be paid in connection with subsequent payments made under the terms of an HVA-QP-VA contract issued in exchange for an HVA Separate Account contract. Applicants represent, however, that they will seek to assist HVA Separate Account Contract Owners in determining whether or not to make an exchange by pointing out the applicable factors, and encourage them to do so. There will be no requirement on the part of an HVA Separate Account Contract Owner to make such an exchange, and the choice of whether or not to make such an exchange shall be the Contract Owner's alone to make. Entities to whom the exchange offer is made will receive a prospectus describing the new contracts, a prospectus describing the old contracts plus such additional information as may be necessary to assist Contract Owners in determining whether to make such an exchange.

Applicants assert that, in view of the protections afforded by the proposed disclosure to Contract Owners to whom an exchange offer will be made, the proposed offer of exchange is fair and should be approved by the Commission.

Accordingly, Applicants have requested that the Commission issue an Order approving the offer of exchange, as described pursuant to the provisions of sections 11(a) and 11(c) of the Act.

SECTIONS 22(d) AND 27(a)(3)

Applicants further represent that, in connection with an exchange of an HVA Separate Account contract for an HVA-QP-VA contract, the individual account value(s) under the contract exchanged will be recognized for purposes of determining the appropriate sales charge level, if the contract exchanged provides for a graded sales charge deduction but not if the contract exchanged provides for a level sales charge deduction. There are, at present, four outstanding forms of contracts (two individual contracts and two group contracts) which have been issued with respect to HVA Separate Account in connection with tax-qualified programs. In the case of one of the individual contracts and one of the group contracts, sales and administrative expense charges are deducted upon a level-load basis of 7.75 percent and 5.25 percent respectively. In the case of the remaining group and individual contracts, sales and administrative expense charges are deducted upon a sliding scale, with the maximum charge at 6.25 percent and 8.25 percent respectively.

Applicants have stated that the Commission has previously issued an Order respecting an offer of exchange made to Contract Owners of contracts issued with respect to HVA Separate Account to exchange their level-load contracts for graded-level contracts under circumstances where no credit was given for the amounts accumulated under the exchanged contracts in determining the applicable level of sales and administrative expense deductions.

Thus, on December 19, 1974 the Commission issued an Order exempting, inter alia, HVA and HVA Separate Account from the provisions of section 27(a)(3) in connection with an offer to be made to existing Contract Owners of contracts issued with respect to HVA Separate Account to exchange their contracts, which were subject to level-load deductions for sales and administrative expenses, for contracts subject to graded-load deductions for sales and administrative expenses; provided, that the Contract Owner thus exchanging his level-load contract would not receive credit for such transferred amounts in determining the applicable level of deductions from purchase payments made under the new contracts (Investment Company Rel. No. 8620).

Applicants intend to continue to follow the same procedure with respect to the exchange of a level-load contract funded by HVA Separate Account for a graded-load contract to be funded by HVA-QP-VA, and request the Commission to issue an Order exempting the exchange from the provisions of section 27(a)(3) to the extent that such an exemptive order may be deemed necessary.

Applicants contend that, since the amount transferred to a new HVA-QP-VA contract upon exchange will not qualify the purchaser for a reduced sales charge in the event that the HVA Separate Accounts contract exchanged provided for a level sales charge, whereas it will in the event that the HVA Separate Account contract exchanged provided for a graded sales charge deduction, the provisions of section 22(d) of the Act may be violated since the reducing sales charge provisions of the contract issued with respect to HVA-QP-VA will not be applicable to sales to all persons on the same basis and, hence, may be considered to be discriminatory.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at the current offering price described in the prospectus.

Applicants assert, in support of their Application for an exemption from the provisions of section 22(d), that the amounts now being deducted, and which will be deducted in the future because the load charge is level, will be reduced under certain circumstances. Thus, a Participant under a group contract subject to a level-load charge of 5.25 percent for sales and administrative expenses will have his deductions reduced to 2.75 percent after having achieved the second sales-charge tier and thereafter, and, if he qualifies as a member of a group of 1,000 or more employees (as hereinabove described), will have his sales charge dropped immediately to 4.25 percent and thereafter. The owner of an individual contract, subject to a level-load charge of 7.75 percent, will also have his deductions reduced to 6.25 percent after having achieved the second sales-charge tier and thereafter.

Applicants have, accordingly, requested an exemption from the provisions of section 22(d) of the Act in order that they may make the offer of exchange as hereinabove described.

SECTIONS 27(c)(1), 22(e) AND 27(d)

In 1967, the State of Texas directed

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted section 51.358 to prohibit provisions oin a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. Moreover, the opinion further stated that the prohibitions of section

51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificates unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with section 51.358 as it pertains to contracts issued to participants in the Program subsequent to the date of such exemptive order.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney Generals' opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) the limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under contracts to be issued to them. This disclosure will take the form of an appropriate reference in each prospectus to the restrictions on redemption of these contracts, as well as requiring each participant, as a part of the determination that the sale of these contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her contract when it is issued. In addition, Applicants will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 9

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to act in the capacity of employee, officer, director, member of an advisory board, investment adviser, principal underwriter or depositor of any registered investment company if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

On June 20, 1972, International Telephone and Telegraph Corporation ("ITT") and two of its subsidiaries, HVA and Hamilton Management Corporation ("HMC") applied under section 9(c) of the Act for an order exempting them from the provisions of Section 9(a) of the Act. The June 1972 application followed the entry of consent injunctions against ITT and two of its officers in a Commission enforcement action alleging misuse of inside information relating to a material change in the posture of Justice Department antitrust litigation against ITT and also alleging the sale of unregistered securities.[1]

At the time this application was filed, HMC acted as investment adviser and principal underwriter to Hamilton Funds, Inc., Hamilton Growth Fund, Inc., and Hamilton Income Fund, Inc., registered open-end investment companies. HVA (then ITT Variable Annuity Insurance Company) acted as investment adviser and principal underwriter[2] to Hartford (then ITT) Variable Annuity Insurance Company Separate Account. In addition, HMC acted as investment adviser to HVA. As subsidiaries of ITT, HVA and HMC, immediately upon entry of the injunctions referred to above, came within the ambit of section 9(a)(3) of the Act, which section, in pertinent part, prohibits any company which, by reason of any misconduct, is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in any conduct or practice in connection with the purchase or sale of any security, from serving or acting in the capacity of, inter alia, investment adviser, depositor or principal underwriter of any registered investment company. Accordingly, contemporaneously with the entry of the June 1972 injunctions, ITT, HVA and HMC applied under Section 9(c) for an order of exemption and the Commission granted a temporary order of exemption to permit the subsidiaries to continue servicing the funds involved pending the Commission's determination of the application. In January 1973 the Commission upon a request of two intervening parties ordered a hearing on the application.

Hearings on the application by ITT, HVA and HMC continued into 1975. During 1975, however, ITT sold HMC to Oppenheimer Management Corp.; additionally, E. W. Axe Co., Inc. and Axe became

[1] Litigation Release No. 5435.

[2] In 1974, Hartford Equity Sales Company, Inc. ("HESCO"), a wholly owned subsidiary of HVA, became principal underwriter for HVA and Separate Account.

the principal underwriter and investment adviser, respectively, for Separate Account. Thus having terminated its affiliation with the underwriting, depository and investment advisory activities that were subject to the Section 9 proscription, ITT, its subsidiaries, HVA and HESCO, and HMC subsequently withdrew their applications under section 9(c) and accordingly, on November 14, 1975 such proceedings were ordered cancelled. As a result of the withdrawal of the application, the temporary order of exemption previously granted by the Commission terminated.

As noted above, HVA–QP–VA was established by means of a custodian agreement between Axe and HNB.

HVA has entered into an agreement with Axe under the terms of which HVA has agreed that it will assume responsibility for the maintenance of the records that are required to be kept by Axe as depositor under the provisions of section 26(a)(4) of the Act and by Axe as depositor and principal underwriter by the provisions of section 31(a) of the Act and Rules 31a–1 and 31a–2 thereunder.

HVA has also entered into a recordkeeping agreement with HNB under the terms of which HVA has agreed to maintain and preserve on behalf of HNB under section 31(a) of the Act and Rules 31a–1 and 31a–2 thereunder, such accounts, books and other documents as constitute the records forming the basis for financial statements required to be filed pursuant to section 30 of the Act and of the auditors certificates relating thereto.

HVA asserts that it will not receive any compensation from either Axe or HNB or HVA–QP–VA for the performance of these recordkeeping functions except to the extent that the collection of the $10 policy fee charge may be deemed compensation. However, in this respect, Applicants point out that the charge of the custodian for the performance of its services will be paid by HVA.

In connection with the issuance of such variable annuity contracts the insurance laws of Connecticut require that certain records be maintained concerning the purchasers of such contracts, the contracts themselves, the amounts of insurance reserves that must be maintained with respect to such contracts, the annuity options selected by the contract-owners, and the amounts of annuity payments made—such record information and data being necessary to demonstrate the complete business and financial aspects of HVA and for the preparation of the periodic reports which must be filed, from time to time, with the appropriate insurance regulatory authorities. The books and records that Axe as depositor and as principal underwriter is required to keep and maintain with respect to HVA–QP–VA and that HNB would be keeping as custodian of HVA–QP–VA are already being maintained in major part by HVA to satisfy these requirements of state insurance regulations.

The performance of these functions by HVA pursuant to its agreements with Axe and HNB, as well as the performance of administrative and payment processing function by HVA pursuant to requested exemptions from Sections 27(c)(2) and 26(a)(2), could constitute it as the depositor or principal underwriter of HVA–QP–VA. As a subsidiary of ITT, HVA is barred by the provisions of section 9(a) from serving as, inter alia, depositor or principal underwriter of a registered investment company. Accordingly, HVA is requesting an exemptive order under section 9(c) to the extent necessary and pursuant to section 6(c) for exemptions from the provisions of Sections 26(a) and 27(c)(2) to allow it to perform these functions.

Notice is further given that any interested person may, not later than August 15, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above.

Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following August 15, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–21602 Filed 7–26–77;8:45 am]

[Release No. 13789; File No. SR–OCC–77–2]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted by the Options Clearing Corporation ("OCC") To Permit an OCC Clearing Member to Limit its Liability to the OCC Clearing Fund in Accordance With a Revised Procedure

JULY 21, 1977.

In the matter of the Options Clearing Corporation, 5950 Sears Tower, 233 S. Wacker Drive, Chicago, Illinois 60606.

On April 20, 1977, The Options Clearing Corporation ("OCC") submitted, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to permit an OCC clearing member to limit its liability to the OCC clearing fund in accordance with a revised procedure by (i) giving notice of its intent to terminate its clearing membership, (ii) submitting no opening purchase or writing transaction for clearance thereafter, and (iii) closing out or transferring its open positions with OCC as promptly as practicable after the giving of such notice.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 23899, May 11, 1977), and the public was invited to submit comments until June 1, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13504, May 3, 1977. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–OCC–77–2 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–21603 Filed 7–26–77;8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 20, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of hte Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Avis, Inc., File No. 7–4965, Common Stock—$1.00 Par Value.

Upon receipt of a request, on or before August 4, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing

with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-21604 Filed 7-26-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1347]

OHIO

Declaration of Disaster Loan Area

Portage, Richland, and Sandusky Counties and adjacent counties within the State of Ohio constitute a disaster area because of physical damage resulting from high winds, severe storms and a tornado which occurred on June 30, through July 1, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 19, 1977, and for economic injury until the close of business on April 19, 1978, at:

Small Business Administration, District Office, AJC Federal Building, Room 317, Cleveland, Ohio 44199.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 19, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-21520 Filed 7-26-77;8:45 am]

[Declaration of Disaster Loan Area No. 1346]

NEW YORK

Declaration of Disaster Loan Area

The Southwest corner of Prospect Avenue and North Third Avenue, in the City of Mount Vernon in Westchester County, New York, constitutes a disaster area because of damage resulting from a fire which occurred on June 10, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 12, 1977, and for economic injury until the close of business on April 14, 1978 at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, N.Y. 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 14, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-21519 Filed 7-26-77;8:45 am]

[Declaration of Disaster Loan Area No. 1348]

NEW YORK

Declaration of Disaster Loan Area

The five boroughs of New York City and Westchester County and adjacent counties in the State of New York constitute a disaster area because of damage resulting from lightning accompanying severe thunderstorms on the night of July 13–14, 1977, which caused a chain of events leading to the total loss of electrical power in the above-named boroughs, county, and all businesses in the affected areas were interrupted. Widespread civil disorders led to serious looting and vandalism involving an extensive number of business premises, many suffering considerable physical damage to real property, and the loss of all merchandise. Therefore, this declaration is a result of civil disorders in the above-named Boroughs, Westchester County and adjacent counties within the State of New York. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 16, 1977, and for economic injury until the close of business on April 17, 1978, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 15, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-21521 Filed 7-26-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice 558]

CERTAIN FOREIGN PASSPORTS

Validity

Japan is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 375 of January 10, 1973 (38 FR 1224).

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JULY 21, 1977.

[FR Doc.77-21588 Filed 7-26-77;8:45 am]

[Public Notice 557]

CULTURALLY SIGNIFICANT OBJECTS FROM IRELAND

Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the 68 objects described in the list [1] filed as a part of this determination imported from Ireland pursuant to a loan agreement of May 17, 1977 by the Minister of Education of Ireland, the Royal Irish Academy, and Trinity College, Dublin, with Dr. Thomas Hoving, Director of the Metropolitan Museum of Art, for that Museum and other United States Museums, for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects entitled "Treasures of Early Irish Art from 1500 B.C. to 1500 A.D." at the Metropolitan Museum of Art, New York, New York, beginning on or about October 12, 1977 to on or about January 15, 1978; the Fine Arts Museum of San Francisco, San Francisco, California, beginning on or about February 21, 1978, to on or about May 21, 1978; the Museum of Art, Carnegie Institute, Pittsburgh, Pennsylvania, beginning on or about June 28, 1978 to on or about September 24, 1978; the Boston Museum of Fine Arts, Boston, Massachusetts, beginning on or about October 24, 1978 to on or about January 21, 1979; and the Philadelphia Museum of Art, Philadelphia, Pennsylvania, beginning on or about February 26, 1979 to on or about May 27, 1979, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

JOSEPH D. DUFFY,
Assistant Secretary for Educational and Cultural Affairs.

JULY 19, 1977.

[FR Doc.77-21587 Filed 7-26-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER WEARING APPAREL FROM THE REPUBLIC OF CHINA

Preliminary Determination

AGENCY: United States Customs Service.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of the Republic of China has not given benefits which are considered to be bounties or grants on the manufacture, production or exportation of certain leather wearing apparel within the meaning of the Countervailing Duty Law. A final determination will be made

[1] Itemized list of objects included in the Exhibition "Treasures of Early Irish Art: 1500BC–1500AD". List filed as part of original document.

by January 23, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald W. Eiss, Office of Tariff Affairs, United States Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220, telephone 202–566–8256.

On March 7, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 12941). The notice stated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Republic of China upon the manufacture, production or exportation of leather wearing apparel constitute the payment of a bounty or grant, directly or indirectly, within the meaning of section 303 (of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The term "leather wearing apparel" as used in this notice indicates articles classifiable under item 791.76, Tariff Schedules of the United States.

On the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47 (c)), it preliminarily has been determined that the leather wearing apparel industry received benefits under certain programs administered by the Government of the Republic of China but that the benefits bestowed thereunder involve an aggregate amount of eight one-hundredths of one percent (0.08%), considered to be de minimis and do not constitute bounties or grants within the meaning of section 303 of the Act.

The programs under which benefits were paid are:

1. Income tax holidays for newly established firms and firms expanding production facilities, granted under the Statute for Encourage of Investment.
2. Loans at preferential rates of interest for companies producing for export.
3. Exemption from import duties on machinery and equipment imported by firms located in Export Processing Zones for their own use.

It has preliminarily been determined that certain practices of the Government of the Republic of China do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information available.

These practices are:

1. Exemption from the business tax (a gross receipts tax) on export sales.
2. Reduction in the stamp tax on export documents.
3. Refund of individual income taxes on corporate dividends.

It has preliminarily been determined that certain practices of the Government of the Republic of China do no constitute a bounty or grant in that they are either not applicable or have never been utilized by the leather wearing apparel industry. These practices are:

1. A tax incentive for sales promotion abroad, which has not been utilized by the leather wearing apparel industry.
2. Payment by installment of customs duties or exemption from customs duties on imported capital items, which was not utilized by the leather wearing apparel industry.
3. Exemption from a commodity tax for firms operating in the Export Processing Zones.
4. Export risk insurance, which was not utilized by the leather wearing apparel industry in 1976.

Accordingly, it is determined preliminarily that bounties or grants, within the meaning of section 303 of the Act, are not being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of leather wearing apparel from the Republic of China. A final decision in this case is required on or before January 23, 1978.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than August 22, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 14), July 1, 1977, the provisions of the Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47(d) of the Customs Regulations (19 C.F.R. 159.47(d)), insofar as they pertain to the issuance of a countervailing duty notice by the Commissioner of Customs, are hereby waived.

Dated: July 21, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-21529 Filed 7-26-77;8:45 am]

LEATHER WEARING APPAREL FROM ARGENTINA

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Argentina has given benefits which are considered to be bounties or grants on the manufacture or exportation of leather wearing apparel. A final determination will be made by January 21, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229 202–566–5492.

SUPPLEMENTARY INFORMATION: On April 27, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 21530). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Argentina upon the manufacture, production or exportation of leather wearing apparel constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act"). The term "leather wearing apparel" as used in this notice indicates articles classifiable under item 791.76 Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by the Argentine manufacturers/exporters of leather wearing apparel which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to manufacturers and exporters a rebate on export, known as the "reembolso," preferential export financing, an income tax reduction on exports, certain economic development incentives, a drawback of duty on industrial equipment, and export risk insurance allegedly at low rates. Further inqury will be necessary to determine the nature of some of these programs and whether they are utilized by the leather apparel industry.

Programs preliminarily determined not to be bounties or grants within the meaning of the Act include the exemption from the value added tax upon exportation and the duty free entry of materials used in the production of leather wearing apparel for export.

Programs found not to be applicable to the leather wearing apparel manufacturers and exporters include the use of multiple exchange rates and the issuance of tax rebate certificates.

Accordingly, it is determined preliminarily that bounties or grants, within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of leather wearing apparel from Argentina. A final determination in this case is required on or before January 21, 1978.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submission should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW, Washington, D.C. 20229, in time to be received by his office not later than August 26, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 14), July 1, 1977, the provisions of the Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

Dated: July 21, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-21530 Filed 7-26-77;8:45 am]

LEATHER WEARING APPAREL FROM URUGUAY

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Uruguay has given benefits which are considered to be bounties or grants on the manufacture or exportation of leather wearing apparel. A final determination will be made by January 21, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On April 27, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 21531). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Uruguay upon the manufacture, production, or exportation of leather wearing apparel constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47 (c)), it tentatively has been determined that benefits have been received by the Uruguayan manufacturers/exporters of leather wearing apparel which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to maufacturers and exporters tax certificates upon export, income tax reductions on certain export related income, and preferential financing for export.

Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from the value added tax upon exportation, and the rebate of import duties paid on raw materials used in the production of leather wearing apparel to be exported.

Programs found not to be applicable to the leather wearing apparel manufacturers and exporters include government sponsored export credit insurance, a tax holiday for new industries, and benefits for locating within certain free ports and zones.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submission should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than August 26, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: July 21, 1977.
HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77-21531 Filed 7-26-77;8:45 am]

Internal Revenue Service

[Delegation Order No. 165 (Rev. 1)]

DEPUTY COMMISSIONER, ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority to respond to administrative appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552 is extended to the Assistant Commissioner (Technical) in the absence of or at the request of the Deputy Commissioner.

EFECTIVE DATE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Martha Seeman PR:I, 1111 Constitution Avenue NW., Room 3528, Washington, D.C. 20224 (202-566-4273, not toll free).

JACK G. PETRIE,
Director, Internal Management, Documents Division.

DELEGATION ORDER

RESPONSES TO APPEALS FILED PURSUANT TO THE FREEDOM OF INFORMATION ACT, 5 U.S.C. 552 (FOIA)

Date of issue: July 20, 1977.
Effective date: July 20, 1977.

The authority vested in the Commissioner of Internal Revenue by 31 CFR 1.5(h) and Appendix B(4) to respond to administrative appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552, is hereby delegated to the Deputy Commissioner. In the absence of or at the request of the Deputy Commissioner, the Assistant Commissioner (Technical) may exercise this authority in his/her name for the Deputy Commissioner. This authority may not be redelegated.

In addition, the authority vested in the Commissioner by 31 CFR 1.5 (h)-(1) to acknowledge receipt of FOIA appeals and assert mandatory extensions of FOIA appeal time limits is hereby delegated to the Director, Disclosure Division. This authority may be redelegated to the level of Branch Chief, Disclosure Division.

Delegation Order No. 165, issued May 23, 1977, is superseded.

JEROME KURTZ,
Commissioner.

JULY 18, 1977.

[FR Doc.77-21650 Filed 7-26-77;8:45 am]

[Delegation Order No. 11 (Rev. 8)]

REGIONAL COMMISSIONERS, ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to accept or reject offers in compromise is redelegated as set forth in the text of the delegation order which appears below.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. C. McRoy, ACTS:C:T, 1111 Constitution Avenue, NW., Room 7530, Washington, D.C. 20224 (202-566-4323, not toll free).

THOMAS L. DAVIS,
Director, Collection Division.

DELEGATION ORDER

AUTHORITY TO ACCEPT OR REJECT OFFERS IN COMPROMISE

Date of issue: July 25, 1977.
Effective date: July 25, 1977.

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150-36 dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, and Treasury Department Order No. 150-60 dated June 3, 1964, is hereby delegated as follows:

1. Regional Commissioners of Internal Revenue are delegated authority under section 7122 of the Internal Revenue Code, to accept offers in compromise of tax, based solely on doubt as to liability, if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is $100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco, and firearms taxes. The authority delegated herein may not be redelegated.

2. For the Office of International Operations, the Assistant Commissioner (Compliance) is delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise of tax, based solely on doubt as to liability, if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is $100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, to-

bacco and firearms taxes. The authority delegated herein may not be redelegated.

3. The Director, Collection Division is delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise based on doubt as to collectibility and those based on doubt as to both collectibility and liability if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is $100,000 or more. In addition, the Director, Collection Division is delegated authority to accept offers in compromise submitted under section 3469 of the Revised Statutes, as amended (31 U.S.C. 194) insofar as claims arising in the administration of the internal revenue laws are concerned. The authorities delegated herein do not pertain to offers in compromise of liabilities arising under laws related to alcohol, tobacco and firearms taxes. The authorities delegated herein may not be redelegated.

4. District Directors, Assistant District Directors, the Director of International Operations and the Assistant Director of International Operations are delegated authority, under section 7122 of the Internal Code, to accept offers in compromise in cases in which the liability sought to be compromised (including any interest, penalty, additional amount or addition to the tax) is less than $100,000, to accept offers involving specific penalties, and to reject offers in compromise regardless of the amount of the liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated, except that the authority to reject offers in compromise may be redelegated, but not lower than to Division Chief.

5. Service Center Directors and Assistant Service Center Directors are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise limited to penalties based solely on doubt as to liability, if the unpaid liability is less than $100,000, and to reject offers in compromise limited to penalties, regardless of the amount of the liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. This authority may be redelegated, but not lower than to Division Chief.

6. This Order supersedes Delegation Order No. 11 (Rev. 7) issued May 19, 1976.

WILLIAM E. WILLIAMS,
Acting Commissioner.

JUNE 16, 1977.

[FR Doc.77-21649 Filed 7-26-77;8:45 am]

Office of the Secretary

CALCIUM PANTOTHENATE FROM JAPAN

Antidumping; Tentative Determination to Modify or Revoke Dumping Finding

AGENCY: United States Treasury Department.

ACTION: Modification of Finding of Dumping.

SUMMARY: This notice is to advise the public that it appears that Daiichi Seiyaku of Japan is no longer selling calcium pantothenate from Japan at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. In addition, Daiichi Seiyaku has given assurances that future sales will not be at less than fair value. If this action is made final, entries of this merchandise from Daiichi Seiyaku, on or after the effective date of this notice, will no longer be liable for special duties under the Antidumping Act, 1921. Interested persons are invited to make comments.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5492.

A finding of dumping with respect to calcium pantothenate from Japan was published as Treasury Decision 74-34 in the FEDERAL REGISTER of January 17, 1974 (39 FR 2086).

After due investigation, it has been determined tentatively that calcium pantothenate produced and sold by Daiichi Seiyaku Co., Ltd., of Japan, is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that no sales have been made at less than fair value by Daiichi Seiyaku Co., Ltd., since the finding of dumping, and that producer has given assurances that future sales of calcium pantothenate to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to calcium pantothenate from Japan to exclude calcium pantothenate produced and sold by Daiichi Seiyaku Co., Ltd.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than August 8, 1977. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than August 26, 1977.

This notice is published pursuant to § 153.44(c) of the Customs Regulations (19 CFR 153.44(c)).

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

July 21, 1977.

[FR Doc.77-21590 Filed 7-26-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 22, 1977, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building, U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in West Tennessee Business College, 525 East Main Street, Jackson, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 20, 1977.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee.

[FR Doc.77-21589 Filed 7-26-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 445]

ASSIGNMENT OF HEARINGS

JULY 22, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139495 Sub No. 181 National Carriers, Inc. now being assigned October 17, 1977 (1 day) for hearing in Chicago, Illinois in a hearing room to be later designated.

MC 140792 Sub No. 3 Stanley E. Whitehead now being assigned October 18, 1977 (1 day) for hearing in Chicago, Illinois in a hearing room to be later designated.

MC 138144 Sub No. 19 Fred Olson Co., Inc., now being assigned October 19, 1977 (1 day) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 139973 Sub No. 12 J. H. Ware Trucking, Inc., now being assigned October 20, 1977 (2 days) for hearing in Chicago, Illinois in a hearing room to be later designated.

MC 142467 Hugh A. Mitchell, DBA Mitchell Special Emergency Hauling Service, now assigned July 25, 1977 at Jackson, Mississippi is cancelled and reassigned for the 20th day of September, 1977, (4 days) at Jackson, Mississippi in a hearing room to be later designated.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-21655 Filed 7-26-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 140]

CENTRAL OF GEORGIA RAILROAD CO. AND SOUTHERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous long plain gondolas; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars, 61-ft. in length or greater, described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which is 61-ft. in length or greater, which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Central of Georgia Railroad Company
Reporting Marks: CG
Southern Railway Company
Reporting Marks: SOU

Effective August 1, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 18, 1977.

Interstate Commerce Commission,
Joel E. Burns,
Agent.

[FR Doc.77-21658 Filed 7-26-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 139]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Exemptions Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. narrow-door, plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, equipped with doors less than 9-ft. wide; and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

* * * * *

Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Reporting Marks: MILW.
St. Louis-San Francisco Railway Company.
Reporting Marks: SLSF.
Soo Line Railroad Company.
Reporting Marks: SOO.

Effective 11:59 p.m., July 21, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 14, 1977.

Interstate Commerce Commission,
Robert S. Turkington,
Agent.

Note: Burlington Northern, Inc., deleted.

[FR Doc.77-21660 Filed 7-26-77;8:45 am]

[Order No. 33, Under Revised Service Order No. 1252]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Rerouting Traffic

To all railroads: In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Co. is unable to transport traffic over its line between Albia, Iowa, and New Sharon, Iowa, because of fire damage to its bridge two miles south of New Sharon.

It is ordered, That: (a) The Chicago and North Western Transportation Company, being unable to transport traffic over its line between Albia, Iowa, and New Sharon, Iowa, because of fire damage to its bridge two miles south of New Sharon, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even through no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., July 19, 1977.

(g) Expiration date: This order shall expire at 11:59 p.m., August 5, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1977.

Interstate Commerce Commission,
Joel E. Burns,
Agent.

[FR Doc.77-21661 Filed 7-26-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

July 22, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43400—*Various Commodities from Channelview, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-698), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, as described in the application, from Channelview, Tex., to specified points in eastern territory.

Grounds for relief—Market competition.

Tariff—Supplement 292 to Southwestern Freight Bureau, Agent, tariff 355-C, I.C.C. No. 5062. Rates are published to become effective on August 21, 1977.

AGGREGATE OF INTERMEDIATES

FSA No. 43401—*Carbolic Acid (Phenol) from Channelview, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-699), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from Channelview, Tex., to Cincinnati, Ohio.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 292 to Southwestern Freight Bureau, Agent, tariff 355-C, I.C.C. No. 5062. Rates are published to become effective on August 21, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-21657 Filed 7-26-77;8:45 am]

IRREGULAR ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JULY 22, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E139), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles, hardware, and building materials, equipment, and supplies*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in Morris County, N.J., to points in that part of Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending south along Connecticut Highway 198 to junction unnumbered road near Phoenixville, thence along said unnumbered road to junction Connecticut Highway 97, thence along Connecticut Highway 97 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction unnumbered road west of Connecticut Highway 164, thence along said unnumbered road to Connecticut Highway 27, and thence along Connecticut Highway 27 to the shore of the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corp. at Woodbridge, N.J.

No. MC 8973 (Sub-No. E194) (correction), filed December 17, 1976, published in the FEDERAL REGISTER issue of July 6, 1977, and republished, as corrected, this issue. Applicant: METROPOLITANT TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending south along Connecticut Highway 8 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 219, thence along Connecticut Highway 219 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction Connecticut Highway 179, thence along Connecticut Highway 179 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 69, thence along Connecticut Highway 69 to junction Connecticut Highway 15, thence along Connecticut Highway 15 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to Shore of Long Island Connecticut. The purpose of this filing is to eliminate the gateway of the facilities of Colorite Plastic Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

NOTE.—The purpose of this correction is to include the second portion of the letter notice which was omitted in the July 6, 1977, publication.

No. MC 40215 (Sub-No. E6), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Street, Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) From points in Colorado on and east of a line beginning at the Colorado-New Mexico State line, and extending along Colorado Highway 389 to junction U.S. Highway 160, to junction Colorado Highway 109, to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 87, thence north along U.S. Highway 87 to the Colorado-Wyoming State line, to points in California on and south of a line beginning at the California-Arizona State line, and extending along Interstate Highway 8, thence west along Interstate Highway 8 to the Pacific Ocean; (B) from points in Colorado on and east of a line beginning at the Colorado-New Mexico State line, and extending along Colorado Highway 389 to junction U.S. Highway 160, to junction Colorado Highway 109, to junction U.S. Highway 50, to junction Colorado Highway 71, to junction Interstate Highway 70, thence east along Interstate Highway 70 to the Kansas-Colorado State line, to points in California; (C) from points in Colorado on and east of a line beginning at the Colorado-New Mexico State line and extending north along Colorado Highway 389 to junction U.S. Highway 160, to junction Colorado Highway 109, thence north on Colorado Highway 109 to the junction of U.S. Highway 50, to the Colorado-Kansas State line to points in Idaho on and north of a line beginning at the Oregon-Idaho State line, and extending east along Idaho Highway 19 to junction Idaho Highway 55, thence north along Idaho Highway 55 to junction Idaho Highway 21, thence east along Idaho Highway 21 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction Idaho Highway 28, thence east along Idaho Highway 28 to the Idaho-Montana State line; (D) from points in Colorado on and east of a line beginning at the Wyoming-Colorado state line, and extending along the Colorado Highway 71 to junction Interstate Highway 70, thence east along Interstate Highway 70 to the Colorado-Kansas State line, to points in Arizona on and west of a line beginning at the international boundary line between United States and Mexico, and extending north along U.S. Highway 89, to junction Interstate Highway 10, thence west along Interstate Highway 10 to the Arizona-California State line. The purpose of this filing is to eliminate the gateway of Coolidge, Kans.

No. MC 40215 (Sub-No. E24) (partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 26, 1977, and partially republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James

F. Flint, Ephraim & Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (8)(A) From points in Ohio to points in Nebraska on and north and west of a line beginning at the Nebraska-Kansas State line, and extending north along U.S. Highway 77, to junction Nebraska Highway 79, thence north along Nebraska Highway 79 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Nebraska Highway 22, thence north along Nebraska Highway 22 to junction Nebraska Highway 70, thence west along Nebraska Highway 70 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Nebraska-South Dakota State line; (B) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending east along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Nebraska. The purpose of this filing is to eliminate the gateway of points in Kansas. The purpose of this partial republication is to correct the highway description. The remainder of this letter-notice remains as previously published.

No. MC 40215 (Sub-No. E31) (correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 26, 1977, and partially corrected, as published, this issue. Applicant: RICHARDSON & TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim & Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (9) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending southeast along Virginia Highway 39 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina State line, to points in Nebraska. (14)(A) From points in Virginia on and west of a line beginning at the Virginia-West Virginia State line, and extending south along U.S. Highway 52 to the Virginia-North Carolina State line, to points in Texas on and north and west of a line beginning at the Texas-Oklahoma State line and extending west along U.S. Highway 66 to junction U.S. Highway 385, at Vega, Tex.; thence south along U.S. Highway 385 to junction Texas Highway 115, thence southwest along Texas Highway 115 to junction U.S. Highway 80, thence west along U.S. Highway 80 to junction Texas Highway 17, thence south along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the international boundary between United States and Mexico. The purpose of this filing is to eliminate the gateways of points in Ohio and Kansas. The purpose of this partial correction is to correct the territory description. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E981), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Preston and Tucker Counties, W. Va., and those points in Pendleton County, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in New York, except points in Cattaraugus, Chautauqua, and Erie Counties; (B) between points in New York, except points in Cattaraugus, Chautauqua, and Erie Counties, on the one hand, and, on the other, points in Preston and Tucker Counties, W. Va., and those points in Pendleton County, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E982), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Brooke and Hancock Counties, W. Va., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, and extending along Pennsylvania Highway 449, to junction Pennsylvania Highway 49, to junction Pennsylvania Highway 44, to junction U.S. Highway 6, to junction Pennsylvania Highway 872, to junction Pennsylvania Highway 120, to junction Pennsylvania Highway 144, to junction Pennsylvania Highway 879, to junction U.S. Highway 219, to junction Pennsylvania Highway 286, to junction U.S. Highway 119, to the Pennsylvania-West Virginia line; (B) between points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York state line and extending along Pennsylvania Highway 449, to junction Pennsylvania Highway 49, to junction Pennsylvania Highway 44, to junction U.S. Highway 6, to junction Pennsylvania Highway 872, to junction Pennsylvania Highway 120, to junction Pennsylvania Highway 144, to junction Pennsylvania Highway 879, to junction U.S. Highway 219, to junction Pennsylvania Highway 286, to junction U.S. Highway 119, to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E983), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Ohio County, W. Va., on the one hand, and, on the other, points in Pennsylvania on and east and north of a line beginning at the Pennsylvania-West Virginia State line and extending along U. S. Highway 22, to junction Interstate Highway 76, to junction Pennsylvania Highway 160, to the Pennsylvania-Maryland State line; (B) between points in Pennsylvania on and east and north of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 22, to junction Interstate Highway 76 to junction Pennsylvania Highway 160, to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Ohio County, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E984), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Braxton, Calhoun, Clay, Doddridge, Gilmer, Jackson, Marshall, Mason, Nicholas, Pleasants, Ritchie, Roane, Tyler, Wetzel, Wirt, and Wood Counties, W. Va., and those points within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Pennsylvania on and east and north of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 22 to junction Pennsylvania Highway 56, to junction Interstate Highway 70, to the Pennsylvania-Maryland State line; (B) between points in Pennsylvania on and east and north of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 22, to junction Pennsylvania Highway 56, to junction Interstate Highway 70, to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Braxton, Calhoun, Doddridge, Gilmer, Marshall, Pleasants, Ritchie, Tyler, Wetzel, Wirt, and Wood Counties, W. Va., and those points in Clay, Jackson, Mason, Nicholas, and Roane Counties, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E985), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Barbour, Harrison, Lewis, Marion, Monongalia, Taylor, Upshur Counties, W. Va. and points in Webster County, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Pennsylvania on and north and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219, to junction U.S. Highway 6, to junction Pennsylvania Highway 66, to junction Pennsylvania Highway 68 to the Pennsylvania-West Virginia State line, and, points on and east and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction U.S. Highway 6, to junction Pennsylvania Highway 309, to the Pennsylvania Turnpike, to junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line; (b) between points in Pennsylvania on and north and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 210, to junction U.S. Highway 6, to junction Pennsylvania Highway 66, to junction Pennsylvania Highway 68 to the Pennsylvania-West Virginia State line, and, points on and east and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction U.S. Highway 6, to junction Pennsylvania Highway 309, to the Pennsylvania Turnpike, to junction with Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Barbour, Harrison, Lewis, Marion, Monongalia, Taylor, and Upshur Counties, W. Va., and points in Webster County, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E986), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between points in Preston and Tucker Counties, W. Va., and those points in Randolph County, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Pennsylvania on and north and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219, to junction Pennsylvania Highway 770, thence along Pennsylvania Highway 770 to junction Pennsylvania Highway 59, to junction Pennsylvania Highway 337, to junction U.S. Highway 62, to junction Pennsylvania Highway 8, to junction Pennsylvania Highway 108, to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Pennsylvania Highway 68, to the Pennsylvania-West Virginia State line. (B) Between points in Pennsylvania on and north and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219, to junction Pennsylvania Highway 770, thence along Pennsylvania Highway 770 to junction Pennsylvania Highway 59, to junction Pennsylvania Highway 337, to junction U.S. Highway 62, to junction Pennsylvania Highway 8, to junction Pennsylvania Highway 108, to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Pennsylvania Highway 68 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in Preston and Tucker Counties, W. Va., and those points in Randolph County, W. Va., within 125 miles of Wellsburg, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E987), filed May 13, 1974. Applicant: RAY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Armstrong, Beaver, Butler, Clarion, Crawford, Forest, Indiana, Jefferson, Lawrence, Mercer, and Venango, Counties, Pa., and those points in Clearfield, Elk, Erie and Warren Counties, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marshall, Mason, Mercer, Mingo, Monroe, Nicholas, Ohio, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E988), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Jackson , Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Webster, Wirt, Wood, Wyoming, and Cabell Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W.Va.

No. MC 61825 (Sub-No. E989), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Cambria County, Pa., and points in Blair County, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Boone, Brooke, Cabell, Calhoun, Doddridge, Hancock, Jackson, Kanawha, Lincoln, Logan, McDowell, Marshall, Mason, Mingo, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming Counties, W. Va. The purpose of this filing is to eliminate the gateway of Cokestown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E990), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Somerset and Westmoreland Counties, Pa., and those points in Bedford County, W. Va., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Brooke, Hancock and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E991), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Fayette, Greene, and Washington Counties, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E992), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Beaver County, Pa., on the one hand, and, on the other, points in New York

on and east of a line beginning at the New York-Pennsylvania State line, and extending along Interstate Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E993), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in New York on and east and south of a line beginning at the New York-New Jersey State line, and extending along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E994), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Butler County, Pa., on the one hand, and, on the other, points in New York on and south of a line beginning at the New York-New Jersey State line and extending along Interstate Highway 84, and thence along Interstate Highway 84 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E995), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Allegheny and Westmoreland Counties, Pa., on the one hand, and, on the other, points in New York on and north of a line beginning at Lake Ontario and extending along New York Highway 3 and 3-A to Saranac Lake, New York, thence along New York Highway 86 to junction New York Highway 9-N to Lake Champlain. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E996), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Allegheny, Fayette, Somerset and Washington Counties, Pa., and points in Bedford County, within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Ohio except points in Belmont and Jefferson Counties. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E997), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Cambria, Indiana, and Westmoreland Counties, Pa., and those points in Blair County, Pa., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Ohio except points in Belmont, Columbiana, Jefferson, Mahoning, and Trumbull Counties. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E998), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Greene County, Pa., on the one hand, and, on the other, points in Ohio except points in Belmont, Guernsey, Harrison, Jefferson, Noble, Washington, Monroe Counties. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. 61825 (Sub-No. E999), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385 Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Beaver, Butler, Armstrong, and Lawrence Counties, Pa., on the one hand, and, on the other, points in Ohio except points in Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Erie, Geauga, Hancock, Harrison, Holmes, Jefferson, Lake, Lorain, Lucas, Mahoning, Median, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Wayne, Wood, and Wyandot Counties. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E1000), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Clarion, Forest, Jefferson, Mercer, and Venango Counties, Pa., on the one hand, and, on the other, points in Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingham, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington, Counties, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. 61825 (Sub-No. E1001), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Crawford and Erie Counties, Pa., and those points in Warren County, within 125 miles of Wellsburg, W. Va. on the one hand, and, on the other, points in Adams, Athens, Belmont, Brown, Butler, Clermont, Clinton, Fairfield, Fayette, Gallia, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

No. MC 104149 (Sub-No. E1) (Partial correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of January 19, 1976, and republished as corrected, this issue. Applicant: OSBORNE TRUCK LINE, INC., 518 North 31st, Birmingham, Ala. Applicant's representative: William P. Jackson, 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (14) *Iron and Steel products* (except in bulk), the transportation of which, because of size or weight, requires the use of special equipment, in minimum shipments of 10,000 pounds: (d) between points in Louisiana on, south, and east of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 51 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to junction Louisiana Highway 37, thence along Louisiana

Highway 37 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi River, thence along the eastern shore of the Mississippi River to the Gulf of Mexico, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 41. (*Birmingham, Ala.; and the plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.). The purpose of this filing is to eliminate the gateways indicated by asterisks.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 108341 (Sub-No. E14), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* and *glass glazing units*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and commodities which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, (A) from those points in Virginia on and east of a line beginning at the Virginia-West Virginia state line, and extending along U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina state line, to points in Louisiana, Mississippi (except points north of U.S. Highway 82), New Mexico and Texas; (B) from those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 501 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Alabama (except points north of U.S. Highway 82, Arkansas, Colorado, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wyoming. The purpose of this filing is to eliminate the gateway of Clinton and Laurinburg, N.C.

No. MC 108676 (Sub-No. E12), filed June 4, 1974. (Part I, Sec. S). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, consisting of *contractors' equipment and coal and coke mining equipment, Iron and steel articles*, consisting of *construction equipment, and parts, accessories and attachments*, therefor (not including contractors' equipment), *maintenance equipment, and part, accessories and attachments*, therefor (not including contractors' equipment), *power distribution equipment, and parts, accessories and attachments* therefor (not including contractors' equipment), and *plant equipment, and parts accessories and attachments* therefor (not including contractors' equipment). *Iron and steel articles*, consisting of *sign, sign poles and parts and accessories*. (Sec. S) (1) Between points in Kentucky in or west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Barren, and Monroe Counties, and in or south of Cumberland and Clinton Counties, on the one hand, and, on the other, points in Tennessee in or east of Hawkins, Grainger, Knox, and Blount Counties. (2) Between points in Kentucky in or west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Warren, and Allen Counties, on the one hand, and, on the other, points in Tennessee in or east of Hancock, Grainger, Union, Anderson, Knox, and Blount Counties. (3) Between points in Trimble, Henry, Franklin, Anderson, Washington, Marion, Nelson, Bullitt, Jefferson, Oldham, Shelby, and Spencer Counties and in or west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Calloway Counties, Ky., on the one hand, and, on the other, Bristol, Tenn., and points east of Bristol, Tenn., in Sullivan County and points in or south of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, and Anderson Counties, and in or east of Loudon, McMinn, and Monroe Counties. (4) Between points in Franklin, Owen, Gallatin, Carroll, Trimble, and Henry Counties, Ky., on the one hand, and, on the other, Bristol, Tenn., and points east of Bristol, Tenn., in Sullivan County and points in or south of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, and Anderson Counties and in or east of Roane, Meigs, and Hamilton Counties. (5) Between points in Jefferson County and in or west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Callaway Counties, Ky., on the one hand, and, on the other, points in Tennessee in or south of Johnson, Sullivan, Washington, Greene, Hamblen, Jefferson, Knox, and Anderson Counties and in or east of Loudon, McMinn, and Monroe Counties.

(6) Between points in or east of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Pulaski, and McCreary Counties, Ky., on the one hand, and, on the other, points in Tennessee in Knox, Blount, Monroe, McMinn, and Loudon Counties. (7) Between points in Fayette County, Ky., on the one hand, and, on the other, points in Tennessee in or south of Unicoi, Washington, Greene, Hamblen, Jefferson, Knox, and Anderson Counties, and in or east of Roane, Meigs, and Hamilton Counties. (8) Between points in or east of Boyd, Lawrence, Elliott, Morgan, Wolfe, Lee, Jackson, Laurel, and Whitley Counties, Ky., on the one hand, and, on the other, points in Tennessee in Shelby, Knox, Sevier, Blount, Monroe, McMinn, and Loudon Counties. (9) Between points in Mason, Lewis, Greenup, Carter, and Boyd Counties, Ky., on the one hand, and, on the other, points in Tennessee in or south of Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, Bledsoe, Sequatchie, Grundy, and Coffee Counties, and in or east of Franklin County. (10) Between points in or south of Pike, Floyd, MaGoffin, Breathitt, Owsley, and Jackson Counties, and in or east of Laurel and Whitley Counties, Ky., on the one hand, and, on the other, points in Tennessee in or south of Blount, Knox, Roane, Cumberland, Van Buren, and Warren Counties, and in or east of Coffee and Franklin Counties, and in Tipton, Haywood, Madison, Hardeman, Fayette, and Shelby Counties. (11) Between points in Boyd County, Ky., on the one hand, and, on the other, points in Tennessee located in Shelby County and in or south of Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, and Van Buren Counties and in or east of Warren, Grundy, and Marion Counties. (12) Between points in or south of Pike, Floyd, Magoffin, and Breathitt Counties, Ky., and in or east of Perry, Leslie, and Bell Counties, on the one hand, and, on the other, points in Tennessee in or south of Blount, Knox, Anderson, Roane, Cumberland, White, Dekalb, Cannon, Rutherford, Marshall, Maury, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties. (13) Between points in Pike, Knott, Perry, Leslie, Bell, Harlan, and Letcher Counties, Ky., on the one hand, and, on the other, points in Tennessee in or south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, Dekalb, Wilson, Davidson, Williamson, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties. (14) Between points in Harlan and Bell Counties, Ky., on the one hand, and, on the other, points in Tennessee in or south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, Dekalb, Wilson, Davidson, Cheatham, Montgomery, Stewart, Henry, Weakley, Obion, and Lake Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 111785 (Sub-No. E1) (partial correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of April 29, 1975, and republished, as corrected, this issue. Applicant: BURNS MOTOR FREIGHT, INC., Rural Free Delivery No. 1, U.S. Highway 219 No., P.O. Box 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (5) *Lumber*, except plywood and veneer, from points in Highland County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, those points in North Carolina on and east of U.S. Highway 301, and points in Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, and Transylvania Counties, N.C., Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Wisconsin, Ohio, and points in West Virginia (except those in and east of Monongalia, Marion, Harrison, Doddridge, Lewis, Webster, and Pocahontas Counties (Marlinton, W. Va.) The purpose

of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this partial correction is to state the correct the origin territory in Part (5) above. The remainder of this letter-notice remains as previously published.

By the Commission,

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-21654 Filed 7-26-77;8:45 am]

[Notice No. 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 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 filings 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 shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 397TA), filed July 7, 1977. Applicant: DEANTON, INC., P.O. Box 938, 317 Avenue W., Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Attorney at Law, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Charcoal briquettes and charcoal pellets*, from Pachuta, Mississippi, to points in Alabama, Florida, Georgia, South Carolina and Tennessee, for 180 days. Supporting shippers: Masonite Corporation, Charcoal Division, P.O. Box 5534, Meridian, Miss. 39301. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 12361 (Sub-No. 5TA), filed June 30, 1977. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Road, East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between DuQuoin, Ill., on the one hand, and, on the other, points in Posey, Vanderburgh and Warrick Counties, Ind., and Henderson, Daviess, Union and Webster Counties, Ky., for 180 days. Supporting shipper: Bobbie C. Gossett, Delivery Supervisor, DuQuoin Packing Company, East Cole Street, DuQuoin, Ill. 62832. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 56679 (Sub-No. 95TA), filed July 6, 1977. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315. Applicant's representative: John T. Coon, Director of Commerce, 352 University Avenue SW., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Frozen foodstuffs* and/or *frozen foodstuffs* when in mixed shipments with foodstuffs, not frozen, from Dade City, Fla. to Virginia, Maryland, Delaware, District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Lykes Pasco Packing Company, P.O. Box 97, North Hwy. 301, Dade City, Fla. 33525. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 546, Atlanta, Ga. 30309.

No. MC 96938 (Sub-No. 8TA), filed July 1, 1977. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 N. St., Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles); and buildings, in sections, mounted on wheeled undercarriages (except prefabricated buildings) in secondary movements, in truckaway service; from points in Oklahoma to points in Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately six (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106674 (Sub-No. 242TA), filed July 6, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, Gypsum Products and Building Materials* (excluding commodities in bulk), from Gypsum, Ohio, to points in Indiana, Kentucky, Michigan and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: U.S. Gypsum Company, 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 106674 (Sub-No. 243TA), filed July 7, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Glass containers*, from plant and warehouse facilities of Midland Glass Company, Inc. at or near Warner Robins, Ga., to the facilities of Anheuser-Busch, Inc. at or near Williamsburg, Va., for 180 days. Supporting shippers: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 111729 (Sub-No. 705TA), (Correction) filed June 7, 1977, published in the FEDERAL REGISTER issue of July 6, 1977, and republished as corrected this issue. 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: *Business papers, records, and audit and accounting media of all kinds*, between Brattleboro, Vt., and W. Bridgewater, Mass., for 180 days. Supporting shipper(s): Mammoth Mart, Inc., 321 Manley Street, W. Bridgewater, Mass. 02379. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to indicate Bridgewater, Mass., in lieu of Bridgewater, Maine, as was previously published in error.

No. MC 112184 (Sub-No. 55TA), filed July 7, 1977. Applicant: The Manfredi Motor Transit Company, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gasoline additives*, in bulk, in tank vehicles, from East Liverpool, Ohio, to (1) ports of entry on the International Boundary Line between the United States and Canada which lie between Buffalo and Youngstown, N.Y., including Buffalo and Youngstown, N.Y., for furtherance to the province of Ontario, Canada, and (2) Painesville, Ohio. Restricted to traffic having a prior movement by water and, further restricted to service provided under a continuing contract, or contracts, with Lubrizol Corporation, for 180 days. Supporting shippers: Lubrizol Corporation, 294000 Lakeland Boulevard, Wickliffe, Ohio 44092. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 112963 (Sub-No. 67TA), Applicant: Roy Bros., Inc., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, Mass. 01866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in rubber lined tank vehicles, from Orrington, Maine to points in Connecticut, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shippers: International Minerals and Chemical Corp., 501 East Lange Street, Mundeleim, Ill. 60060. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 113528 (Sub-No. 33TA), filed July 6, 1977. Applicant: Mercury Freight Lines, Inc., P.O. Box 1247, Mobile, AL 36601. Appicant's representative: Joy Stephenson, Traffic Manager, Same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, plywood, including particleboard and paneling*, from the facilities of Vanply, Inc., at or near Many, La., to points in Alabama, Georgia, North Carolina, South Carolina, with no transportation for compensation on return except as otherwise authorized, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Vanply, Inc., McDonald Drive, Many, La. 71449. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

No. MC 113828 (Sub-No. 246TA), filed July 8, 1977. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, American Building, Suite 500, 1320 Fenwick Lane, Silver Spring, Md. 20910, and Michael A. Grimm, P.O. Box 30006, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Botetourt County, Va., to points in Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lone Star Cement Inc., 15 Koger Executive Center, Norfolk, Va. 23502. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 113908 (Sub-No. 402TA), filed June 30, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils, tallow, and blends thereof*, in bulk, from Marshall, Mo. to Tracy, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Doane Products Company, Joplin, Mo. (P.O. Box 879). Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, BOp. 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 404TA), filed July 1, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S. Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, in bulk, from Farmington, Minn. and Lebanon and Springfield, Mo., to Atlanta, Ga. and Hutchinson, Kan. and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Mid-America Dairymen, Inc., P.O. Box 1837 S.S.S., Springfield, Mo. 65805. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115162 (Sub-No. 372TA), filed July 7, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of Champion International Corporation at or near Oxford, Miss., to points in the States of Kansas, Nebraska, Arkansas, Oklahoma and Texas, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 115311 (Sub-No. 231TA), filed July 7, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled compounds and accessories and materials*, used in the installation thereof, (except in bulk), from the plant site and storage facilities of Elk Corporation at or near Stephens and Camden, Ark., to points in Alabama, Louisiana, Mississippi, Tennessee, Texas, Oklahoma, Kentucky, and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Elk Corporation, Box 37, Stephens, Ark. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 300, Atlanta, Ga. 30309.

No. MC 115311 (Sub-No. 232TA), filed July 7, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from Latrobe, PA to points in Fla, for 180 days. Supporting shippers: Southland Dist., 4545 Dale Mabry, St. Petersburg, Fla. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 300, Atlanta Ga. 30309.

No. MC 115496 (Sub-No. 55TA), filed July 7, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Wirgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and panels*, from the facilities of Masonite Corporation at or near Meridian, Miss., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Corporation, P.O. Box 5777, Meridian, Miss. 39301. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm 300, Atlanta, Ga. 30309.

No. MC 115904 (Sub-No. 77TA), filed July 7, 1977. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Miss Irene Warr, Attorney at Law, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the facilities of PPG Industries, Inc., located at or near Wichita Falls, Tex. to points in California, for 180 days. Applicant does not intend to tack authority or interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 837234.

No. MC 118989 (Sub-No. 161TA), filed July 6, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Rolland Draves (Same as Above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, with or without metal ends, with mechanical conveyor equipment from the plantsite of Boise Cascade Corporation at or near Whiting, Ind. to Cincinnati, Ohio, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707, (David W. Berg). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119917 (Sub-No. 43TA), filed July 7, 1977. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Ga. 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and racks and trays* used in the transportation of bakery products, between the plantsites and shipping facilities of Flowers Industries, Incorporated, and its subsidiaries and affiliates in VA, on the one hand, and the plantsites and shipping facilities of Flowers Industries, and its subsidiaries and affiliates in NC, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Flowers Baking Company, P.O. Box 5665, Norfolk, Va. 23516. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, Ga. 30309.

No. MC 121664 (Sub-No. 21TA), filed July 6, 1977. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, a partnership, doing business as HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: W. E. Grant, 1702 First Avenue, South, Birmingham, Ala. 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Greenville, Ga., to points in Alabama, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Woodkraft-Wood Products Division of Georgia Kraft, P.O. Box 2489, Peachtree City, Ga. 30269. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 123048 (Sub-No. 358TA), filed June 27, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders*, (2) *accessories, attachments and parts for motor graders*, from the Ports of Entry at the United States/Canada Boundary Line at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in the states of Alabama, Arkansas, Florida, Geoargia, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dominion Road Machinery Corporation, 2015 Alsop Lane, P.O. Box 1422, Owensboro, Ky. 42301, (James N. Holeman, Jr.). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 123048 (Sub-No. 359TA), filed July 7, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 19, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition Board*, from the facilities of Champion International Corporation near Oxford, Miss., to points in Arkansas, Kansas, Nebraska, Oklahoma and Texas, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020, (Thomas A. Egner, Jr., Assistant Supervisor). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 123405 (Sub-No. 53TA), filed June 30, 1977. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper*, in rolls, from the plantsite and shipping facilities of Bowater Southern Paper Corp., at Calhoun, Tenn., to points in Maryland, New Jersey, New York and Pennsylvania. Restricted to traffic originating at and destined to the above-named origins and destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowater Southern Paper Corp., Calhoun, Tenn. Send protests to: Challes F. Myers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 126118 (Sub-No. 47TA), filed July 7, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Louisville, Ky., and Detroit, Mich., and their commercial zones, to Rowan County, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ben Merrill, President, Merrill Wholesale Co., Box 1023, Salisbury, N.C. 28144. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 127840 (Sub-No. 54TA), filed July 8, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends thereof*, in bulk in tank trailers, from Fort Worth, Tex., to points in Texas having a prior movement by rail. (K.M.), for 180 days. Supporting shippers: A.E. Staley Manufacturing Co., R. L. Lighthall, Asst. to Director Corporate Transportation, 2200 East Eldorado St., Decatur, Ill. 62525. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 128112 (Sub-No. 9TA), filed July 7, 1977. Applicant: STATE TRANSPORT COMPANY, P.O. Box 1022, Corvallis, Oreg. 97330. Applicant's representative: Nick I. Goyak, Attorney at Law, 1 S. W. Columbia, Portland, Oreg. 97258. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *sand* from Valley, Wash. to the plant site of Evans

Products Company at or near Corvallis, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Evans Products Co., 1120 S. E. Crystal Lake Drive, Corvallis, Oreg. 97330. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, Oreg. 97204.

No. MC 134734 (Sub-No. 34TA) (Partial correction), filed June 10, 1977, published in the FEDERAL REGISTER issue of July 13, 1977, and republished as corrected this issue. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 N. LaSalle St., Chicago, Ill. 60602. Note: The purpose of this partial republication is to indicate: Send protests to: Carroll Rusell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102. The rest of the application remains the same.

No. MC 135170 (Sub-No. 20TA) (Correction) filed June 6, 1977, published in the FEDERAL REGISTER issue of June 22, 1977, and republished as corrected this issue. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Franklin, Va., to Baltimore, Cockeysville, Glen Burnie, Finksburg and Frederick, Md., and Philadelphia, and Allentown, Pa., under a continuing contract or contracts with Apollo Plastics, Inc., for 180 days Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. O. D. Griffin, Vice President/Plant Manager, Apollo Plastics, Inc., P.O. Box 621, Franklin, Va. 23851. Send protests to: Mr. William L. Huges, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201. The purpose of this republication is to indicate the correct spelling of Glen Burnie, in lieu of Glen Gurnie and Frederick in lieu of Federick, Md. as was previously published in error.

No. MC 135797 (Sub-No. 72TA) (Partial Correction), filed May 2, 1977, published in the FEDERAL REGISTER issue of June 20, 1977, and republished as corrected this issue. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark 72756.

NOTE.—The purpose of this partial republication is to add the rest of the District Supervisor address: "Office Building, 700 West Capitol, Little Rock, Ark. 72201", that was previously omitted. The rest of the application remains the same.

No. MC 136275 (Sub-No. 23TA), filed July 5, 1977. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Drive, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, reinforcement steel and fabricated steel*, between points and places in El Paso County, Tex., on the one hand, and points and places in the state of New Mexico, on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Border Steel Rolling Mills, Inc., P.O. Box 12843, El Paso, Tex. 79912. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 136545 (Sub-No. 10TA) (Correction), filed June 20, 1977, published in the FEDERAL REGISTER issue of July 8, 1977, and republished as corrected this issue. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 1109 Railroad St., P.O. Box 95, Prentice, Wis. 54556. Applicant's representative: Richard A. Westley, 4506 Regent St., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable log splitters and portable wheel crushers*, from the plantsite of the La Font Corporation at or near Prentice, Wis., to points in the United States (except Alaska, Hawaii, Minnesota, and Wisconsin), for 180 days. Supporting shipper: La Font Corporation, 1319 Town Street, Prentice, Wis. 54556. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703. The purpose of this republication is to complete the commodity description.

No. MC 139294 (Sub-No. 2TA), filed July 6, 1977. Applicant: H. T. L., INC., P.O. Box 122, Fairfield, Ala. 35064. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particleboard*, from the plant and warehouse facilities of McMillan Bloedel, Inc., at Pine Hill and Opelika, Ala., to points in Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Virginia, West Virginia, Kentucky and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel, Inc., 1250 Brown Marx Building, Birmingham, Ala. 35203. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 140678 (Sub-No. 1TA) (Correction), filed June 1, 1977 published in the FEDERAL REGISTER issue of June 20, 1977, and republished as corrected this issue. Applicant: ROBERT PATRICK McCARTHY, doing business as TRICO, P.O. Box 1319, Tulare, Calif. 93274. Applicant's representative: Randall M. Faccinton, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, dry in bulk, in hopper type vehicles or self-unloading vehicles, from Lathrop, Calif., to points in the states of Washington and Idaho, under a continuing contract, or contracts, with Occidental Chemical Company for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Occidental Chemical Company, P.O. Box 198, Lathrop, Calif. 95330. North Pacific Trading Company, P.O. Box 3915, Portland, Oreg. 97208. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. The purpose of this republication is to add the rest of carrier's name TRICO that was previously omitted and to indicate the state of Idaho in lieu of Indiana.

No. MC 141245 (Sub-No. 1TA), filed July 8, 1977. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington, Vt. 05401. Applicant's representative: Rea, Cross & Knebel, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from the facilities of the Joseph Schlitz Brewing Co. at or near Syracuse, N.Y., to Bennington, Rutland, and White River, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. E. Campbell, Inc., 217 BenMont Avenue, Bennington, Vt. 05201; Green Mountain Distributing Corp., First Street, Rutland, Vt. 05701; Twin State Fruit Corp., Railroad Row, White River Jct, Vt. 05001. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 141485 (Sub-No. 3TA), filed June 23, 1977. Applicant: CLIFFORD RAY RUTLAND, doing business as Cliff Rutland Trucking, Rural Route No. 1, Independence, Kans. 67301. Applicant's representative: Laurel D. McClellan, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Feed ingredients* (except in bulk), from Van Buren and Jonesboro, Ark., Quincy, Ill., Cedar Rapids, Iowa, Louisville, Ky., and Ft. Worth, Tex., to Republic, Billings, Crane, Bois De Arc, Ash Grove, Ozark, Springfield, Mountain Grove, Golden, Mansfield, Ava, Carthage, Neosho, Marionville, Lebanon, Marshfield, West Plains, Hartville, Bolivar, Buffalo, Nixa,

and Joplin, Mo., and Springdale, Bentonville, and Decatur, Ark.; and (B) *feed ingredients* (except in bulk), from Hutchinson and Pittsburg, Kans., Danville, Springfield, and Decatur, Ill., and Stuttgart, Ark., to Billings, Crane, Bois De Arc, Ash Grove, Ozark, Springfield, Mountain Grove, Golden, Mansfield, Ava, Carthage, Neosho, Marionville, Lebanon, Marshfield, West Plains, Hartville, Bolivar, Buffalo, Nixa, and Joplin, Mo., and Springdale, Bentonville, and Decatur, Ark.; and (C) *feed bags*, from Memphis, Tenn., to Billings, Mo., under a continuing contract or contracts with American Agri Products, Inc., of Republic, Mo.; (2) (A) *Horse feeds* (except in bulk) from Ava and Republic, Mo., Parsons, Kans., Washington, Okla., and Denver, Colo., to points in Arkansas and Ohio; and (B) *horse feed ingredients* (except in bulk), from Van Buren and Jonesboro, Ark., Quincy, Ill., Cedar Rapids, Iowa, and Louisville, Ky., to Republic, Billings, Crane, Bois De Arc, Ash Grove, Ozark, Springfield, Mountain Grove, Golden, Mansfield, Ava, Carthage, Neosho, Marionville, Lebanon, Marshfield, West Plains, Hartville, Bolivar, Buffalo, Nixa, and Joplin, Mo., and Springdale, Bentonville, and Decatur, Ark.; and (C) *horse feed ingredients* (except in bulk), from Hutchinson and Pittsbirg, Kans., Danville, Springfield, and Decatur, Ill., and Stuttgart, Ark., to Billings, Crane, Bois De Arc, Ash Grove, Ozark, Springfield, Mountain Grove, Golden, Mansfield, Ava, Carthage, Neosho, Marionville, Lebonon, Marshfield, West Plains, Hartville, Bolivar, Buffalo, Nixa, and Joplin, Mo., and Springdale, Bentonville, and Decatur, Ark., under a continuing contract or contracts with Super Sup Equine Products, Inc., of Springfield, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Agri Products, Inc., Republic, Mo.; Super Sup Equine Products, Inc., Springfield, Mo. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 142279 (Sub-No. 2TA) (correction), filed June 3, 1977, published in the FEDERAL REGISTER issue of June 22, 1977, and republished as corrected this issue. Applicant: RAY A. REICH, doing business as Ray Reich Trucking Co., an individual, Route 1, Box 133F, Forest Hill, La. 71430. Applicant's representative: Wallace H. Nations, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber products, and wood products*, between points in Red River Parish, La., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Texas under a continuing contract with Pineville Kraft Corp., for 180 days. Supporting shipper: Pineville Kraft Corp., P.O. Box 870, Pineville, La. 71360. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Ave. 9038 Federal Building, New Orleans, La. 70113. The purpose of this republication is to omit the state of Arizona and add the state of Arkansas to the territorial description.

No. MC 143445TA, filed June 29, 1977. Applicant: MMAR TRANSPORTATION, INC., 36 Weldon Street, Matawan, N.J. 07747. Applicant's representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, and commodities requiring the use of special equipment), restricted to traffic moving on bills of lading of freight forwarders as defined in section 402(a)(5), between New York, N.Y., and Newark, N.J., and their commercial zones, on the one hand, and, on the other, Chicago, Peoria, and Rockford, Ill., and their commercial zones, restricted against the transportation of traffic having a prior or subsequent moving by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) Lyons Transport, Inc., First Ave. and Route 66, McCook, Ill. 60525; (2) C. S. Greene and Co., Inc., Two Illinois Center, 233 North Michigan Avenue, Chicago, Ill. 60601; (3) Express Forwarding & Storage Co., Inc., 3150 River Road, Des Plaines, Ill. 60018. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 143466 (Sub-No. 1TA), filed July 8, 1977. Applicant: CLAYTON'S INC., P.O. Box 38, 210 W. Broadway, Ucon, Idaho 83454. Applicant's representative: David E. Wishney, 621 N. 8th, Boise, Idaho 83702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from Denver and Pueblo, Colo., and points in the commercial zones thereof, to Idaho counties of Fremont, Madison, Jefferson, Bonneville, Bingham, Teton, and Bannock. Applicant does not intend to tack authority or interline with other carriers, under a continuing contract or contracts with Reid Squires Brick & Masonry, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reid Squires Brick & Masonry, 127 South 5th W., Rexburg, Idaho 83340. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 143468TA, filed July 6, 1977. Applicant: D & T ENTERPRISES, INC., R.R. 3, Box 390, Columbus, Ind. 47201. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the plantsite and storage facilties of CF Industries, Inc., located at or near Cincinnati, Ohio, to Bartholomew County, Ind. Restricted to service performed under a continuing contract or contracts with Farmers Marketing Association, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Marketing Association, Inc., 1075 Second Street, Columbus, Ind. 47201. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

PASSENGER APPLICATION

No. MC 61802 (Sub-No. 14TA), filed July 8, 1977. Applicant: THE COLONIAL TRANSIT CO., INC., P.O. Box 508, Fredericksburg, Va. 22401. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express* in the same vehicle with passengers, between Lake of the Woods, Va., and the District of Columbia as follows: From Lake of the Woods, Va., over Virginia Highway 3 to junction with Interstate Highway 95, thence over Interstate Highway 95 to junction with U.S. Highway 17, thence over U.S. Highway 17 to junction with Virginia Secondary Highway 670, thence over Virginia Secondary Highway 670 to the parking lot of the Thr-rift Inns, Ltd., thence return over Virginia Secondary Highway 670 to junction with U.S. Highway 17 to junction with Interstate Highway 95, thence over Interstate Highway 95 to the District of Columbia, and return over the same route serving all intermediate points on Virginia Highway 3 between Lake of the Woods and junction Virginia Highway 3 and County Highway 734 (Green Gate Road), at a point approximately 0.6 of a mile west of junction Virginia Highway 3 and Interstate Highway 95, and the parking lot of Thr-rift Inns, Ltd., located on Virginia Secondary Highway 670, approximately 0.2 of a mile west of junction U.S. Highway 17 and Interstate Highway 95, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: No supporting shippers: deviation in carrier's regular route operating authority. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Rm. 10-502, Federal Building, 400 North 8th Street, Richmond Va. 23240.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-21656 Filed 7-26-77;8:45 am]

[Order No. 32, Under Revised Service Order No. 1252]

STRAITS CAR FERRY SERVICE CORP.

Rerouting Traffic

To all railroads: In the opinion of Robert S. Turkington, Agent, the Straits

Car Ferry Service Corp. will be unable to transport traffic routed via its car ferry between Mackinaw City, Mich., and St. Ignace, Mich., because of necessary repairs to its boat to commence on July 22, 1977.

It is ordered, That: (a) *Rerouting traffic.* The Straits Car Ferry Service Corp. being unable to transport traffic routed via its car ferry between Mackinaw City, Mich., and St. Ignace, Mich., because of necessary repairs to its boat to commence on July 22, 1977, to the carriers named in Section (b) herein are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order.

(b) *Carriers authorized to reroute.* Detroit and Mackinac Railway Co., Michigan Northern Railway Co., Soo Line Railroad Co., Straits Car Ferry Service Corp.

(c) *Traffic which may be rerouted.* (1) This order shall apply to traffic routed via the ferry from Mackinaw City to St. Ignace (northward or westward traffic) for movement on ferry trips, after July 14, 1977, to and including August 4, 1977; (2) This order shall apply to traffic routed via the ferry from St. Ignace, Mich., to Mackinaw City, Mich. (southward or eastward traffic), for movement on ferry trips after July 21, 1977, to and including August 4, 1977.

(d) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(e) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(f) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(g) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates,of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(h) Effective date: This order shall become effective at 12:01 a.m., July 15, 1977.

(i) Expiration date: This order shall expire at 11:59 p.m., August 4, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., July 15, 1977.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc.77-21659 Filed 7-26-77;8:45 am]

TRANSPORTATION OF WASTE PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of waste products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-13-77 (special certificate — waste products), filed June 16, 1977. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap or waste paper*, in bales for recycling, from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, to Savannah, Ga., and Prattville, Ala., in furtherance of the recognized pollution programs sponsored by Union Camp Corp. of Wayne, N.J., for the purpose of collecting and transporting waste paper and scrap for recycling.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-21662 Filed 7-26-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-37]

JULY 21, 1977.

TIME AND DATE: 10:00 a.m., July 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 1. Ratifications of Items Adopted by Notation [1]

2. Docket 29707, Petition of the Commuter Airline Association of America, Inc. for the establishment in domestic markets of through services, joint fares, and divisions of fares between certificated and connecting commuter air carriers.

3. Model Corporate Disclosure Regulations developed by the Interagency Steering Committee on Uniform Corporate Reporting.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-989-77 Filed 7-25-77;8:45 am]

[1] 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, N.W., Washington, D.C. 20428) following the meeting.

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: July 27, 1977, 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111-18th St., NW., Washington, D.C.

STATUS: Part is open; part is closed.

MATTERS TO BE CONSIDERED:

A. OPEN TO THE PUBLIC, 9:30 A.M.

1. *Toxic Substances Control Act:* Ken Johnson, Acting Administrator of Toxic Substances, EPA, will brief the Commission on activities under this act.

2. *Chronic Hazards*: (A) the staff will brief the Commission on numerous interagency activities with regard to chronic hazards; (B) the staff will present a paper which identifies major issues requiring Commission direction in the area of chronic hazards.

3. *701(e) Hearings*: The Office of the General Counsel will brief the Commission on procedural rules for hearings under section 701(e) of the Federal Food, Drug and Cosmetic Act.

4. *Power Lawn Mower Standard*: The staff will brief the Commission on the status of development of this regulation.

B. CLOSED TO THE PUBLIC, 2:00 P.M.

5. *Advisory Committee Members*: The Commission will vote on final selection of members to serve on the Commission's three advisory committees.

6. *Recommendations to Seek Civil Penalties* in four cases for alleged violation of the Special Order for Submission of chemical formulations.

7. *Mylar Star Kites* (CPSC Docket 75-16): The Commission will consider this matter, on which it held oral arguments in June, 1977.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-988-77 Filed 7-25-77;8:45 am]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m. Open Meeting, Wednesday, July 27, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

Hearing—1—Application for review of a Review Board Memorandum Opinion and Order granting a petition by Mid-west St. Louis, Inc. to add a second-year financial issue against New Life Evangelistic Center, Inc. in a comparative hearing for a new UHF television station in St. Louis, Mo. (Docket Nos. 20820, 20821).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 20, 1977.

[S-985-77 Filed 7-22-77;3:50 pm]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m. Open Meeting, Wednesday, July 27, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED: The Federal Communications Commission will consider two additional agenda items both relating to Commission personnel matters.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given of these additional agenda items.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: July 22, 1977.

[S-986-77 Filed 7-22-77;3:50 pm]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, July 27, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No. and Subject

General—1—Report and Order in Docket No. 20620, to amend Subpart F of Part 15 of the rules to provide for the operation of wide-band swept RF equipment used as anti-pilferage devices.

General—2—Legislative proposals concerning Section 315 of the Communications Act.

General—3—Reconsideration of Memorandum Opinion and Order in Docket No. 20682 re: broadcast entertainment formats.

Common Carrier—1—Joint Motion by the National Association of Radiotelephone Systems (NARS) and Rogers Radio Communications Services, Inc. to stay the Commission order granting the application of Illinois Bell Telephone Company for authority to construct a developmental cellular system at 10 sites at various locations in the State of Illinois with the control point at 714 Lake Street, Oak Park, Illinois.

Common Carrier—2—Application for Review of Docket 18128—Implementation Procedures—filed by Aeronautical Radio, Inc. and the Air Transport Association of America.

Common Carrier—3—Motion of the Southern California Media Reform Workshop (SCMRW) to proceed in *forma pauperis* in the Computer Inquiry (Docket No. 20828).

Cable Television—1—Amendment of Part 76 of the Rules to add frequency channelling requirements and restrictions and to require monitoring for signal leakage from cable television systems (Docket No. 21006).

Cable Television—2—Application for Certificate of Compliance to add inconsistent Stations WMAR–TV, WBAL–TV, and WJZ–TV all Baltimore, Maryland to proposed cable television operations at Arlington County, Virginia; and oppositions filed by National Broadcasting, Inc., Metromedia, Inc., the Evening Star Broadcasting Company, Post-Newsweek Stations Capital Area, Inc., and by Channel 20, Inc.

Cable Television—3—Petition for Stay filed by Rust Craft Broadcasting Company, licensee of Station WSTV–TV, Steubenville, Ohio of Commission's Order of March 28, 1977, FCC 77–203.

Cable Television—4—Petition for Special Relief and Clarification filed on behalf of Channel 41, Inc. licensee of Station WUHQ–TV, Battle Creek, Michigan for waiver of Section 76.92 of the Commission's Rules.

Aural—1—Request for reconsideration filed by Audrain Broadcasting Corp. (KXEO and KWWR) of Commission action granting without condition application of Montgomery County Broadcasting Corp. (BPH–9844), Montgomery City, Missouri.

Broadcast—1—Notice of proposed rule making to require public notice of intent to sell a broadcast station.

Broadcast—2—Reassignment of television Channel 40 from Riverside (Fontana), California, to Santa Ana, California, and denial of a request to modify the Fontana station's license to specify the new community (Docket No. 20727).

Broadcast—3—A continuation of discussion of licensing standards for FM noncommercial educational stations.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued: July 20, 1977. July 22, 1977.

[S–987–77 Filed 7–22–77;3:50 pm]

6

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be published July 25, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 26, 1977, 10:00 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P–11—Project No. 785, Consumers Power Company.

G–43—CI77–119, Cities Service Oil Company.

LOIS D. CASHELL,
Acting Secretary.

[S–984–77 Filed 7–22–77;3:50 pm]

7

FEDERAL RESERVE SYSTEM.

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Monday, August 1, 1977.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Proposed personnel actions at Federal Reserve Banks.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202 452–3204.

Dated: July 22, 1977.

[S–981–77 Filed 7–22–77;2:27 pm]

8

POSTAL SERVICE

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5 (as amended, 42 FR 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 a.m. on Tuesday, August 2, 1977, in the 9th Floor Conference Room, Regional Headquarters Building, 850 Cherry Avenue, San Bruno, California 94099. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

AGENDA

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Quarterly report on Finance and Service Performance.

(Deputy Postmaster General Bolger will present the Quarterly Summary of Financial and Service Performance.)

4. Report of the Regional Postmaster General.

(Mr. Morris, Regional Postmaster General, will report on postal conditions in the Western Region.)

5. Review of legislative matters.

(Mr. Finch, Asistant Postmaster General, Government Relations, will report on current legislative activities involving the Postal Service.)

6. Capital Investment Project, Scranton, Pennsylvania.

(Mr. Maevis, Assistant Postmaster General, Real Estate and Buildings, will present a proposed project for a new General Mail Facility and Vehicle Maintenance Facility at Scranton, Pennsylvania.

7. Capital Investment Project, Fairbanks, Alaska.

(Mr. Maevis will present a proposed project for a new Sectional Center Facility at Fairbanks, Alaska.)

8. Capital Investment Project, Computer Mail Mark-up Units.

(Mr. Dorsey, Senior Assistant Postmaster General, Operations, will present a proposal for the procurement of 480 Computer Mail Mark-up Units.)

9. Review of Public Affairs and Communications Program.

(Mr. Byrne, Assitant Postmaster General (Public and Employee Communications Department), will report on developments in the communications area.)

10. Status of implementation of Public Law 94–421 provision concerning post office closings.

(Mr. Conway, Senior Assistant Postmaster General, Employee and Labor Relations Group, will report on the current status of this matter.)

LOUIS A. COX,
Secretary.

[S–982–77 Filed 7–22–77;2:27 pm]

9

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, July 21, 1977, 10:45 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed.

SUBJECT MATTER:

Lockheed Aircraft Corporation (Consolidated).

Fiscal years ended December 31, 1972, December 28, 1971 and earlier.

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 21, 1977.

GOODWIN CHASE,
Chairman.

[S–983–77 Filed 7–22–77;2:47 pm]

federal register

WEDNESDAY, JULY 27, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed and Final Flood Elevation Determinations for Certain Communities

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2838]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Fairfax, California

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 Fairfax, California. 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 Fairfax, California.

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 Fairfax. 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 Fairfax are available for review at Town Hall, 142 Bolinas Road, Fairfax, California.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fairfax Creek	School St. and Park Rd.	115.4
	Spruce Rd. and Arroyo Rd.	119.3
	Scenic Rd. and Arroyo Rd.	127.2

(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. 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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21147 Filed 7-26-77;8:45 am]

[Docket No. FI-2713]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Greenwood Village, Colorado

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 Greenwood Village, Colorado. 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 Greenwood Village, Colorado.

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 Greenwood Village. 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 ninty (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 Greenwood Village are available for review at 7965 East Prentice Avenue, 42 DTC, Englewood, Colorado.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Dry Creek	Littleton Blvd.[1]	5,418
	Orchard Rd.[2]	
Little Dry Creek	University Blvd.	5,414
	Williamette St.	5,421
	Long St.	5,457
Greenwood Gulch	Belleview Ave.[1]	5,451
	Holly St.[1]	5,522
	Orchard Rd.[2]	5,539
Prentice Gulch	Holly St.[2]	5,516
Goldsmith Gulch	Belleview Ave.	5,589
	Yosemite St.	5,614
	Berry Ave.	5,623
	Orchard Rd.[2]	5,657
West tributary to Goldsmith Gulch.	do.[1]	5,656

[1] Upstream.
[2] Downstream.

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21148 Filed 7-26-77;8:45 am]

[Docket No. FI-2823]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Woodbury, Connecticut

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 Woodbury, Connecticut. 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 Food Insurance Rate Map for the Town of Woodbury, Connecticut.

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 Woodbury. 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 Woodbury are available for review at Town Hall, Woodbury, Connecticut.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pomperang River	Pomperang Rd.	237
	Route 317	243
	Judson Ave.	257
Nonewaug River	Route 47	261
	Route 6	272
	Minortown Rd. (extension).	346
	Mill Rd.	371
	Route 6	401
	Route 61	446
	Pumping Station Rd.	460
Weekeepeemee River.	Jacks Bridge Rd.	264
	Route 47	284
	Paper Mill Rd.	328
	Route 132	367
	Clohees Trail	438
Spruin Brook	Route 47	302
	Hazel Plain Rd.	358
	Route 47	397
	do.	418
	Ski Area Rd.	439
	Route 47	461
Hesseky Brook	Route 317	264
	Transylvania Rd.	285

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21149 Filed 7-26-77;8:45 am]

[Docket No. FI-2798]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Algonac, Michigan

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 Algonac, Michigan. 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 Algonac, Michigan.

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 Algonac. 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 City of Algonac are available for review at City Hall, 1410 Saint Clair River Drive, Algonac, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	Ruskin Ave. and Eckfield Dr.	579
	Norfolk St. and Fassett St.	579
	Delta St.	579
	Roselawn Ct.	579
	Railroad St. and Center Ave.	579
	Railroad St. and Sherwood.	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. 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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21150 Filed 7-26-77;8:45 am]

(Docket No. FI-2826)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of River Rouge, Michigan

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 River Rouge, Michigan. 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 River Rouge, Michigan.

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 River Rouge. 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 City of River Rouge are available for review at City Hall, 10600 Jefferson West, River Rouge, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Detroit River	Belanger Park road area.	577
Rouge River	Con Rail R.R.	577
	Jefferson Ave.	577
	D.T. & I. R.R.	577
Short Cut Canal	do.	577

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21151 Filed 7-26-77;8:45 am]

[Docket No. FI-2799]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Waconia, Minnesota

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 Waconia, Minnesota. 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 Waconia, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 of 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 Waconia. 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 City of Waconia are available for review at 400 South Oak Street, Waconia, Minnesota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Waconia	Around the Lake Shore.	963

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21152 Filed 7-26-77;8:45 am]

[Docket No. FI-2827]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Tunica, Mississippi

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 Tunica, Mississippi. 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 Tunica, Mississippi.

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 Tunica. 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 Tunica are available for review at Town Hall, Tunica, Mississippi.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Upstream Harris St.	192
	Downstream Harris St.	191
	2nd South St. West	191
	Fairyland Ave.	188
Stream 2	East side of the intersection of 4th North St. and Hospital St.	190

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21153 Filed 7-26-77;8:45 am]

[Docket No. FI-2800]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of West Point, Mississippi

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, Mississippi. 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 West Point, Mississippi.

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 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. 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 West Point are available for review at City Hall, West Point, Mississippi.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1	Illinois Central Gulf RR.[1]	210
	....do.[2]	214
	Church Hill Rd.[1]	214
	....do.[2]	215
	Meadowbrook Circle	215
	....do.[1]	215
	....do.[2]	215
	Brame Ave.[1]	218
	....do.[2]	219
	Warrior Rd.	224
	Miller St.[1]	225
	....do.[2]	227
Stream 2	Hickory Dr.[1]	223
	....do.[2]	224
	Mississippi State Highway 50.[1]	225
	....do.[2]	227
	Colony Dr.	234
Town Creek	Church Hill Rd.	207
	Alternate U.S. 45 Highway.[1]	210
	....do.[2]	211
	Mayhem St.[1]	211
	....do.[2]	212
	Illinois Central Gulf RR.[1]	213
	....do.[2]	214
	Columbus & Greenville RR.	215
	West Broad St.	215
	West Main St.[1]	217
	....do.[2]	217
	Rugg St.	221
	West Half Mile St.	222
	North Division St.[1]	224
	....do.[2]	225
	Illinois Central Gulf RR.	225

[1] Downstream side.
[2] Upstream side.

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21154 Filed 7-26-77;8:45 am]

[Docket No. FI-2801]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Gladstone, Missouri

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 Gladstone, Missouri. 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 Gladstone, Missouri.

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 Gladstone. 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 City of Gladstone are available for review at City Hall, 7010 North Holmes, Gladstone, Missouri.

The Final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shoal Creek	Missouri Highway No. 1.	830
Mill Creek	Antioch Rd.	895
	North Garfield Rd.	910
	North 58th Ter.	914
	North 60th Ter.	935
Rock Creek	Indiana Ave.	858
	Brook Tree Lane	860
	Antioch Rd.	877
	Prospect Ave.	899

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21155 Filed 7-26-77;8:45 am]

[Docket No. FI-2803]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Murray, Nebraska

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 Murray, Nebraska. 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 Murray, Nebraska.

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 Village of Murray. 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 Village of Murray are available for review at Village Hall, Murray, Nebraska.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Rock Creek.	Campbell St., between Cought	1130.6
	Morrow St.	
	Missour Pacific R.R.	1141.4

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21156 Filed 7-26-77;8:45 am]

[Docket No. FI-2332]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Elmwood Park, New Jersey

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 Elmwood Park, New Jersey. 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 Elmwood Park, New Jersey.

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., Washinton, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Elmwood Park. 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 Elmwood Park are available for review at Borough Hall, Market Street, Elmwood Park, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fletcher Brook	Gilbert Ave.	48
	Main Ave.	47
	Van Riper Ave.	43
	Martha Ave.	35

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21157 Filed 7-26-77;8:45 am]

[Docket No. FI-2832]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Beulah, North Dakota

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 Beulah, North Dakota. 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 Beulah, North Dakota.

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 Beulah. 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 City of Beulah are available for review at City Hall, Beulah, North Dakota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East tributary, Knife River.	Private Bridge	1,791
	2d St. North	1,789
	1st St. North	1,784
	Main St.	1,780
	Burlington Northern RR.	1,778
West tributary, Knife River.	North Dakota State Highway 49.	1,800
	2d St. North	1,795
	1st St. North	1,792
	4th Ave. West	1,791
	Main St.	1,787
	N. P. St.	1,784
	Burlington Northern RR.	1,780
Knife River	Burlington Northern RR. siding.	1,782
	North Dakota State Highway 49.	1,781

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21158 Filed 7-26-77;8:45 am]

[Docket No. FI-2810]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Riverside, North Dakota

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, North Dakota. 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, North Dakota.

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 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 City of Riverside are available for review at City Hall, 108 West Main Avenue, West Fargo, North Dakota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sheyenne River	Burlington Northern RR.	901
	Northern corporate limits.	902

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21159 Filed 7-26-77;8:45 am]

[Docket No. FI-2800]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Wausau, Wisconsin

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 Wausau, Wisconsin. 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 Wausau, Wisconsin.

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 Wausau. 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 Wausau are available for review at City Hall, 407 Grant Street, Wausau, Wisconsin.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wisconsin River	East Thomas St.	1,170
	Bridge St.	1,195
Jim Moore Creek	10th St.	1,209
Eau Claire River	East Kent St.	1,171

(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: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21160 Filed 7-26-77;8:45 am]

[Docket No. FI-2720]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Smyrna, Georgia

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 Smyrna, Georgia. 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 Smyrna, Georgia.

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 Smyrna. 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 City of Smyrna are available for review at City Hall, Smyrna, Georgia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper Lake Creek.	Reed Rd	872
Laurel Creek	Hickory Circle	932
	Ashwood Dr	921
	South Cobb Dr	891
	Park Bridge	878
Poplar Creek	New Spring Rd	1,020
	Pine Crest Circle	1,008
	Private driveway	978
	Spring Rd	951
	Plum Tree Apartments driveway.	898
	U.S. 41	896
Smyrna branch	Bank St	977
	La Vista Pl	960
	South Cobb Dr	941
Theater branch	Cherokee Rd	967
	Powder Springs St	950
	Bank St	945
	South Cobb Dr	943
	Old Concord Rd	928

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21161 Filed 7-26-77;8:45 am]

[Docket No. FI-2724]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Pembroke Pines, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected location in the City of Pembroke Pines, Florida. 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 Pembroke Pines, Florida.

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 Pembroke Pines. 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 City of Pembroke Pines are available for review at City Hall, 10211 Taft Street, Pembroke Pines, Florida.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Floodwater Ponding.	Palm Blvd	?
	University Dr. north of Hollywood Blvd.	?
	Hollywood Blvd. west of University Dr.	?

(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: June 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21162 Filed 7-26-77;8:45 am]

[Docket No. FI-2704]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Roswell, Georgia

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 Roswell, Georgia. 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 Roswell, Georgia.

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 Roswell. 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 City of Roswell are available for review at City Hall, 617 Atlanta Street, Roswell, Georgia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chattahoochee River	Georgia 400	865
Willeo Creek	Willeo Rd	859
	Georgia 120	868
	Pine Grove Rd	914
	Willeo Rd	902
	Jones Rd	989
Pine Grove Creek	Pine Grove Rd	924
	Lake Charles Dr	967
Pine Grove branch	Pond Dam	956
Riverside Creek	Azalea Rd	861
	Georgia 120	871
	Coleman Rd	901
Big Creek	Riverside Rd	863
	Grimes Bridge Rd	951
	Hokombe Bridge Rd	959
	Georgia 400	983
Hog Wallow Creek	Oxbo Dr	946
	Park Rd	967
	Norcross St	997
	Charles Pl	1,008
	U.S. 19	1,017
	Alpine Dr	1,019
Crossville Creek	Crabapple Rd	1,035
	Roswell Park Rd	1,042
	Wavetree Rd	1,056
Crossville branch	Crossville Rd	1,077
Foe Killer Creek	U.S. 19	1,012
	Hembree Rd	1,018
	Upper Hembree Rd	1,023
Hughes branch	Houze Rd. (downstream side)	1,007
Strickland Creek	Elkins Rd	1,023
	Old Elkins Rd	1,032
	Houze Rd	1,052
	Strickland Rd	1,096
Tributary	Riverside Rd	867
	Martin Rd	900
	Holcombe Bridge Rd	906

(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: June 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21163 Filed 7-26-77;8:45 am]

[Docket No. FI-2548]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Alford, Massachusetts

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 Alford, Massachusetts. 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 Alford, Massachusetts.

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 Alford. 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 Alford are available for review at Town Hall, Great Barrington, Massachusetts.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green River	Route 71	839
Alford Brook	East Rd	814

(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: June 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21164 Filed 7-26-77;8:45 am]

[Docket No. FI-2338]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of Peapack and Gladstone, New Jersey

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 Peapack and Gladstone, New Jersey. 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 Peapack and Gladstone, New Jersey.

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 Peapack and Gladstone, New Jersey. 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 Borough of Peapack and Gladstone are available for review at Borough Hall, Prospect Street, Peapack, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Raritan River.	Smith Picnic Bridge [1]	237
	C. V. Smith Bridge [1]	265
Peapack Brook	Erie-Lackawanna RR.[1]	177
	Park Avenue Bridge [1]	218
	Main Street Bridge	238
Tributary A	U.S. Route 206 [1]	177
	Holland Ave.[1]	180
Tributary C	Main Street Bridge	239
	Brook Hollow Dr. Bridge.	261

[1] Downstream side of road.

(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: June 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21165 Filed 7-26-77;8:45 am]

[Docket No. FI-2718]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Muscle Shoals, Alabama

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 Muscle Shoals, Alabama. 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 Muscle Shoals, Alabama.

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 Muscle Shoals. 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 City of Muscle Shoals are available for review at City Hall, Muscle Shoals, Alabama.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pond Creek	Highway 133	515

(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: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21166 Filed 7-26-77;8:45 am]

[Docket No. FI-2717]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Sheffield, Alabama

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 Sheffield, Alabama. 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 Sheffield, Alabama.

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 Sheffield. 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 City of Sheffield are available for review at Municipal Building, Sheffield, Alabama.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tennessee River	254 mi above mouth	429
Spring Creek	Pickwick St.	431

(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: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21167 Filed 7-26-77;8:45 am]

[Docket No. FI-2763]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Ferriday, Louisiana

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 Ferriday, Louisiana. 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 Ferriday, Louisiana.

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 Ferriday. 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 Ferriday are available for review at City Hall, 212 North Second Street, Ferriday, Louisiana.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Cocodrie	Parish Rd.	56
	U.S. Highway 84 and 65.	54
Panola Brake tributary No. 1.	U.S. Highway 65	59
Panola Brake tributary No. 2.	Woodland Ave.	55

(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: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21168 Filed 7-26-77;8:45 am]

[Docket No. FI-2710]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Corte Madera, California

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 Corte Madera, California. 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 Corte Madera, California.

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 Corte Madera. 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 Corte Madera are available for review at Town Hall, Corte Madera, California.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Francisco Bay.	Intersection of Lucky Rd. and Fifer Ave.	6
	Northwest Pacific RR. and High Canal.	6
	High Canal and Lakeside Dr.	6
	530 ft from south end of High Canal and 70 ft east of Pixley Ave.	6
	Intersection of Tamalpais Dr. and Sausilito St.	6
	Intersection of Meadowsweet Dr. and Conow St.	6
	Intersection of Paradise Dr. and Harbor Dr.	6
	110 ft north of intersection of Golden Hind Passage and Prince Royal Passage.	6

(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: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21169 Filed 7-26-77;8:45 am]

[Docket No. FI-2729]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Hazen, North Dakota

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 Hazen, North Dakota. 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 Hazen, North Dakota.

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 Hazen. 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 City of Hazen are available for review at City Hall, Hazen, North Dakota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Antelope Creek	Intersection of 5th St. and 4th Ave. East.	1,740
	Intersection of 5th St. and 2d Ave. East.	1,741
	Intersection of 5th St. and Central Ave.	1,742
	Intersection of 3d St. and Central Ave.	1,742
	Intersection of 4th St. and Central Ave.	1,742
	Intersection of 2d Ave. West and 4th St.	1,743
	Intersection of 2d Ave. West and 3d St.	1,743
	Intersection of Main St. and 2d Ave. West.	1,743
	Intersection of Main St. and 4th Ave. West.	1,744

(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: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21170 Filed 7-26-77;8:45 am]

[Docket No. FI-2354]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of New Hope, 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 Borough of New Hope, Bucks County, Pennsylvania. 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 New Hope, Bucks County, Pennsylvania.

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 New Hope, Bucks County, Pennsylvania.

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 New Hope, Bucks County, Pennsylvania are available for review at the Bulletin Board at the Borough Hall, 41 North Main Street, New Hope.

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	South corporate limits	67	(1)	250
	Dock St. (extended)	68	(1)	200
	U.S. Route 202	70	(1)	170
	Division St. (extended)	71	(1)	410
	North corporate limits	72	(1)	120
Aquetong Creek	Delaware River Division Channel	69	30	70
	New Hope, Ivyland RR	71	20	110
	do	85	110	60
	West Mechanic St	86	240	60
	Sugar Rd	87	30	30
	New Hope, Ivyland RR	88	120	30
	West corporate limits	89	70	20

[1] Outside of corporation 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 (39 FR 2787, January 24, 1974).)

Issued: July 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21171 Filed 7-26-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3173]

MISSION HILLS, JOHNSON COUNTY, KANSAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Mission Hills, Johnson County, Kansas. 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).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Manager's Office, City Hall, 6300 State Line Road, Mission Hills, Kansas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Carl C. Schliffke, City Manager, City Hall, 6300 State Line Road, Mission Hills, Kansas.

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 the proposed determinations of base flood elevations (100-year flood) for the City of Mission Hills, Johnson County, Kansas, 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.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	Upstream corporate boundary.	881
Brush Creek	Mission Hill Country Club Rd.	853
	State Park Rd.	863
	63d St.	891
	Tomahawk Rd.	910

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21106 Filed 7-26-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3174]

SACRAMENTO, CALIFORNIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Sacramento, California. 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).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 915 I Street, Sacramento, California.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Phillip Isenberg, City Hall, 915 I Street, Sacramento, California 95814.

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 the proposed determinations of base flood elevations (100-year flood) for the City of Sacramento, California, 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.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed based flood elevations are available for review at City Hall, 915 I Street, Sacramento, California.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Phillip Isenberg, City Hall, 915 I Street, Sacramento, California 95814.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unionhouse Creek	Wyndham Way	24
	Frontage Rd.	24
	Highway 99 and Alternate 5.	24
	Access road	24
	Stockton Blvd.	26
	Center Parkway	18
	Franklin Blvd.	15
	Western Pacific RR.	13
Robla Creek	Sacramento Northern RR. (abandoned).	39
	Rio Linda Blvd.	39
	Western Pacific RR.	35
Natomas West Drainage Canal.	Del Paso Rd.	12
	El Centro Rd.	12
	San Juan Rd.	12
Natomas Main Drainage Canal.	I-880	8
	West El Camino Ave.	8
Natomas East Main Drainage Canal.	Main Ave.	33
	I-880	32
	Silver Eagle Rd.	32
	El Camino Ave.	32
	Northgate Ave.	31
	Discovery Park Entrance Rd.	29
	I-5	29
	Jibboon St.	29

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Natomas East Drainage Canal.	Elkhorn Blvd.	12
	Del Paso Rd.	11
	San Juan Rd.	10
	I-5 northbound on ramp.	10
	I-5	10
	I-5 southbound on ramp.	10
Morrison Creek	Central California Traction RR.	42
	Florin Perkins Rd.	41
	Army depot bridge	40
	do.	39
	Army Depot Southern Pacific RR. spur.	37
	Southern Pacific RR.	35
	Power Inn Rd.	30
	65th Expressway	27
	Elder Creek Rd.	25
	Stockton Blvd.	24
	Franklin Blvd.	16
	G Parkway.	15
	Meadowview Rd.	15
	Elder Creek	14
	Western Pacific RR.	13
Magpie Creek	Raley Blvd.	47
Magpie Creek-Diversion.	Vinci Ave.	44
	Dry Creek Rd.	40
Lower Magpie Creek.	Rio Linda Blvd.	32
	Bell Ave.	28
	Jessie Ave.	26
	Norwood Ave.	23
Laguna Creek	Sheldon Rd.	22
	Franklin Blvd.	18
Florin Creek	Florin Perkins Rd.	36
	Center Parkway	18
	Brookfield Dr.	17
	Franklin Blvd.	16
Elder Creek	Highway 99 and Alternate 5 and Frontage Rd.	20
	Center Parkway	18
	Tangerine St.	17
	Franklin Blvd.	16
Dry Creek	Western Pacific RR.	35
Arcade Creek	Auburn Blvd.	69
	Bridge Rd.	65
	I-80 off ramp.	63
	I-80	62
	Watt Ave.	62
	Roseville Rd.	47
	Southern Pacific RR.	45
	Verano St.	40
	Del Paso Blvd.	40
	Marysville Blvd.	39
	Footbridge.	34
	Rio Linda Blvd.	33
	Sacramento Northern RR. (abandoned).	33
	Norwood Ave.	32
	Western Pacific RR.	32
American River	Watt Ave.	46
	Howe Ave.	43
	Guy West footbridge.	41
	H St. gaging station.	39
	I-80	35
	Southern Pacific RR.	34
	Western Pacific RR.	32
	Abandoned railroad bridge.	32
	State Highway 160.	32
	do.	32
	I-5	29
	Jibboon St.	29

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21107 Filed 7-26-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3175]

TOWN OF GUILFORD, CONNECTICUT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Guilford, Connecticut. 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).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Park Street, Guilford, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Edwin D. Bartlett, First Selectman, Town Hall, Park Street, Guilford, Connecticut 06437.

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 the proposed determinations of base flood elevations (100-year flood) for the Town of Guilford, Connecticut, 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.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Park Street, Guilford, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Edwin D. Bartlett, First Selectman, Town Hall, Park Street, Guilford, Connecticut 06437.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West River	Race Hill Rd.	167
	Wood Bridge.	155
	Dam.	154
	Route 77.	151
	Route 80.	143
	Flat Meadow Rd.	55
	Dam.	43
	Sawmill Rd.	27
	I-95 Connecticut Turnpike.	19
	Town Park.	14
	Dam.	13
	York St.	13
	U.S. Route 1	13
East River	Dam and walkway below Capello Pond.	22
	Dirt Dr. to Gravel Pit.	18
	Dirt Dr.	13
	Bear House Hill Rd.	13
	Clapboard Hill Rd.	12

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21108 Filed 7-26-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3171]

WASHINGTON COUNTY, MARYLAND

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Washington County, Maryland. 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).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Washington County Planning Commission, 33 West Washington Street, Hagerstown, Maryland.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Martin L. Snook, President of the Washington County Board of Commissioners, Washington County Courthouse Annex, Summit Avenue, Hagerstown, Maryland 21740.

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 the proposed determinations of base flood elevations (100-year flood) for Washington County, Maryland, 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.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Antietam Creek	Poffenberger Rd	450
	Interstate Route 70	458
	Ridge Rd	465
	Mount Astra Rd	480
	U.S. Route 40	481
	State Route 64	484
	Old Forge Rd	506
	Clopper Rd	513
Conoco Cheague Creek	Western Maryland RR.	377
	Kemp Mill Run	377
	U.S. Route 40	380
Israel Creek, Garretts Mill	Maryland Route 180	257
	U.S. Route 340	275
	Chesty system	292
	Chesty system at State Route 67	302
	Valley Rd	383
	do	384
	Garretts Mill Rd	390
	Yarrowsburg Rd	478
	Chesty system	487
	Brownsville Rd	513
Little Antietam Creek (11)	Millbrook Rd	524
	State Route 67	594
Little Tonoloway Creek	Footbridge	434
Marsh Run (1)	Downstream Western Maryland RR.	488
	Upstream Western Maryland RR.	401
	Old Forge Rd	493
	Dam	517
	State Route 60	529
	Eden Rd	570
	Lehmans Mill Rd	579
Semple Run	Hopewell Rd	434
Toms Run (1)	Interstate Route 70, southbound exit ramp.	512
	Interstate Route 70, northbound entrance ramp.	519
	Mulberry St	538
	U.S. Route 40	549
	Boyd Rd	568
	Draper Rd	585
	Upstream limit of study.	630
Tonoloway Creek	State Route 144	431
	Timber Ridge Rd	431
West branch	Marsh Pike	575
	Western Maryland RR. Bridge.	584
	Paradise Church Rd	591
	Showwalter Rd	595
Tributary No. 3	U.S. Route 40 eastbound.	435
	Creek Rd	443
	Upstream limit of detailed study.	510
Tributary No. 29	Walnut Point Rd	377
	State Route 63	381
	Interstate 70, southbound lane.	403
Tributary No. 33	Kemp Mill Rd	394
	Western Maryland RR.	399
	State Route 63	400
	Hopewell Rd	418
	Interstate 81, southbound lane.	422
	U.S. Route 11	437
	Interstate 81, east exit ramp.	445
	Doub Rd	479
Tributary No. 35	Interstate 81	445
	ConRail railroad spur.	462
Tributary No. 36	Interstate 81, westbound lane.	433
	Downstream ConRail.	443
	Upstream ConRail	455
	Upstream limit of study.	472
Tributary No. 67	Trovinger Rd	502
	Western Maryland RR.	506
	State Route 64	510
	State Dirt Rd	512
Tributary No. 73	Upstream limit of study.	624
Tributary No. 74	Limit of detailed study.	584
Tributary No. 75	State Route 60	551
	Limit of detailed study.	570
Tributary No. 76	Downstream limit of detailed study.	527
	Northern Ave	527
	Downstream State Route 60.	564
	Upstream State Route 60.	566
	Marsh Pike	568
	Western Maryland RR.	580
	Downstream Blue Ridge Rd.	594
	Upstream Blue Ridge Rd.	596
	Downstream Briarcliffe Rd.	599
	Upstream Briarcliffe Rd.	602
	Mount Vernon Rd	605
	Appletree Dr	616
Tributary No. 78	Downstream limit of study.	473
	Beaver Creek Rd	497
	Herb Rd	505
	State Route 40	534
	Day Rd	534
Tributary No. 79	Herb Rd	504
	Corporate limits	511
Tributary No. 102	Hog Mill Rd	523
	Upstream limit of study.	591
Tributary No. 112	Brownsville Rd	522
	Upstream limit of detailed study.	623

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21109 Filed 7-26-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3170]

COUNTY OF FREDERICK, UNINCORPORATED AREAS, MARYLAND

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the County of Frederick, Unincorporated Areas, Maryland. 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).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Second Floor, West Wing, Winchester Hall, East Church Street, Frederick, Maryland.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. James F. Black, President of the Frederick County

Council of Governments, 615 East Main Street, Thurmont, Maryland 21788.

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 the proposed determinations of base flood elevations (100-year flood) for the County of Frederick, Unincorporated Areas, Maryland, 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 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tributary No. 36, Sabillasville, northwest Frederick County.	Harbaugh Valley Rd.	1,036
	Old Sabillasville Rd.	1,100
	Sabillasville Rd.	1,107
	Western Maryland RR.	1,143
	Fort Ritchie Rd.	1,155
Tributary No. 38, Sabillasville, northwest Frederick County.	Sabillasville Rd.	1,107
	Downstream Western Maryland RR.	1,142
	Upstream Western Maryland RR	1,149
Tributary No. 40, Emmitsburg, northwest Frederick County.	Confluence with Flat Run.	385
	Emmitsburg corporate limits.	399
	do	407
	Irish Town Rd	410
Tributary No. 41, Emmitsburg, northeast Frederick County.	Confluence with Flat Run.	391
	Route 15	436
	Limit of study	477
Flat Run, Emmitsburg, northeast Frederick County.	Confluence with Toms Creek.	374
	Route 15	385
	Emmitsburg corporate limits.	387
	Route 97	388
	Confluence with tributary 41.	391
	Route 15	394
	Emmitsburg corporate limits and confluence with tributary No. 40.	395
High Run, Thurmont, north Frederick County.	Confluence with Hunting Creek.	417
	Abandoned railroad	424
	Frederick Rd.	506
Tributary No. 74, Thurmont, north Frederick County.	Confluence with Muddy Run.	469
	Downstream Route 806.	510
Tributary No. 76, Thurmont, north Frederick County.	Confluence with Hunting Creek.	562
	Moser Rd.	385
	Thurmont corporate limits.	467
Fishing Creek, Lewistown, north Frederick County.	Lewistown Rd.	365
	Maryland Route 806	377
Little Tuscarora Creek, Indian Springs, west Frederick County.	Starlill Dr.	396
	Route 73	419
	Abandoned railroad bridge.	434
Tributary No. 96, Shookstown, south west Frederick County.	Bowers Rd.	408
	Lakeview Dr.	558
	Oakmont Dr.	580
Tributary No. 99	Confluence with Monocacy River.	271
	Gashouse Pike	271
Tuscarora Creek, Tuscarora, central west Frederick County.	Confluence with Monocacy River.	279
	Penn Central RR.	279
	Maryland Route 15	280
	Willowbrook Rd.	294
	Downstream Bloomfield Rd.	308
Glade Creek, Tuscarora, central west Frederick County.	Confluence with Monocacy River.	284
	Fountain Rock Rd.	284
	Biggs Ford Rd.	289
	Goldsboro Pl.	292
Tributary No. 102, Libertytown, central east Frederick County.	Confluence with townbranch.	462
	Confluence with tributary No. 101.	469
	Mill St.	469
	South St.	473
	Maryland Route 26	475
	North St.	476
Tributary No. 106, Unionville, east Frederick County.	Confluence with North Fork.	419
	Dirt Rd.	431
	Confluence with tributary No. 107.	436
	Unionville Rd.	442
	Maryland Route 26	448
Tributary No. 107, Unionville, east Frederick County.	Confluence with tributary No. 106.	436
	Woodville Rd.	439
	Unionville Rd.	443
Rocky Fountain Run, Buckeystown, southwest Frederick County.	Route 85	247
	Horsehead Run	247
	Keller lime plant	248
	Downstream B. & O. RR.	256
	Upstream B. & O. RR.	263
Tributary No. 126, Buckeystown, southwest Frederick County.	Confluence with tributary No. 125.	260.6
Tributary No. 125, Buckeystown, southwest Frederick County.	Confluence with Horsehead Run.	254.5
	Downstream B. & O. RR.	256.5
	Upstream B. & O. RR.	260
Horsehead Run, Buckeystown, southwest Frederick County.	Confluence with Rocky Fountain Run.	247
	Downstream Route 80	257
	Upstream Route 80	259
Tributary No. 124, Buckeystown, southwest Frederick County.	Confluence with Horsehead Run.	261.1
	Downstream B. & O. RR.	275.5
	Upstream B. & O. RR.	278.3
Tributary No. 127, Buckeystown, southwest Frederick County.	Pipe outlet	245
	Downstream dam	252
	Upstream dam	257
Tributary No. 129, Buckeystown, southwest Frederick County.	Old Route 80	247
	Downstream Old Route 80.	274
	Upstream Old Route 80.	278
Bush Creek, Monrovia, southeast Frederick County.	Route 75	400
	Confluence with tributary No. 113.	401

(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: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21110 Filed 7-26-77;8:45 am]

federal register

WEDNESDAY, JULY 27, 1977

PART III



HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

■

HARRY S. TRUMAN SCHOLARSHIP PROGRAM

Provisions for Annual Competition

Title 45—Public Welfare

CHAPTER XVIII—HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

PART 1801—HARRY S. TRUMAN SCHOLARSHIP PROGRAM

Annual Competition for Truman Scholarships; Final Provisions

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Final rule.

SUMMARY: The following are the regulations governing the annual competition for Harry S. Truman Scholarships, as amended by the Board of Trustees of the Harry S. Truman Scholarship Foundation on July 18, 1977. The purpose of these amended regulations is to change certain provisions which in light of the experience of the first year's scholarship competition needed clarification or correction.

EFFECTIVE DATE: August 1, 1977.

ADDRESS: Harry S. Truman Scholarship Foundation, 712 Jackson Place NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Dr. Ralph N. Malvik, 202-395-4831.

SUPPLEMENTARY INFORMATION: The following regulations were adopted by the Board of Trustees of the Harry S. Truman Scholarship Foundation on September 20, 1976 and amended on July 18, 1977.

The Harry S. Truman Memorial Scholarship Act honors the thirty-third President of the United States by creating a perpetual education Scholarship program to help college students prepare for public service careers. The program was established as a living memorial to President Truman because of his high regard for the public trust, his lively exercise of political talents, his broad knowledge and understanding of the American political and economic system, and his strong desire for increased educational opportunities for young people.

The Harry S. Truman Scholarship Foundation is authorized to award Scholarships to persons preparing for a career in public service. The Foundation has defined public service to mean participation in government, with emphasis on administration and management and on potential leadership ability. Careers at all levels and functions of government are specifically included in this definition.

The Foundation will carry out an annual nationwide Scholarship competition for outstanding college students who plan to follow careers in public service. Nominees for Truman Scholarships must specify in their application their interest in pursuing a career in public service and how their educational plans will prepare them for the chosen career goal. They should detail how the planned academic program will prepare for a specific career in government. Courses in history, political science, public administration, economics and finance, and international relations are among the types of studies considered by many educators to be appropriate in this connection. No such list of areas of study can be comprehensive or exhaustive, however, and applicants should feel free to offer other germane fields of study that they believe would help them prepare for a career in government.

The regulations set forth below govern the annual Scholarship competition. They are issued under the authority of the Harry S. Truman Memorial Scholarship Act, Pub. L. 93-642 (20 U.S.C. 2001-2012).

The amendments adopted to these regulations on July 18, 1977 were technical in nature, made to clarify provisions which needed such clarification or correction in light of the first year's scholarship competition.

During the course of the first national competition for Harry S. Truman Scholarships, minor inconsistencies and confusion developed with respect to some provisions of the Foundation's regulations governing the annual competition. These could not be foreseen when the original regulations were issued on September 28, 1976 (41 FR 42666).

The definition of "Junior" in § 1801.4 has been revised to indicate that a person is eligible who will have received credit for more than half of the second year of college, but not more than half of the third year of college prior to the beginning of the year for which eligible. This recognized the increasing variations in pace with which college students pursue their academic careers, rather than the "lock-step" approach so common in the past.

A change to the definition of "Resident" in § 1801.4 was made in order to clarify the standards by which a determination of residency is made. The revised language includes the following criteria: parents' place of residence, eligibility for "in-State" tuition rates at public institutions of higher education, and place of registration to vote.

Section 1801.11(b) and 1801.15 were amended to give a more detailed explanation of the role of each college's Faculty Representative for the Truman Scholarship Program. It is the responsibility of this person to serve in a liaison capacity between the institution of higher education and the Foundation by publicizing the Truman Scholarship Program on campus, soliciting recommendations of potential nominees from members of the faculty, and insuring that the institution's nomination is properly forwarded to the Foundation by the required deadline. The effectiveness of the Faculty Representative is vital to the success of the Truman Scholarship Program.

The original § 1801.12 sought to define the universe of higher education institutions that were eligible to participate in the Truman Scholarship Program—particularly institutions that have more than one campus—on the basis of classifications originally developed by the Federal Interagency Committee on Education (FICE). During the course of the 1977 competition it became clear that trying to define the universe of higher education institutions in terms of whether each institution or component has been assigned an identification number (the FICE code) by the Federal Interagency Committee on Education was not feasible. In fact, it resulted in the inclusion in some cases of institutions that were not otherwise eligible under the Foundation's enabling legislation, such as institutions that are organized as profit making. Accordingly, § 1801.12 was amended to define the universe in a manner consistent with the annual national census of colleges and universities, the Higher Education General Information Survey (HEGIS), conducted in cooperation with all institutions. This information is published by the U.S. Department of Health, Education, and Welfare. This listing of the higher education universe is used by many other Federal agencies, including the Veterans Administration and the National Science Foundation. The new section excludes from eligibility those components of an institution that are organized solely for administrative purposes and have no students enrolled.

Another change corrects a typographical error in the Code of Federal Regulations which identified the heading for § 1801.17 as 1087.17.

New § 1801.17(c)(1) requires as supporting documentation to each nomination an essay of 600 words or less, written by the student, that discusses a particular public policy issue of interest to the student. The purpose of this requirement is to provide to those reviewing each nomination some indication of the nominee's interest in matters of public policy, the depth of the candidate's understanding of complex issues, and the student analytical capabilities. Conforming changes were made by (1) moving former §1801.17(c)(1)—with some slight editorial changes in language—and redesignating it as § 1801.17(b)(6), and (2) renumbering paragraph (b)(6) as paragraph (b)(7).

The purpose of new § 1801.23(c) was to recognize that an important part of the interview by the Regional Review Panel is the panel's assessment of each semi-finalist's potential for leadership in government. A conforming change was required in § 1801.23(b).

Revised § 1801.50 gives more information on the structure of the program—as approved by the Foundation's Board of Trustees—as one for a period not to exceed a total of four academic years, beginning at the junior level, continuing into the senior year and extending for not more than two academic years of graduate study, in accordance with the regulations established by the Foundation's Board of Trustees and subject to an annual review by the Foundation.

It is the intent of the Harry S. Truman Scholarship Foundation to issue further amendments to these regulations as additional experience is gained in the operation of the Truman Scholarship Program.

Effective date: These regulations are adopted effective October 1, 1976, and amended effective August 1, 1977.

Dated: July 22, 1977.

ROBERT E. CLEARY,
Executive Secretary, Harry S. Truman Scholarship Foundation.

Title 45 of the Code of Federal Regulations is amended by establishing a new Chapter XVIII to read as set forth above and adding a new Part 1801, to read as follows:

Subpart A—General

Sec.
1801.1 Annual Truman Scholarship competition.
1801.2 Truman Scholars are selected from each State.
1801.3 Students eligible for nomination.
1801.4 Definitions.

Subpart B—Nomination

1801.10 Nomination by institution of higher education.
1801.11 Annual nomination.
1801.12 Institutions with more than one campus.
1801.13 Two-year institutions.
1801.14 Submission of application to the Foundation.
1801.15 Faculty representative.
1801.16 Closing date for receipt of nominations.
1801.17 Contents of application.
1801.18 Harry S. Truman Scholarship Qualifying Test.

Subpart C—The Competition

1801.20 Selection of semi-finalists.
1801.21 Evaluation criteria.
1801.22 Interview of student with regional review panel.
1801.23 Recommendation by panel.
1801.24 Further recommendations or nominations.
1801.25 Selection of Truman Scholars by the Foundation.

Subpart D—Amount of Payments to Students

1801.30 Travel expenses of semi-finalists.
1801.31 Scholarship awards.
1801.32 Definition of "fee".
1801.33 Allowance for books.
1801.34 Allowance for room and board.
1801.35 Deduction for benefits from other sources.

Subpart E—Payment Conditions and Procedures

1801.40 Acceptance of the scholarship.
1801.41 Report at the beginning of each term.
1801.42 Definition of "term".
1801.43 Payment schedule.
1801.44 Postponement of payment.

Subpart F—Duration of Scholarship

1801.50 Renewal of scholarship.
1801.51 Termination of scholarship.
1801.52 Recovery of scholarship funds.

AUTHORITY: Pub. L. 93-642, 88 Stat. 2276 (20 U.S.C. 2001-2012).

Subpart A—General

§ 1801.1 Annual Truman Scholarship competition.

Each year, the Harry S. Truman Scholarship Foundation carries out a Nationwide competition to select students to be Truman Scholars.

§ 1801.2 Truman Scholars are selected from each State.

(a) At least one Truman Scholar is selected each year from each State in which there is a resident applicant who meets the eligibility criteria in § 1801.3.

(b) As used in this part, "State" means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and considered as a single entity: Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 1801.3 Students eligible for nomination.

A student is eligible to be nominated as a Truman Scholar if he or she:

(a) Is a matriculated student pursuing a degree at an institution of higher education during the year in which nominated;

(b) Will be a junior pursuing a bachelor's degree as a full-time student at an institution of higher education the following academic year;

(c) Has an undergraduate field of study that permits admission to a graduate program leading to a career in public service;

(d) Has an undergraduate average of at least "B" or its equivalent and ranks in the upper fourth of his or her class; and

(e) Is a national of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident, or is a permanent resident of the Trust Territory of the Pacific Islands.

§ 1801.4 Definitions.

As used in this part:

"Academic year" means the period of time, typically 8 or 9 months, in which a full-time student would normally complete two semesters, two trimesters, three quarters, or the equivalent.

"Foundation" means the Harry S. Truman Scholarship Foundation.

"Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent to secure the degree or certificate toward which he or she is working, in no more than the length of time normally taken at the institution of higher education.

"Institution of higher education" has the meaning given in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"Junior" means a student who has received credit for more than one-half of the coursework required to complete the second year of college, but not more than one-half of the coursework required to complete the third year of college.

"President" means the principal official responsible for the overall direction of the operations of an institution of higher education.

"Public service" means a career at any level or in any function of government.

"Resident" means a person who has legal residence in the State, recognized under State law. If a question arises concerning the State of residence, the Foundation determines, for the purposes of this program, of which State the person is a resident, taking into account parents' place of residence, eligibility for "in-State" tuition rates at public institutions of higher education, and place of registration to vote.

"Sophomore" means the academic level recognized by the institution of higher education as having second year standing.

Subpart B—Nomination

§ 1801.10 Nomination by institution of higher education.

To be considered in the competition, a student must be nominated by the institution of higher education that he or she attends.

§ 1801.11 Annual nomination.

(a) Except as provided in §§ 1801.12 and 1081.13, each institution of higher education may nominate one student annually.

(b) The nomination must be made by the President of the institution or the designated Faculty Representative, after the President asks for and considers recommendations by the faculty.

§ 1801.12 Institutions with more than one campus.

If an institution of higher education has more than one component separately listed in the current edition of the publication Education Directory: Colleges and Universities (published by the U.S. Department of Health, Education, and Welfare), each component of the institution may nominate one student. However, a component that is organized solely for administrative purposes and has no students enrolled may not nominate a student.

§ 1801.13 Two-year institutions.

If an institution of higher education does not offer education beyond the sophmore level, the institution may nominate only a student who will be a junior the following year at another institution of higher education.

§ 1801.14 Submission of application to the Foundation.

To nominate a student for the competition, the institution of higher education must send the student's application to the Foundation.

§ 1801.15 Faculty representative.

(a) Each institution which nominates a student or which has a Truman Scholar in attendance must give the Foundation the name, business address, and business telephone number of a member of the faculty who will serve as liaison between the institution and the Foundation.

(b) It is the role of this Faculty Representative to publicize the Truman Scholarship Program on campus, solicit recommendations of potential nominees from members of the faculty, and insure that the institution's nomination, with all required supporting documents, is forwarded to the Foundation by the required deadline.

§ 1801.16 Closing date for receipt of nominations.

The Foundation publishes an annual notice in the FEDERAL REGISTER of the

date by which institutions of higher education must submit their nominations and all supporting documents in order to be guaranteed consideration by the Foundation.

§ 1801.17 Contents application.

(a) The Foundation provides a form that must be used as the application.

(b) Each application must include the following:

(1) A statement that the student is an applicant for a Truman Scholarship;

(2) A statement that the student plans to pursue a career in public service;

(3) A list of the student's public service activities, such as those associated with government agencies, community groups, political campaigns, and charities;

(4) A list of leadership positions the student has held during high school and during the first two years of undergraduate school;

(5) A statement that the student is willing to participate in an internship or seminar sponsored by the Foundation; and

(6) A statement of interest in a career in government, written by the student, that shows in some detail how the student's academic program and overall educational plans will prepare him or her for that chosen career;

(7) Examination papers of the Harry S. Truman Scholarship Qualifying Test completed by the student as provided under § 1801.18.

(c) In support of each nomination the following documents must also be submitted:

(1) An essay of 600 words or less written by the student that analyzes a particular public policy issue of interest to the student.

(2) Transcripts of the student's high school and undergraduate scholastic record; and

(3) Three letters of recommendation. One of these letters must be written by a faculty member in the student's field of study, and one must be written by another person who can speak to the student's potential for a career in public service.

§ 1801.18 Harry S. Truman Scholarship Qualifying Test.

(a) The Foundation provides the Harry S. Truman Scholarship Qualifying Test to each institution which nominates a student.

(b) The institution must administer the test in accordance with the instructions that accompany the test.

Subpart C—The Competition

§ 1801.20 Selection of semi-finalists.

The Foundation selects semi-finalists from the students who are nominated.

§ 1801.21 Evaluation criteria.

(a) The Foundation first selects the students from each State who receive the highest scores on the Harry S. Truman Scholarship Qualifying Test.

(b) The Foundation then selects semi-finalists from the students selected under paragraph (a) of this section on the basis of the following criteria:

(1) The extent to which the student has shown an outstanding potential for leadership in the public service; and

(2) The student's academic performance.

(c) The Foundation evaluates each student solely on the basis of the information required under § 1801.17.

§ 1801.22 Interview of student with regional review panel.

The Foundation invites each semi-finalist to an interview with a Regional Review Panel.

§ 1801.23 Recommendation by panel.

(a) Each Regional Review Panel recommends two finalists from each State to the Foundation.

(b) The two finalists must be recommended by the Panel in the order of their qualification to be a Truman Scholar.

(c) The recommendations are based on the material required under Section 1801.17 and, as determined in the interview, the panel's assessment of each semifinalist's potential for leadership in government.

§ 1801.24 Further recommendations or nominations.

(a) The Foundation may ask a Regional Review Panel to submit the names of additional finalists for consideration, or may ask institutions of higher education to submit additional nominations.

(b) If additional nominations are made under paragraph (a) of this section, the applications must meet the requirements of Subpart B of this part, and are considered under the procedures of this subpart.

§ 1801.25 Selection of Truman Scholars by the Foundation.

(a) The Foundation names Truman Scholars after receiving recommendations from the Regional Review Panels.

(b) The Foundation also names an alternate for each Truman Scholar. The alternate receives the scholarship if:

(1) The person named as a Truman Scholar is not able to begin studies at the start of the following academic year, and

(2) Payments are not postponed under § 1801.44.

Subpart D—Amount of Payments to Students

§ 1801.30 Travel expenses of semi-finalists.

(a) Each semi-finalist may receive reimbursement for the actual and necessary expenses of round trip transportation to the location of the Regional Review Panel.

(b) The Foundation uses the Federal Travel Regulations (referenced in 41 CFR 101–7.003) as a guide to determine the amount of the reimbursement.

(c) The foundation informs semi-finalists of the procedures for obtaining this reimbursement.

§ 1801.31 Scholarship awards.

Each Truman Scholar receives annually $5000 or the cost of tuition, fees, books, and room and board, whichever is less.

§ 1801.32 Definition of "fee".

As used in this part, "fee" means a typical and usual non-refundable charge by the institution of higher education for a service, a privilege, or the use of property.

§ 1801.33 Allowance for books.

The cost allowed for a student's books is $180 per year.

§ 1801.34 Allowance for room and board.

The cost allowed for a student's room and board is the amount the institution of higher education reports to the College Scholarship Service as the average cost of room and board for the student's institution, given the type of housing the student occupies.

§ 1801.35 Deduction for benefits from other sources.

(a) The cost allowed for a student's tuition, fees, books, and room and board must be reduced to the extent that the cost is paid for by another organization.

(b) This section does not apply to benefits the student receives from the Veterans Administration.

Subpart E—Payment Conditions and Procedures

§ 1801.40 Acceptance of the scholarship.

To receive any payment, a Truman Scholar must sign an acceptance of the scholarship and submit it to the Foundation.

§ 1801.41 Report at the beginning of each term.

The Truman Scholar must submit the following material to the Foundation at the beginning of each term:

(a) A statement of the student's costs for tuition, fees, books, and room and board.

(b) A certification by an authorized official of the institution that the statement of those costs is accurate.

(c) A certification of the amounts of those costs that are paid for by another organization.

(d) A certification by an authorized official of the institution that the Truman Scholar:

(1) Is a full-time student and is taking a course of study, training, or other educational activities to prepare for a career in public service; and

(2) Is not engaged in gainful employment that interferes with the Scholar's studies.

(e) A certification by an authorized official of the institution of whether the Truman Scholar is in academic good standing.

(f) A certification by an authorized official of the institution that the institution makes continuing efforts to encourage the Truman Scholar to enter public service after completing his or her educational program.

§ 1801.42 Definition of "term".

As used in this part, "term" means the period which the institution of higher education uses to divide its academic year: Semester, trimester, or quarter.

§ 1801.43 Payment schedule.

The Foundation will pay the Truman Scholar a portion of the award after each report submitted under § 1801.41.

§ 1801.44 Postponement of payment.

(a) A Truman Scholar may request the Foundation to postpone one or more payments because of sickness or other circumstances.

(b) If the Foundation grants a postponement, it may impose such conditions as it decides are necessary.

Subpart F—Duration of Scholarship

§ 1801.50 Renewal of scholarship.

It is the intent of the Foundation to renew scholarship awards for a period not to exceed a total or four academic years (consisting of the junior year, the senior year, and up to two academic years of graduate study), only in accordance with the regulations established by its Board of Trustees, and subject to an annual review for compliance with these requirements in this part.

§ 1801.51 Termination of scholarship.

(a) The Foundation may terminate a scholarship under the following specific conditions:

(1) If the Truman Scholar does not meet the criteria in § 1801.41(e) for two consecutive terms, or

(2) If the Truman Scholar does not meet the criteria in § 1801.41(d) or § 1801.3(e).

(b) Before it terminates a scholarship under these conditions the Foundation gives the student notice and an opportunity to be heard with respect to the grounds for termination.

§ 1801.52 Recovery of scholarship funds.

If a scholarship is terminated or if the student resigns a scholarship, all scholarship funds which have not been spent or which the student may recover must be returned to the Foundation.

[FR Doc.77-21573 Filed 7-26-77;8:45 am]

federal register

WEDNESDAY, JULY 27, 1977
PART IV



INTERSTATE COMMERCE COMMISSION

■

ABANDONMENT OF RAILROAD SERVICES

System Diagram Maps of Various Railroad Companies

INTERSTATE COMMERCE COMMISSION

[AB 174 (SDM)]

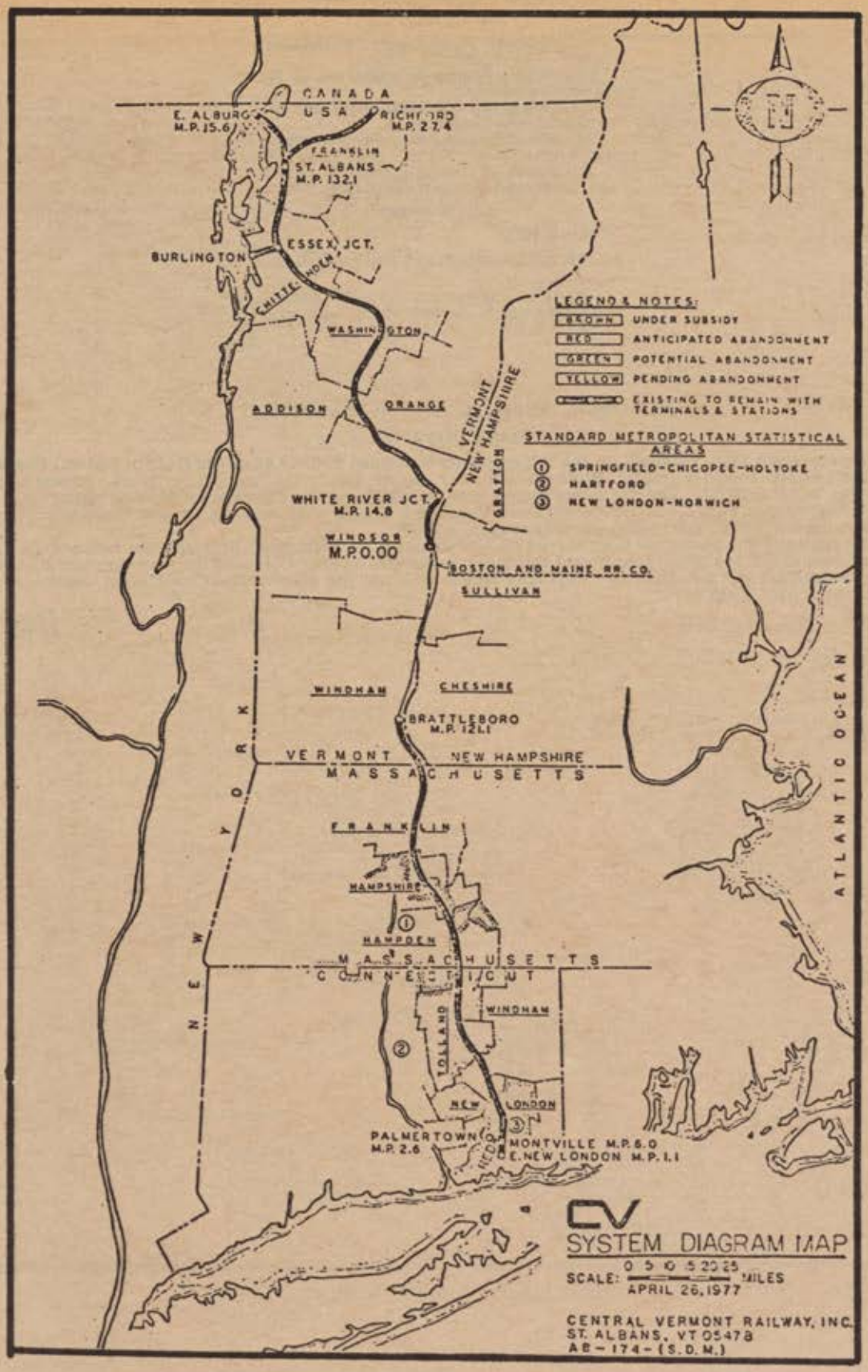
CENTRAL VERMONT RAILWAY, INC.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Central Vermont Railway, Inc., has filed with the Commission its color-coded system diagram map in docket No. AB 174 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 23, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 174 (SDM).

H. G. Homme, Jr.,
Acting Secretary.


CANADA
U S A
E. ALBURG M.P. 15.6
RICHFORD M.P. 27.4
FRANKLIN
ST. ALBANS M.P. 132.1
BURLINGTON
ESSEX JCT.
CHITTENDEN
WASHINGTON
ADDISON
ORANGE
VERMONT
NEW HAMPSHIRE
GRAFTON
WHITE RIVER JCT. M.P. 14.8
WINDSOR M.P. 0.00
BOSTON AND MAINE RR. CO.
SULLIVAN
WINDHAM
CHESHIRE
BRATTLEBORO M.P. 12.1
VERMONT
NEW HAMPSHIRE
MASSACHUSETTS
FRANKLIN
HAMPSHIRE
HAMPDEN
MASSACHUSETTS
CONNECTICUT
NEW YORK
TOLLAND
WINDHAM
NEW LONDON
PALMERTOWN M.P. 2.6
MONTVILLE M.P. 6.0
E. NEW LONDON M.P. 1.1
ATLANTIC OCEAN
LEGEND & NOTES:
BROWN UNDER SUBSIDY
RED ANTICIPATED ABANDONMENT
GREEN POTENTIAL ABANDONMENT
YELLOW PENDING ABANDONMENT
EXISTING TO REMAIN WITH TERMINALS & STATIONS
STANDARD METROPOLITAN STATISTICAL AREAS
1 SPRINGFIELD-CHICOPEE-HOLYOKE
2 HARTFORD
3 NEW LONDON-NORWICH
CV
SYSTEM DIAGRAM MAP
SCALE: 0 5 10 15 20 25 MILES
APRIL 26, 1977
CENTRAL VERMONT RAILWAY, INC.
ST. ALBANS, VT 05478
AB-174-(S.D.M.)

§ 1121.21 DESCRIPTION OF LINE

SDM CATEGORY (1)

(a) *Carriers designation:* Palmertown Spur.*

(b) *State or States in which line is located:* Connecticut.*

(c) *County or counties in which the line is located:* New London.*

(d) *Mileposts delineating the line:* From MP-0 to 2.6.*

(e) *Agency or Terminal Stations located on the line with milepost designation.*

AB-174 (SDM)

MAY 2, 1977.

[FR Doc.77-21351 Filed 7-26-77;8:45 am]

*The line terminates in Township of Montville. The line is serviced by the Agency at New London.

[AB 111 (SDM)]

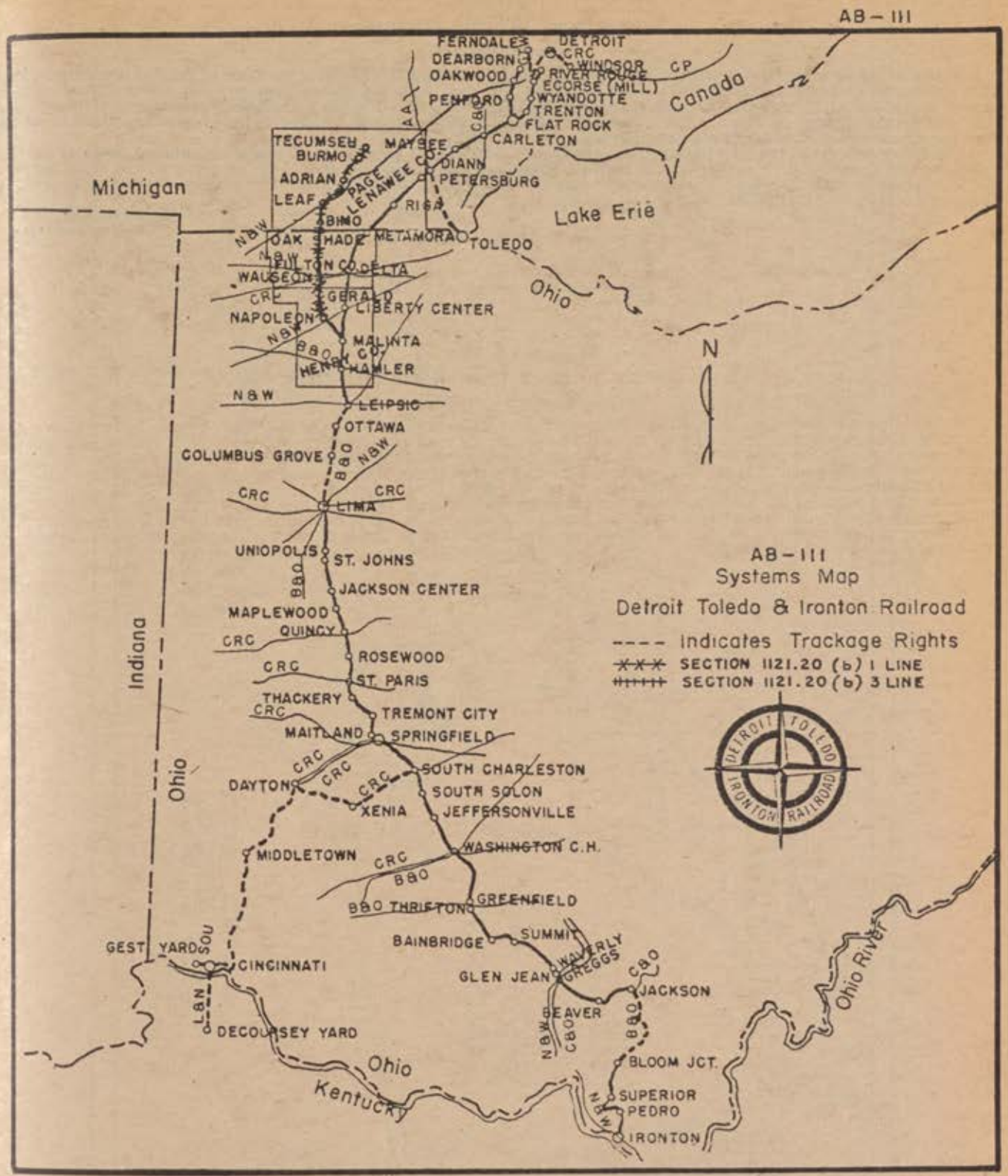
DETROIT, TOLEDO & IRONTON RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Detroit, Toledo & Ironton Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 111 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on July 11, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 111 (SDM).

H. G. HOMME, JR.,
Acting Secretary.



[FR Doc.77-21352 Filed 7-26-77;8:45 am]

[AB 31 (SDM)]

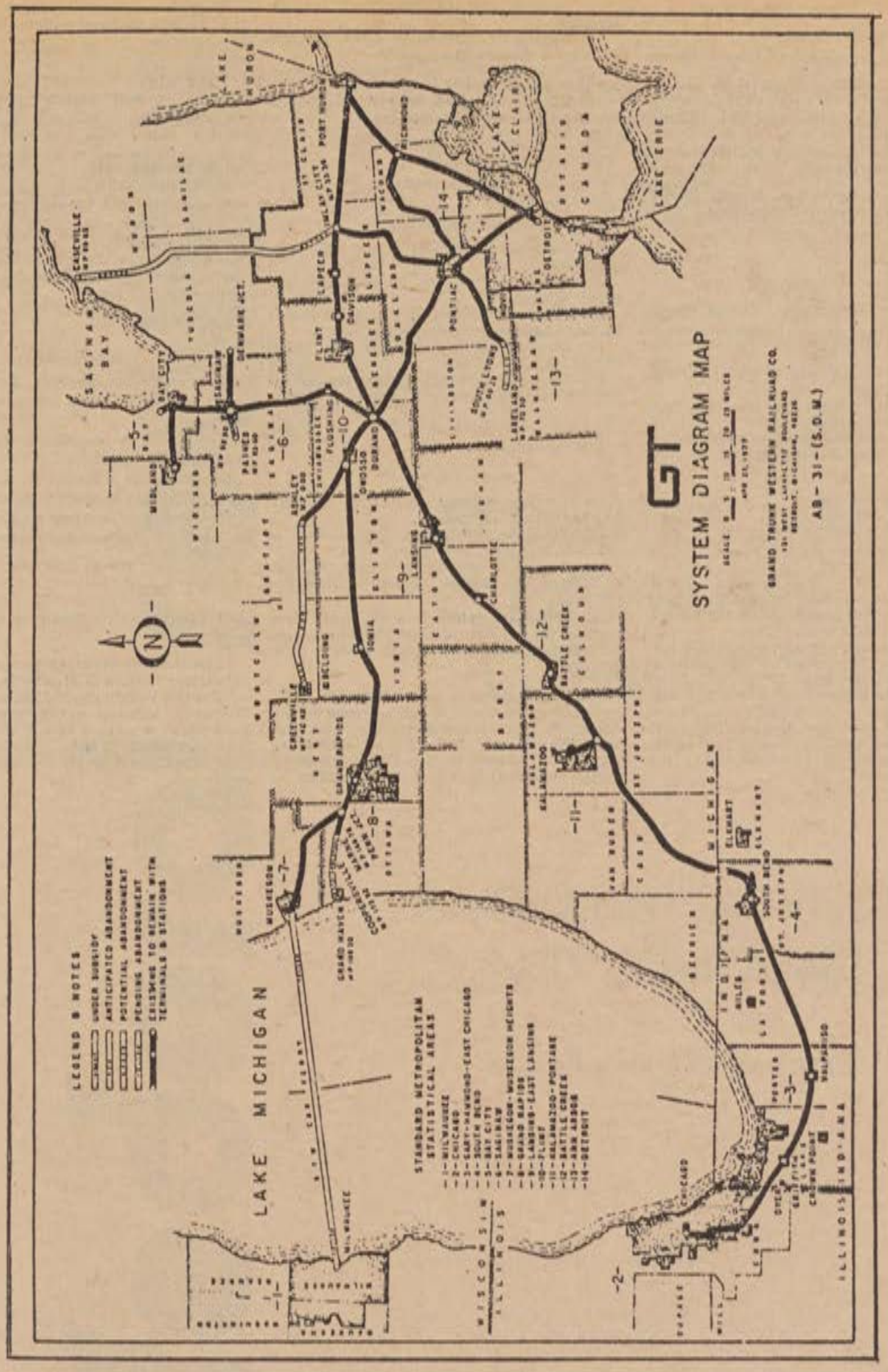
GRAND TRUNK WESTERN RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Grand Trunk Western Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 31 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on July 5, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 31 (SDM).

H. G. Homme, Jr.,
Acting Secretary.


GT
SYSTEM DIAGRAM MAP
AB-31-(S.D.M.)
GRAND TRUNK WESTERN RAILROAD CO.
LAKE MICHIGAN
LAKE HURON
LAKE ERIE
CANADA
LEGEND & NOTES
STANDARD METROPOLITAN STATISTICAL AREAS
-1- MILWAUKEE
-2- CHICAGO
-3- GARY-HAMMOND-EAST CHICAGO
-4- SOUTH BEND
-5- BAY CITY
-6- SAGINAW
-7- MUSKEGON-MUSKEGON HEIGHTS
-8- GRAND RAPIDS
-9- LANSING-EAST LANSING
-10- FLINT
-11- KALAMAZOO-PORTAGE
-12- BATTLE CREEK
-13- ANN ARBOR
-14- DETROIT

§ 1121.21 DESCRIPTION OF LINE

SDM CATEGORY (3)

(a) *Carriers designation:* Grand Rapids Subdivision.[1]
(b) *State or States in which line is located:* Michigan.[1]
(c) *County or counties in which the line is located:* Ottawa.[1]
(d) *Mileposts delineating the line:* From MP-172.92 to 188.20.[1]
(e) *Agency or Terminal Stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (1)

(a) *Carriers designation:* Grand Rapids Subdivision.[2]
(b) *State or States in which line is located:* Michigan.[2]
(c) *County or counties in which the line is located:* Ottawa.[2]
(d) *Mileposts delineating the line:* From MP-166.78 to MP-172.92.[2]
(e) *Agency or terminal stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (1)

(a) *Carriers designation:* Greenville Subdivision.[3]
(b) *State or States in which line is located:* Michigan.[3]
(c) *County or counties in which the line is located:* Gratiot, Montcalm.[3]
(d) *Mileposts delineating the line:* From MP-0.00 to MP-40.40.[3]
(e) *Agency or terminal stations located on the line with milepost designation.*

Perrinton—MP-10.50, Middleton—MP-12.00. Carson City—MP-18.90.

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (3)

(a) *Carriers designation:* Cass City subdivision.[4]
(b) *State or States in which line is located:* Michigan.[4]
(c) *County or counties in which the line is located:* Lapeer, Tuscola, Huron.[4]
(d) *Mileposts delineating the line:* From MP-33.36 to MP-99.63.[4]
(e) *Agency or terminal stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (3)

(a) *Carriers designation:* GTW Carferry (Crossing Lake Michigan).[5]
(b) *State or States in which line is located:* Michigan, Wisconsin.[5]
(c) *County or counties in which the line is located:* Muskegon (Mich.), Milwaukee (Wisc.).[5]
(d) *Mileposts delineating the line:* Traversing the waters of Lake Michigan, approximately a distance of 88.3 miles.[5]
(e) *Agency or terminal stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (1)

(a) *Carriers designation:* Jackson Subdivision.[6]
(b) *State or states in which line is located:* Michigan.[6]
(c) *County or counties in which the line is located:* Oakland, Livingston.[6]
(d) *Mileposts delineating the line:* From MP-60.29 to 70.30.[6]
(e) *Agency or Terminal Stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

SDM CATEGORY (1)

(a) *Carriers designation:* Paines Spur.[7]
(b) *State or states in which line is located:* Michigan.[7]
(c) *County or counties in which the line is located:* Saginaw.[7]
(d) *Mileposts delineating the line:* From MP-98.90 (near Saginaw) to MP-95.60.[7]
(e) *Agency or terminal stations located on the line with milepost designation.*

AB-31 (SDM)

MAY 1, 1977.

[FR Doc.77-21353 Filed 7-26-77;8:45 am]

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[1] The line terminates at Grand Haven MP-188.20. The line is serviced by the Agency at Coopersville MP-172.60.

[2] The line terminates at Coopersville MP-172.92. This line is serviced by the Agency at Coopersville MP-172.60.

[3] The line terminates at Greenville MP-40.40. The line is serviced by the Agencies at Greenville MP-40.40 and Sheridan MP-30.70. This line is also Partially covered by a mobile Agency headquartered at Durand. The stations affected are:

[4] The line terminates at Caseville MP-99.63. All stations on this line are serviced by the Agency at Flint. Those stations affected are: North Branch—MP-48.60, Clifford—MP-54.70, Cass City—MP-74.40, Gagetown—MP-80.00, Pigeon—MP-91.80, Caseville—MP-99.40.

[5] The Carferry is served by the Agencies at Milwaukee, Wis., and Muskegon, Mich.

[6] The line terminates at Lakeland MP-70.30. The line is serviced by the Agency at Walled Lake which is located east of South Lyon.

[7] This line terminates at Paines MP-95.60. This line is serviced by the Agency at Saginaw.

federal register

WEDNESDAY, JULY 27, 1977

PART V



SECURITIES AND EXCHANGE COMMISSION

■

INVESTMENT ADVISORS AND COMPANIES

Miscellaneous Amendments

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release No. IA-601; S7-712]

INVESTMENT ADVISER DISCLOSURE AND RECORDKEEPING REQUIREMENTS

Solicitation of Public Comments

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The purpose of this document is to solicit public comments on proposed rules under the Investment Advisers Act of 1940 ("Act") which would require registered investment advisers to furnish their clients and prospective clients with written disclosure statements containing certain specified information, and to maintain a copy of such written statements as part of their books and records. In the absence of such a requirement, clients and prospective clients of registered investment advisers may not receive certain information which would assist them in evaluating and comparing advisory firms.

DATE: Comments must be received on or before September 30, 1977.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street N.W., Washington, D.C. 20005 and should refer to File No. S7-712.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: On March 5, 1975, the Commission issued a notice (Investment Advisers Act Release No. 442) (40 FR 11897, March 14, 1975) that it had under consideration the adoption of new Rule 206(4)-4 (17 CFR 275.206(4)-4) ("brochure rule") and new paragraph (14) of Rule 204-2(a) (17 CFR 275.204-2(a)(14)) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Act"). The Commission has considered the public comments received in response to that notice, has made certain modifications of the rules and now believes that it is appropriate to resolicit public comments on the brochure rule which is designed to ensure that investment advisers provide certain key information to clients and prospective clients to assist them in evaluating and comparing advisory firms. The proposed rule, which was originally published for comment as Rule 206(4)-4, has been reproposed pursuant to Section 204 (15 U.S.C. 80b-4) and section 206 (15 U.S.C. 80b-6) and is now designated Rule 204-4 (17 CFR 275.204-4).

In general, the rule is similar to that proposed for comment; the significant differences are that the new rule would apply only to those advisers registered or required to be registered, that it would require a current balance sheet to be included in the disclosure and that advisers could satisfy the rule by delivering their Form ADV (17 CFR 279.1) (as amended) rather than a special disclosure statement. This latter change is being proposed in conjunction with proposed revisions of the Form ADV (Investment Advisers Act Release No. 602) intended to make that document more informative. It is primarily because of this change that the "brochure rule" is being reproposed for comment rather than adopted at this time.

The Commission anticipates that the written statements required by the rule may be used by investment advisers as part of their advertising. In fact, the disclosure statements are "advertisements" as that term is used in Rule 206(4)-1 (17 CFR 275.206(4)-1) under the Act and therefore are subject to the provisions of that rule. The rule, as reproposed, does not contain a general antifraud provision of the type in the original rule since it appears to be unnecessary to prohibit in the rule conduct which is already proscribed by Rule 206(4)-1. The rule is intended to set forth those disclosures which all written statements must include. Of course, there will be many cases where special disclosure is required by the antifraud rules, depending on the facts. Compliance with the brochure rule would not necessarily be compliance with the antifraud provisions.

In addition, investment advisers are encouraged to include any additional information which they believe will assist clients and prospective clients in understanding and evaluating the material contained in the written statement. For example, an investment adviser might wish to supplement the maximum accounts per account manager information required by paragraph (e)(2)(ii) of Rule 204-4 to indicate, among other things, the amount of computerization in the advisory process or the role individuals other than account managers play in the process. However, if such supplementary information becomes materially inaccurate, Section 206 and Rule 206(4)-1 thereunder would prohibit the investment adviser from continuing to distribute a brochure containing such information. Moreover, the investment adviser may have an obligation under Section 206 to bring such material inaccuracies to the attention of those clients who received a brochure containing such inaccuracies.

General Provision of the Rule

Paragraph (a) of Rule 204-4 set forth the general requirement that an investment adviser registered under the Act or required to be registered must furnish each of its clients and prospective clients with a disclosure statement complying with the rule, unless it is entitled to one of the exemptions in paragraph (g) of the rule. Paragraph (a) also states that an investment adviser, in lieu of a specially prepared written statement, may deliver a copy of the Act's registration form, Form ADV, which complies with Rule 204-1(b) (17 CFR 275.204-1(b)) under the Act. Allowing investment advisers to use their Form ADV as their disclosure statement should afford investment advisers an opportunity to reduce significantly the cost of complying with the rule. Investment advisers would be able to duplicate and distribute an existing document rather than being required to prepare a disclosure statement specifically designed to meet the rule's requirements. Since the Commission's proposed revisions of Form ADV will expand the scope of Form ADV so that it will include all the information which would be required by the rule, clients and prospective clients of investment advisers who elect to furnish a copy of their Form ADV should have the same information at their disposal as clients and prospective clients of investment advisers who prepare a separate document specifically written to comply with the rule. The Commission is particularly interested in public comments on the advisability of permitting investment advisers to use their Form ADV as their written disclosure statement.

Time of Delivery Requirements

Paragraph (b) of the rule requires that investment advisers furnish a written disclosure statement to every client and prospective client not less than 48 hours prior to entering into any investment advisory contract with such person. The 48 hour period is designed to afford clients and prospective clients an opportunity to consider carefully the disclosures contained in the written statements. The requirement of the rule as first proposed that disclosure statements be furnished each time an investment advisory contract is extended or renewed has been eliminated; this should be unnecessary in light of the new requirement to notify clients or prospective clients of material changes in the statement delivered.

In order to provide full disclosure to existing clients at the time the rule becomes effective, paragraph (b) would require all investment advisers to furnish a written statement to all clients with whom an investment advisory contract is in effect on the effective date of the rule.

Paragraph (b)(2) of the rule provides investment advisers with an exemption from the 48 hour prior delivery requirement under certain conditions. This exemption, which does not apply to contracts for investment supervisory services or account management services, is designed for those investment advisers who provide periodic publications or reports on a subscription basis. The 48 hour prior delivery requirement would unnecessarily disrupt the normal marketing procedure for such services. Thus, the adviser may furnish written statements to clients purchasing such services not later than 30 days after the client has entered into the investment advisory contract, pro-

vided that the client is able to rescind the advisory contract without penalty within five business days after the client has received the written statement.

The investment advisory contract which triggers the requirement to furnish a written disclosure statement need not be formal or in writing. Any arrangement or understanding pursuant to which investment advice is to be furnished for compensation by an investment adviser to a client would require compliance with the rule unless an exemption is available. However, the rule would not apply where investment advice is furnished under circumstances in which an adviser has no contractual relationship of any kind with the recipients of the advice, such as an author of a book or an adviser appearing on radio or television.

AMENDED OR REVISED STATEMENTS

The Commission received a number of comments on what procedures the rule should require if information specified by the rule becomes materially false or misleading, or if the written statement omits any material information required by the rule. Paragraph (c) of the proposed rule provides that if any client has received a written statement and any information therein becomes materially inaccurate or incomplete, the adviser must furnish correcting information in writing to such individuals within specified time limits. With respect to existing clients, the adviser must furnish any necessary correcting information within 45 days of the date on which the earlier statement becomes deficient unless the client's advisory contract is due for extension or renewal during the 45 day period. In that case, such client must be treated as though he were a client entering an initial investment advisory contract. Stickers may be used as a means of updating disclosure statements. Alternatively, some investment advisers may wish to furnish their written statements in looseleaf form so that they can amend their disclosures by furnishing new pages to replace old ones.

CONTENTS OF THE WRITTEN DISCLOSURE STATEMENT

Paragraph (d) of the rule sets forth those items of disclosure which must be covered in every written disclosure statement required by the rule. Generally, these disclosures fall into the following categories: services offered; advisory procedures and practices; qualifications of personnel; advisory fees; and affiliations with broker-dealers. As a general guideline, the disclosures in paragraph (d) should relate only to the investment adviser's usual practice in the area being described unless otherwise indicated. However, any exceptions of a material nature relating to a particular client or transaction would, of course, have to be separately disclosed to the affected persons pursuant to the antifraud provisions in Section 206 of the Act.

There are two areas of disclosure that were not included in the rule as originally proposed. Paragraph (d)(10) parallels question 24 of Form ADV and requests information concerning the investment adviser's policy with respect to securities transactions with clients or in securities recommended to clients. Although some of this information will be specifically disclosed to clients pursuant to section 206(3) (15 U.S.C. 80b-6(3)) of the Act and the rules thereunder, general disclosure of the advisers' intentions and usual practices in this area should be of interest to prospective clients.

Paragraph (d)(11) requires the adviser to include a current balance sheet in its disclosure statement. The Commission believes that clients and prospective clients should be given the opportunity to assess the extent to which an investment adviser has the financial capability to perform the services which it undertakes to provide. Such disclosure is particularly significant when an adviser is in precarious financial condition. Such a situation may present material risks that clients' prepaid fees may be lost or that their investment programs may be disrupted in the event of the adviser's insolvency or inability to continue its business. Thus, in several recent cases, the Commission has found it necessary to take enforcement action based on the antifraud provisions in Section 206 of the Act when advisers solicited clients while their financial condition was impaired without disclosing that there was a material risk that they might be unable to meet their contractual commitments. It is expected that requiring certain minimal financial disclosures to be included in the written disclosure statements required by Rule 204-4 will enable clients and prospective clients to make an informed evaluation of an adviser's financial condition before entering into an advisory contract.

The Commission recognizes that there are many types of investment advisers and that one form of balance sheet for all may be too limiting. Thus, comment is specifically requested on the question of which accounts should be reflected in the balance sheet required by the proposed rule. In addition, there are several other related questions on which the Commission particularly wishes to receive public comments:

1. Would it be appropriate to exempt certain classes of investment advisers from the balance sheet requirement and, if so, which classes should be exempted?

2a. Should the rule require audited balance sheets from either all investment advisers or certain classes of investment advisers, e.g., those who provide account management services or those with more than a specified amount of assets under management?

2b. If audited balance sheets are not required, should those investment advisers who otherwise have audited balance sheets prepared be required to use such audited balance sheets?

3. If audited balance sheets are not required, should investment advisers be required to prepare their balance sheets in accordance with generally accepted accounting principles? If yes, what difficulties, if any, would arise because of the different accounting principles and practices applicable to the preparation of balance sheets by investment advisers who operate in corporate form, as partnerships and as sole proprietorships?

4. What additional costs will be imposed on investment advisers as a result of this proposed requirement? Will investment advisers be required to maintain any records in addition to those already required by Rule 204-2 (17 CFR 275.204-2) under the Act in order to comply with this proposed requirement?

5. Should investment advisers be required to present any other financial statements in addition to a balance sheet, e.g., an income statement or a statement of changes in financial position?

The proposal would require that the balance sheet be current as of a date not more than fifteen months prior to its distribution. Of course, if the adviser's financial condition changes materially after the balance sheet is prepared, the adviser would be subject to the provisions of paragraph (c) of Rule 204-4 which deals with "Amended or Revised Statements."

The remaining disclosures required by proposed paragraph (d) are similar in most respects to those earlier proposed for comment. Some changes have been made in response to comments, however. For example, paragraph (d)(6) as proposed would have required education and business background disclosures for each of the adviser's personnel who makes final decisions on which securities are recommended or to which clients particular recommendations will be given. In response to comments, the Commission has limited the scope of paragraph (d)(6) to the members of the adviser's investment committee or similar body. The Commission is seeking education and business background disclosures for those individuals who determine a firm's overall investment philosophy, its attitude at any given time towards the securities markets in general and towards specific securities, and its general policy on how advisory accounts with particular objectives should be invested. Also in response to certain comments, the Commission has deleted certain of the numerical disclosures which would have been required by the rule as proposed, including the length of time the adviser has been in business and the number of advisory personnel in the adviser's organization.

Some commentators expressed confusion at the meaning of the term "investment techniques" which was in paragraph (b)(4) of the original rule and is in paragraph (d)(4) of the new proposal. A description of "investment techniques" would include general descriptions of the ways of investing in the securities markets investment advisers use for their clients; whether, for example, they write call options against securities in accounts they are managing, engage in margin transactions or other leveraging techniques, arbitrage or effect other transactions involving sales of borrowed securities, or limit their advice to cash transactions involving the

purchase and sale of securities. However, the Commission is not seeking a description of any method which might be considered a proprietary secret.

Paragraph (e) of the proposed rule requires additional disclosures in the written statements furnished by investment advisers who provide either discretionary or nondiscretionary account management services. These requirements relate, generally, to information concerning ing procedures for the management of clients' securities accounts. Paragraph (e)(1) has been expanded to require a description of any conditions the adviser imposes to maintain as well as to establish an investment advisory account.

Paragraphs (e)(3) and (e)(4) seek specific information concerning the factors the investment adviser considers when choosing a broker or dealer to execute a client transaction or making a securities selection for a client. An answer to paragraph (e)(3) might indicate, for example, that the investment adviser considers commission costs, execution capabilities, research materials provided, client referrals or various other factors in selecting a broker or dealer to execute a transaction. In response to paragraph (e)(4), the factors might include, among others, the client's age, income, marital status and family obligations, retirement plans, tax bracket, other investments and insurance.

OMISSION OF INAPPLICABLE INFORMATION

Paragraph (f) of the proposed rule permits an investment adviser to omit from its disclosure statement the information required by paragraphs (4) through (8) of paragraph (d), or by paragraph (e), if such information is inapplicable to the service being offered. However, the rule is structured so that the investment adviser would be required in all cases to include certain basic information about his organization. Moreover, if the client or prospective client subsequently decides to receive a service which was not covered by the original disclosure statement, the adviser would be required to deliver the previously omitted information within the time limits set by paragraph (b).

EXEMPTIONS FROM THE RULE

Paragraph (g) sets forth two categories of investment advisory contracts which can be entered into without furnishing a disclosure statement. The first is a contract with an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) which meets the requirements of section 15(c) of that Act (15 U.S.C. 80a–15(c)). Since the board of directors of an investment company is required to receive extensive disclosures from the fund's adviser pursuant to section 15(c), subjecting the contract between the investment adviser and the investment company to the requirements of the rule would appear to be unnecessarily duplicative. The second exemption is for one-time trial subscriptions to periodic publications which last for no more than three months and cost no more than $50.

Paragraph (h) of the rule makes it clear that the rule is not intended to relieve investment advisers of any other disclosure obligations they may have pursuant to the Act, the other federal securities laws, or applicable state law.

PROPOSED RULE 204–2(a)(14)

Proposed Rule 204–2(a)(14), which is identical to the paragraph as proposed originally, would require that a copy of each disclosure statement and amendment that is given to any client or prospective client be kept as part of the adviser's records, and that records be made of when such statements were used.

AUTHORITY

Rule 204–4 and paragraph (14) of Rule 204–2(a) would be adopted pursuant to the authority contained in sections 204, 206(4), and 211(a) of the Act (15 U.S.C. 80b–4, 80b–6(4) and 80b–11(a)).

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISORS ACT OF 1940

I. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Registrations by adding new § 275.204–4 as follows:

§ 275.204–4 Written disclosure statements.

(a) *General requirement.* Unless an exemption is available pursuant to paragraph (g) of this section, an investment adviser registered or required to be registered pursuant to section 203 of the Act shall, in accordance with the provisions of this section, furnish each client and prospective client with a written disclosure statement which may be either in the form of a written document containing at least the information required by paragraphs (d) and (e) of this section or a copy of its Form ADV which complies with § 275.204–1(b) under the Act.

(b) *Time of delivery.* (1) An investment adviser shall furnish the statement required by this section to a prospective client not less than 48 hours prior to entering into any written or oral investment advisory contract with such prospective client, except that an investment adviser shall furnish such statement on or before the effective date of this rule to every client with whom an investment advisory contract is in effect on such date.

(2) Notwithstanding paragraph (b)(1) of this section, in the case of contracts with clients relating solely to investment advisory services other than investment supervisory services (as defined in section 202(a)(13) of the Act (15 U.S.C. 80b–2(a)(13))) or the management of investment advisory accounts for clients under circumstances not involving investment supervisory services, the investment adviser may furnish the statement to such client not later than 30 days after entering into such contract if the contract provides that it may be rescinded without penalty within five business days after the client has received the statement.

(3) For purposes of this paragraph, the term "entering into" in reference to an investment advisory contract shall not include an extension or renewal of any such contract which is in effect immediately prior to such extension or renewal.

(c) *Amended or revised statements.* If any client, or any prospective client who becomes a client, has received a statement and any information therein thereafter becomes materially inaccurate or incomplete, the investment adviser shall furnish to each such person, through an amended or revised statement or other written communication, such information as is necessary to correct any such deficiency. Such information shall be furnished at the following times: (1) With respect to an existing client, within 45 days of the date on which the event occurs or, if an investment advisory contract with such client is extended or renewed within such 45-day period, at the applicable time set forth in paragraph (b) of this section as though such extension or renewal constituted entering into an investment advisory contract; and (2) With respect to a prospective client, at the applicable time set forth in paragraph (b) of this section.

(d) *Contents of written statements.* The statement required by this rule shall disclose the following:

(1) The type or types of services which the investment adviser generally offers to clients, including, but not limited to, investment supervisory services, the management of securities accounts for clients under circumstances not involving investment supervisory services, or the issuance, on a subscription basis, of periodic publications relating to securities.

(2) The type or types of clients for which the investment adviser generally provides investment advice, including, but not limited to, individuals or specified classes of individuals, investment companies, pension and profit-sharing plans and banks;

(3) The types of securities concerning which the investment adviser generally provides investment advice;

(4) A general description of (i) The sources of information, including reference materials, used by the investment adviser as the basis for investment advice rendered to clients, (ii) The general method or methods of securities analysis employed by the investment adviser to analyze or evaluate such information, and (iii) The investment techniques for investing in the securities markets recommended or used to implement any investment advice rendered to clients;

(5) The general standards of education and business background which the investment adviser requires of persons associated with the investment adviser (other than persons whose functions are solely clerical or ministerial) whose functions or duties relate to providing investment advice to clients;

(6) (i) The formal education after high school and business background for the preceding ten years of each member of the investment adviser's investment committee or similar group, if any, which determines or approves what investment advice shall generally be rendered by the

investment adviser to any client, or to which clients such investment advice shall be rendered, or (ii) In the absence of an investment committee or similar committee, the formal education after high school and business background for the past ten years of each person associated with the investment adviser who determines or approves what investment advice shall be rendered by the investment adviser to any client, or to which clients such investment advice shall be rendered;

(7) (i) The basis or bases of fees charged for the services which the investment adviser provides and when such fees are payablee, and (ii) If such fees are payable prior to the rendering of the services relating thereto, a statement as to whether, to what extent and under what conditions such fees will be refunded to clients;

(8) The procedures and conditions, if any, pursuant to which the investment adviser or any client of the investment adviser may terminate an investment advisory contract prior to the termination date set forth in the contract; and

(9) (i) That the investment adviser is a broker or dealer, if such is the case, or (ii) If he is affiliated with any broker or dealer, the nature of such affiliation, and the business relationship, if any, between such broker or dealer and the investment adviser.

NOTE.—Pursuant to section 202(a)(12) of the Act (15 U.S.C. 80b-2(a)(12)), the term "affiliated person" has the same meaning as in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3)).

(10) (i) If any of the following is applicable, that the investment adviser as principal sells securities to or buys securities from any client; effects securities transactions as broker or agent for any client; as broker or agent for any person other than a client sells securities to or buys securities from clients; recommends to clients the purchase or sale of securities in which the investment adviser has a position or interest; and/or imposes any restrictions upon itself or any person associated with it when effecting transactions for its or their account in securities recommended to clients, and (ii) the nature of such practices or restrictions.

(11) A balance sheet, current as of a date not more than fifteen months prior to its distribution.

(e) *Additional disclosures for certain advisers.* If the investment adviser provides investment supervisory services (as defined in section 202(a)(13) of the Act) or manages investment advisory accounts for clients under circumstances not involving investment supervisory services, the statement required by this rule shall include the following information in addition to that required by paragraph (d) of this section.

(1) The minimum dollar amount of assets and any other conditions generally required by the investment adviser to establish and maintain an investment advisory account;

(2) (i) Whether and to what extent the investment adviser may have discretionary authority to purchase or sell securities for the accounts of clients without obtaining the consents of the client before such transactions are effected; and (ii) The maximum number of investment advisory accounts with respect to which any one individual associated with the investment adviser may act as portfolio or account manager;

(3) Whether and to what extent the investment adviser may have discretionary authority to select brokers or dealers to execute transactions in securities for its clients or for the accounts of its clients, and, if so, the specific factors considered in making such selections;

(4) The specific factors relating to the circumstances of any client which the investment adviser considers in making recommendation to, or effecting transactions for, such client; and

(5) (i) A description of the adviser's organizational structure, including a brief description of the role of each principal department in the organization in the usual process of arriving at investment decisions or recommendations for clients, (ii) A brief general description of the process pursuant to which the investment adviser reviews each investment advisory account including, but not limited to, the type of personnel performing the review, factors which trigger reviews, the sequence in which accounts are reviewed and the matters reviewed, and (iii) The frequency and nature of any reports furnished to clients concerning their investment advisory accounts.

(f) *Omission of inapplicable information.* If an investment adviser renders substantially different types of investment advisory services to its clients, any information required by paragraphs (d)(4) through (8) of this section or by paragraph (e) of this section may be omitted from the statement furnished to a client or prospective client if such information is applicable only to a type of investment advisory service which is not rendered or proposed to be rendered to that client or prospective client; provided, however, that no contract shall be entered into which relates to any type of investment advisory service as to which information has been omitted pursuant to this paragraph unless such information is furnished in writing to the client or prospective client at the applicable time set forth in paragraph (b) of this section.

(g) *Exemptions.* The statement required by this rule need not be furnished in connection with entering into the following investment advisory contracts:

(1) A contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of section 15(c) of that Act; or

(2) A contract for a one-time trial subscription to a periodic publication for a period of not more than three months at a total cost to the subscriber of not more than $50.

(h) *Other disclosures.* Nothing in this rule shall relieve any investment adviser from any obligation pursuant to any provision of the Act or the rules and regulations thereunder or other federal or state law to disclose any information to its clients or prospective clients not specifically required by this rule.

II. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding new paragraph (a)(14) to § 275.204-2 as follows:

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

* * * * *

(14) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser in accordance with the provisions of Rule 204-4 under the Act, and a record of the first and last dates that each written statement, and each amendment or revision thereof, was given to any client or prospective client.

PUBLIC COMMENT

Persons wishing to make written comments should file three copies thereof with George A. Fitzsimmons, Secretary of the Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than September 30, 1977. In filing such submissions, commentators should make reference to Commission File No. S7-712. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 21, 1977.

[FR Doc.77-21595 Filed 7-26-77;8:45 am]

[17 CFR Parts 275, 279]

[Release No. IA-602; S7-712]

APPLICATIONS FOR REGISTRATION AND ANNUAL FILINGS

Solicitation of Public Comment

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules and forms.

SUMMARY: The purpose of this document is to solicit public comments on (1) proposed revisions of the form used by applicants for registration under the Investment Advisers Act of 1940 ("Act"), which would expand the information currently required by the form, reflect certain statutory changes, and correct

certain ambiguities; and (2) a proposed new form which would be used for a proposed annual filing with the Commission by registered investment advisers. These changes in the forms registered investment advisers file with the Commission are prompted by the Commission's interest in improving the efficiency of its program of investment adviser regulation.

In addition, this document solicits public comments on proposed revisions of a rule under the Act which prescribes when a registered investment adviser must file amendments to its registration form and when the proposed new form would be filed.

DATES: Comments must be received on or before September 30, 1977.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005 and should refer to File No. S7-712.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: The Commission is proposing to amend its Form ADV (17 CFR 279.1), the registration form under the Investment Advisers Act of 1940 (15 U.S.C., 80b-I et seq.) ("Act") for investment advisers. At the same time, the Commission is proposing Form ADV-S (17 CFR 279.3) which would require registered investment advisers to make an annual filing which would provide certain information on a current basis.

Revisions of Form ADV

The principal reasons for the proposed revisions of Form ADV are (1) to request additional information authorized by the Securities Acts Amendments of 1975 ("1975 Amendments"), (2) to add a new Schedule G to Form ADV so that it can be used as a uniform investment adviser registration form by the Commission and those states which require investment advisers to register, (3) to seek additional information about registered advisers and the basic characteristics of the investment advisory industry, and (4) to correct certain ambiguities which currently are present in Form ADV. In addition, integrating the disclosure requirements of the Form ADV and the proposed "brochure" rule (proposed Rule 204-4 (17 CFR 275.204-4), Advisers Act Release No. 601) should allow the Commission to obtain additional infomation without significant additional burden on the adviser.

The 1975 Amendments amended section 203(e) (15 U.S.C. 80b-3(e)) of the Act to expand the enumerated grounds which can serve as the basis for a denial of an application for registration or the revocation of the registration of an investment adviser. Therefore, revised Form ADV contains questions pertaining to such grounds. To assist with the Commission's regulatory program in general, the form also includes a new question covering disciplinary actions taken by any self-regulatory organization.

The 1975 Amendments also added a new section 203(c)(1)(D) (15 U.S.C. 80b-3(c)(1)(D)) which permits the Commission to require in Form ADV "a balance sheet certified by an independent public accountant and other financial statements (which shall, as the Commission specifies, be certified) * * *." The Commission is partially exercising this authority by adding question 12 to Form ADV. This question, which parallels paragraph (d)(11) of proposed Rule 204-4, requests a balance sheet current as of the end of the investment adviser's most recent fiscal year.

The Commission recognizes that there are many types of investment advisers and that one form of balance sheet for all may be too limiting. Thus, comment is specifically requested on the question of which accounts should be reflected in the balance sheet required by the proposed rule. In addition, there are several other related questions on which the Commission particularly wishes to receive public comments:

1. Would it be appropriate to exempt certain classes of investment advisers from the balance sheet requirement and, if so, which classes should be exempted?

2a. Should the rule require audited balance sheets from either all investment advisers or certain classes of investment advisers, e.g., those who provide account management services or those with more than a specified amount of assets under management?

2b. If audited balance sheets are not required, should those investment advisers who otherwise have audited balance sheets prepared be required to use such audited balance sheets?

3. If audited balance sheets are not required, should investment advisers be required to prepare their balance sheets in accordance with generally accepted accounting principles? If yes, what difficulties, if any, would arise because of the different accounting principles and practices applicable to the preparation of balance sheets by investment advisers who operate in corporate form, as partnerships and as sole proprietorships?

4. What additional costs will be imposed on investment advisers as a result of this proposed requirement? Will investment advisers be required to maintain any records in addition to those already required by Rule 204-2 (17 CFR 275.204-2) under the Act in order to comply with this proposed requirement?

5. Should investment advisers be required to present any other financial statements in addition to a balance sheet, e.g., an income statement or a statement of changes in financial position?

Question 12 also refers to the requirement in Rule 204-1(b) under the Act, as proposed for revision, that a registrant submit a new balance sheet not later than 90 days after the end of each succeeding fiscal year after the fiscal year covered in the balance sheet furnished with its Form ADV.

Notwithstanding the fact that the Act does not impose any specific financial responsibility standards on registered investment advisers, the Commission believes that the financial condition of the adviser may be relevant to clients and prospective clients. In addition, the Commission believes that having this financial information available will enable it to develop more meaningful regulatory policies relating to advisers.

The Commission is also proposing to modify Schedules A-E of Form ADV and Form BD (17 CFR 249.501), the registration form under the Securities Exchange Act of 1934 (15 U.S.C. 78a-1 et seq.) for brokers and dealers, so that the two sets of schedules are identical. This will enable registered broker-dealers who are also registered as investment advisers and prospective dual registrants to file these schedules without as much administrative burden since they will be able to prepare one set and make a duplicate, marking each to indicate whether it relates to Form ADV or Form BD, rather than being required to prepare two sets of originals.

Questions 19-28 of Form ADV, in part, are new questions and Schedule D of Form ADV has been modified. These changes incorporate in Form ADV substantive information required by proposed Rule 204-4 which is not already included in Form ADV. Having this information filed with the Commission would lessen the need for Commission review of the brochures required by proposed Rule 204-4 and would also enable the Commission to make determinations about industry-wide policy and the need for examination of individual advisers.

The staff of the Commission and representatives of the North American Securities Administrators Association have informally discussed the need for and feasibility of adopting a uniform investment adviser registration form and have concluded that adopting such a form would significantly reduce the burdens and expense imposed on an investment adviser required to register with the Commission as well as the various states in which it does business. Accordingly, the Commission is proposing a new schedule for Form ADV, Schedule G, which seeks information required by the states beyond the information which will already be contained in Form ADV. The individual states will prepare, as necessary, a separate instruction sheet for Schedule G detailing the particular information the state requires. An applicant would be required to file Schedule G only with the appropriate states and not with the Commission. While there is no assurance at this time that the Commission and the interested states will be able to reach final agreement on a uniform investment adviser registration

form, the Commission intends to work diligently with the states to accomplish this goal. In furtherance of this effort, the Commission is particularly interested in public comments on both the advisability of adopting a uniform investment adviser registration form and the proposed method of accomplishing this objective.

Revised questions 17, 19, 27 and 28 of Form ADV ask for information concerning the number of accounts and amount of assets the investment adviser has under management and the size categories into which the accounts fall. They also ask the amount of customer funds or securities over which the investment adviser has custody or possession and whether the investment adviser is involved in any civil litigation relating to its advisory business. The Commission is adding these questions so that it will have ongoing information about some of the basic characteristics of the investment advisory industry and because the information is relevant to decisions about the Commission's regulatory program.

Form ADV–S

The Commission is also soliciting public comments on a proposal to adopt a new form, Form ADV–S, which would be filed annually by all registered investment advisers within 90 days of the end of their fiscal year. This brief form would enable the Commission to determine whether an adviser is presently engaged in the investment advisory business and whether it has filed the amendments to its Form ADV required by Rule 204–1 (17 CFR 275.204–1) under the Act. In addition, an updated balance sheet would be required to be filed with the Form ADV–S.

Since the rescission of the annual fee requirement for advisers, many advisers appear to have neglected to file required amendments to their Form ADVs; others have never commenced or have ceased their advisory activities, but have failed to withdraw from registration by filing Form ADV–W.

The proposed Form ADV–S should relieve these problems by providing the Commission with current information about active registrants and by removing inactive investment advisers from the list of registrants, either as a result of their voluntarily filing Form ADV–W or by means of a cancellation order issued pursuant to section 203(h) (15 U.S.C. 80b–3(h)) of the Act. The proposed form is brief and straightforward and the Commission does not anticipate that any registrant will find it burdensome to complete.

In order to bring its records up-to-date and to obtain the information about registered advisers, the Commission is proposing amendment of Rule 204–1(a) (17 CFR 275.204–1(a)) to require every investment adviser whose registration is effective or who has an application for registration pending on the date new Rule 204–1(a) becomes effective to file a complete new Form ADV as an amendment the first time an amendment is otherwise required and in any event not later than a date to be determined when, and if, the Commission adopts new Rule 204–1(a).

Rule 204–1(b) currently requires an investment adviser to amend its Form ADV any time the information contained therein or in an amendment thereto becomes inaccurate for any reason. Since the Commission believes that, in certain circumstances, changes in the information called for by questions 12 through 28 of Form ADV, particularly the balance sheet in question 12, may not require an immediate amendment of the investment adviser's Form ADV, the Commission proposes to modify Rule 204–1(b) so that if there is a change in the information furnished in response to questions 12 through 28, but not a material change, the investment adviser will be able to amend its Form ADV to reflect such change within the same time limit as governs its filing of the revised balance sheet required by question 12, i.e., not later than 90 days after the end of its fiscal year. However, material changes in the information called for by questions 12 through 28 and any changes in the information called for by questions 1 through 11 will still require an immediate amendment of Form ADV.

Proposed paragraph (c) of Rule 204–1 would require every investment advisor who is registered on the last day of its fiscal year to file a Form ADV–S within 90 days of the end of its fiscal year unless its registration has been withdrawn, cancelled or revoked prior to that date. If efforts to contact registrants who do not file in a timely manner are unsuccessful, the Commission would consider issuing orders pursuant to section 203(h) of the Act to cancel the registrations of the nonrespondents.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISORS ACT OF 1940

I. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 275.-204–1 in its entirety as follows:

§ 275.204–1 Amendments to application for registration.

(a) Every investment adviser whose registration is effective, or whose application for registration is pending on _____, shall file as an amendment to the application a complete Form ADV (§ 279.1 of this chapter) as revised as of _____. This shall be filed the first time an amendment is required to be filed under paragraph (b) of this section, but in no event later than _____.

(b)(1) If the information contained in the response to questions 1 through 11 of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, or if the information contained in the response to questions 12 through 28 of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate in a material manner, the investment adviser shall promptly file an amendment on Form ADV (§ 279.1 of this chapter) correcting such information.

(2) If the information contained in response to questions 12 through 28 of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate but not in a material manner, the investment adviser shall file an amendment on Form ADV (§ 279.1 of this chapter) correcting such information within 90 days of the end of its fiscal year.

(c) Every investment adviser whose registration is effective on the last day of its fiscal year shall file a Form ADV–S (§ 279.3 of this chapter) within 90 days of the end of its fiscal year unless its registration has been withdrawn, cancelled or revoked prior to that date.

(d) Every amendment filed pursuant to this rule shall constitute a "report" within the meaning of sections 204 and 207 of the Act (15 U.S.C. 80b–4, 80b–7).

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISORS ACT OF 1940

II. It is proposed to amend Part 279 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

A. Section 279.1. Form ADV, for application for registration of investment adviser, and for admendments to such registration statement. (A copy of Form ADV as proposed to be amended is attached hereto.)

B. Section 279.3. Form ADV–S, annual report of registered investment advisers. (A copy of Form ADV–S as proposed to be adopted is attached hereto.)

Authority

The proposed revisions of Form ADV would be adopted pursuant to the authority contained in Sections 203 (15 U.S.C. 80b–3), 204 (15 U.S.C. 80b–4), and 211(a) (15 U.S.C. 11(a)) of the Act. Proposed Form ADV–S and the proposed revisions of Rule 204–1 would be adopted pursuant to the authority contained in Sections 204 and 211(a) of the Act.

Public Comment

Persons wishing to make written comments should file three copies thereof with George A. Fitzsimmons, Secretary of the Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than September 30, 1977. In filing such submissions, commentators should make reference to Commission File No. S7–712. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. 20005.

By the Commission.

George A. Fitzsimmons,
Secretary.

July 21, 1977.

FORM ADV (Instruction Sheet)	UNIFORM APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION UNDER THE INVESTMENT ADVISER'S ACT OF 1940 OR UNDER THE LAWS OF THE JURISDICTIONS ACCEPTING THIS FORM

GENERAL INSTRUCTIONS FOR PREPARING AND FILING FORM ADV AND SPECIAL INSTRUCTIONS FOR COMPLETING FORM ADV AS AN APPLICATION FOR REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION

1. This Form and any Schedules and continuation sheets required in connection with it shall be completed and filed in triplicate with the Securities and Exchange Commission, Washington, D.C. 20549. Retain one exact copy for your records. All information required by Form ADV and any Schedule thereunder must be submitted on the officially prescribed forms (or mechanical reproductions thereof). Additional copies are available at any office of the Commission.

2. This form is to be used to apply for registration with a number of agencies and jurisdictions. A list of these agencies and jurisdictions with the respective addresses is included as a separate page. Special Instructions Sheets for each agency and jurisdiction are also needed to complete the form. They may be obtained from the agency or jurisdiction to which you are applying and must be read in conjunction with these instructions for each agency or jurisdiction to which you are applying.

3. At the time of the filing of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded. There is no fee for the filing of any amendments to Form ADV.

4. Each copy of the execution page must contain an original manual signature of the appropriate duly authorized individual. Mechanical reproductions of signatures are not acceptable. All other pages containing correct information may be mechanically reproduced by any method producing clear, legible copies of identical type size. Copies must be on 8½ x 11 inch paper.

5. If Form ADV is filed by a sole proprietor, it shall be signed by the proprietor; if it is filed by a partnership, it shall be signed in the name of the partnership by a general partner; if it is filed by an unincorporated organization or association which is not a partnership, it shall be signed in the name of such organization or association by the managing agent--i.e., a duly authorized person who directs or manages or who participates in directing or managing its affairs; if it is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized.

6. If the space provided for any answer on the Form is insufficient, the complete answer shall be prepared on Schedule E, which shall be attached to the Form. If the space provided for any answer on the Schedules is insufficient, the answer shall be completed on additional copies of the applicable Schedule which shall also be attached to the Form.

7. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial. If this the case, so indicate after the initial.

CAUTION: WHEN ANY ITEM ON A PAGE IS AMENDED, IT IS NECESSARY TO ANSWER ALL ITEMS ON THE PAGE BEING AMENDED. PAGES WHICH CONTAIN OBSOLETE INFORMATION ARE RETIRED TO THE COMMISSION'S INACTIVE FILES.

8. Definitions. Unless the context otherwise requires:

a. All terms used in the Form have the same meaning as in the Investment Advisers Act of 1940 and the rules and regulations thereunder.

b. "Jurisdiction" means a state, a territory, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.

c. "Applicant" means the investment adviser or person which will be the investment adviser and not the individual completing the form unless they are identical. "Applicant" includes a "Registrant."

d. "Self-Regulatory Organization" means any national securities exchange, national securities association, or clearing agency, registered under the Securities Exchange Act of 1934.

9. UNDER SECTIONS 203(c), 204, AND 211(a) OF THE INVESTMENT ADVISERS ACT OF 1940 AND THE RULES AND REGULATIONS THEREUNDER, THE COMMISSION IS AUTHORIZED TO SOLICIT THE INFORMATION REQUIRED BY THIS FORM FROM APPLICANTS FOR REGISTRATION AS INVESTMENT ADVISERS. THE INFORMATION SPECIFIED BY THIS FORM (OTHER THAN SOCIAL SECURITY NUMBERS) MUST BE PROVIDED PRIOR TO PROCESSING OF ANY APPLICATION. DISCLOSURE OF SOCIAL SECURITY NUMBERS IS VOLUNTARY. THE INFORMATION WILL BE USED FOR THE PRINCIPAL PURPOSE OF DETERMINING WHETHER THE COMMISSION SHOULD GRANT OR DENY REGISTRATION TO AN APPLICANT. SOCIAL SECURITY NUMBERS WILL ASSIST THE COMMISSION IN IDENTIFYING APPLICANTS AND, THEREFORE, IN PROMPTLY PROCESSING APPLICATIONS. INFORMATION SUPPLIED ON THIS FORM WILL BE INCLUDED IN THE PUBLIC FILES OF THE COMMISSION AND WILL BE AVAILABLE FOR INSPECTION BY ANY INTERESTED PERSON. A FORM WHICH IS NOT PREPARED AND EXECUTED IN COMPLIANCE WITH APPLICABLE REQUIREMENTS MAY BE RETURNED AS NOT ACCEPTABLE FOR FILING. ACCEPTANCE OF THIS FORM, HOWEVER, SHALL NOT CONSTITUTE ANY FINDING THAT IT HAS BEEN FILED AS REQUIRED OR THAT THE INFORMATION SUBMITTED IS TRUE, CURRENT, OR COMPLETE. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. (See 18 U.S.C. 1001 and 15 U.S.C. 80b-17.)

SPECIAL INSTRUCTIONS FOR FILING FORM ADV AS AN APPLICATION

10. If Form ADV is being filed as an application for registration, all applicable items must be answered in full. If any "item" is not applicable, indicate by "none" or "N/A" as appropriate. Items requiring information relating to the business activities of applicant should be answered to disclose what such activities will be when registration becomes effective.

11. If any non-resident of the United States is named in the Form, consult Rule 0-2 to determine whether he is required to file a consent to service of process and a power of attorney. Non-residents of the United States should also consult Rule 204-2(j) under the Act concerning the notice or undertaking relating to books and records which non-resident investment advisers are required to file with Form ADV.

SPECIAL INSTRUCTIONS FOR AMENDING FORM ADV

12. Rule 204-1(b) requires that if the information contained in response to questions 1 through 11 of any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, or if the information contained in response to questions 12 through 28 of any application for registration as an investment adviser, or in any amendment thereto, becomes materially inaccurate, the investment adviser shall promptly file an amendment on Form ADV correcting such information. In addition, if the information contained in response to questions 12 through 28 of any application for registration as an investment adviser or in any amendment thereto, becomes inaccurate but not in a material manner, the investment adviser shall file an amendment on Form ADV correcting such information no later than its filing of the revised information regularly required by Item 12 of Form ADV, i.e., no later than 90 days after the end of applicant's fiscal year.

13. When an amendment is necessary, only the pages being amended and the execution page need be filed, although these must be completed in full. Three copies of each of such pages and three copies of a completed execution page, including the Execution, should be filed.

INSTRUCTIONS AS TO SPECIFIC ITEMS ON FORM ADV

14. Item 2(a) - Include a street address; post office box numbers alone are not acceptable.

15. Execution - The execution must include an original manual signature. Mechanical reproductions of signatures are not acceptable.

16. Item 6 - State your current legal residence address.

17. Item 8(b) - If a registered partnership is dissolved and a new one is created to continue the business of the old one, the new partnership must file a new or successor application as an investment adviser.

18. Item 10 - Check your answers to Items 2(a), 8, and 9, and the related Schedules, for the names of all persons who are covered by any of the subsections of Item 10. Similarly, any persons who directly or indirectly control or are controlled by the applicant, including any employee, are covered by Item 10. For each affirmative answer, list each person involved on a separate Schedule D and give full details of any of these incidents, including, for example, the parties involved, time and place, subject matter, and the outcome of the proceedings.

Instructions Relating to SCHEDULES

19. Schedule A - Schedule A is for corporations.

Note: If applicant is owned directly, or indirectly through one or more intermediaries, by a corporation, then such corporation's shareholders should be considered in determining who must be listed on Schedule A.

20. Schedule B - Schedule B is for partnerships.

21. Schedule C - Schedule C is to be completed only by organizations or associations which are not sole proprietorships, partnerships, or corporations.

22. Schedule D - Schedule D is to be filed for the following classes of persons:

(a) Each natural person named in Items 2(a), 8, or 9 or any Schedule thereunder, except that Schedule D need not be furnished for any person who meets both the following conditions: (1) he owns less than 10% of any class of equity security of the applicant, and (2) he is not an officer, director or person with similar status or functions.

(b) Each person subject to any action reported under Item 10; and

(c)(1) Each member of applicant's investment committee or similar group, if any, which determines or approves what investment advice shall generally be rendered by applicant to any client, or to which clients such investment advice shall be rendered.

(2) In the absence of an investment committee or similar group, each person associated with applicant who determines or approves what investment advice shall be rendered by applicant to any client, or to which clients such investment advice shall be rendered.

23. Schedule E - Schedule E may be used (1) where the space provided for any answer on the Form is insufficient, or (2) in response to each item in the Form which requires the submission of Schedule E. Schedule E should not be used when the space on any other Schedule is insufficient. In that case use additional copies of the applicable Schedule.

24. Schedule F - Schedule F is for the balance sheet required by Item 12 and any amendments thereto.

25. Schedule G - Schedule G is to be completed only if and to the extent required by the Special Instruction Sheets of the jurisdiction(s) to which you are applying. The Special Instruction Sheets will indicate what items are to be completed for each jurisdiction.

FORM ADV Execution Page

APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER OR TO AMEND SUCH AN APPLICATION UNDER THE INVESTMENT ADVISERS ACT OF 1940

SECURITIES AND EXCHANGE COMMISSION • WASHINGTON, D.C. 20549

SEC USE
FILE NO. 801-
INV. ADV. NO.

GENERAL: Read all instructions before preparing the form. Please print or type all responses. If this form is filed as an amendment, only a completed and signed execution page and those pages containing items which are being amended or which have changed since the previous filing need to be filed. Such pages should be completed in full.

1. (a) If this is an APPLICATION for registration, check here, ☐ and complete all items in full.
(b) If this is an AMENDMENT to an Application, check here, ☐ and specify below all parts which are amended.
Item(s) _____ of Page 1 of Form ADV Schedule A_____ Schedule B_____
Item(s) _____ of Page 2 of Form ADV
Item(s) _____ of Page 3 of Form ADV Schedule C_____ Schedule D_____ Schedule E_____

2. (a) Exact name, principal business address, mailing address, if different, and telephone number of applicant:

Full name of applicant (If sole proprietor, state last, first, and middle names): IRS Empl. Ident. No.:

Name under which business is conducted, if different:

If name of business is hereby amended, state previous name:

Address of principal place of business: (Do not use P.O. Box Number)

(NUMBER AND STREET) (CITY) (STATE) (ZIP CODE)

Mailing Address, if different:

Telephone Number:

(AREA CODE) (TELEPHONE NUMBER) (WATS LINE (If any))

Address of location of the books and records applicant is required to maintain, pursuant to Section 204 of the Investment Advisers Act of 1940 and the rules thereunder, if different from address of principal place of business:

EXECUTION: The undersigned, being first duly sworn, declares and says that he has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended, such information is currently accurate and complete.

Dated the _____ day of _____ 19__

_____
(NAME OF APPLICANT)

By: _____
(SIGNATURE AND TITLE)

Attest: _____
(SIGNATURE AND TITLE)

Subscribed and sworn to before me this _____ day of _____ 19__

STATE OF _____ }
COUNTY OF _____ } ss

NOTARIAL SEAL

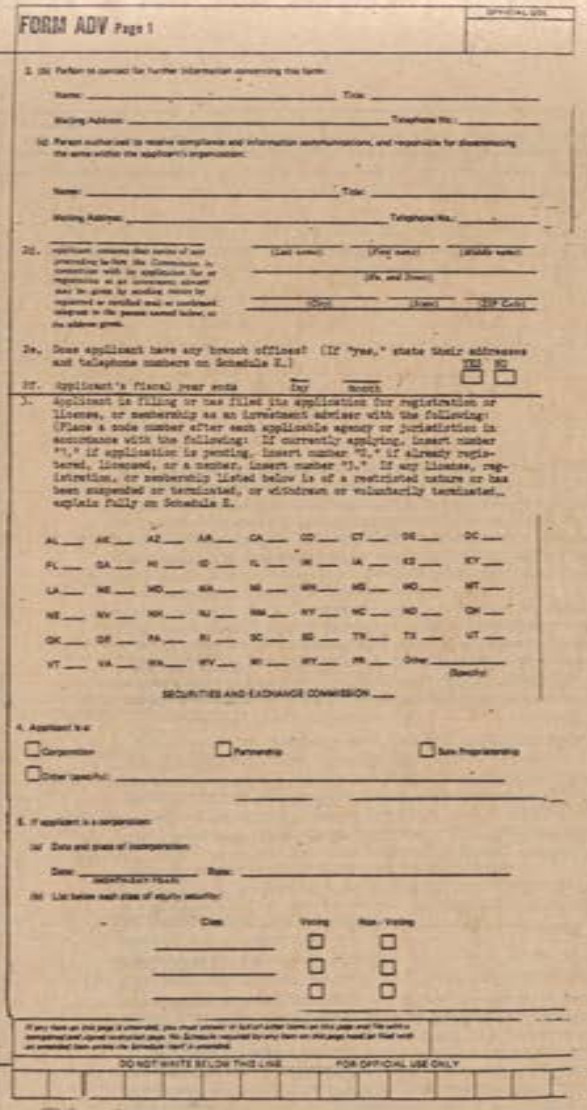
_____
(NOTARY PUBLIC) My commission expires:

THE SECURITIES AND EXCHANGE COMMISSION HAS NOT PASSED UPON THE ABILITIES, QUALIFICATIONS, OR BUSINESS PRACTICES OF THE INVESTMENT ADVISER DESCRIBED HEREIN.

ALL OF THE ITEMS ON THIS PAGE MUST BE ANSWERED AND COMPLETED IN FULL.

DO NOT WRITE BELOW THIS LINE — FOR OFFICIAL USE ONLY

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.



FORM ADV Page 1

OFFICIAL USE

2. (a) Person to contact for further information concerning this form:

Name: _____ Title: _____

Mailing Address: _____ Telephone No.: _____

(b) Person authorized to receive compliance and information communications, and responsible for disseminating the same within the applicant's organization:

Name: _____ Title: _____

Mailing Address: _____ Telephone No.: _____

2c. Applicant consents that service of any proceeding before the Commission, in connection with an application for or registration as an investment adviser may be given by sending copies by registered or certified mail or confirmed telegram to the person named below, at the address given.

(Last name) (First name) (Middle name)

(No. and Street)

(City) (State) (ZIP Code)

2e. Does applicant have any branch offices? (If "yes," state their addresses and telephone numbers on Schedule E.) YES NO

2f. Applicant's fiscal year ends _____ (Day) _____ (Month)

3. Applicant is filing or has filed its application for registration or license, or membership as an investment adviser with the following: (Place a code number after each applicable agency or jurisdiction in accordance with the following: If currently applying, insert number "1." If application is pending, insert number "2." If already registered, licensed, or a member, insert number "3." If any license, registration, or membership listed below is of a restricted nature or has been suspended or terminated, or withdrawn or voluntarily terminated, explain fully on Schedule E.

AL ___ AK ___ AZ ___ AR ___ CA ___ CO ___ CT ___ DE ___ DC ___

FL ___ GA ___ HI ___ ID ___ IL ___ IN ___ IA ___ KS ___ KY ___

LA ___ ME ___ MD ___ MA ___ MI ___ MN ___ MS ___ MO ___ MT ___

NE ___ NV ___ NH ___ NJ ___ NM ___ NY ___ NC ___ ND ___ OH ___

OK ___ OR ___ PA ___ RI ___ SC ___ SD ___ TN ___ TX ___ UT ___

VT ___ VA ___ WA ___ WV ___ WI ___ WY ___ PR ___ Other _____ (Specify)

SECURITIES AND EXCHANGE COMMISSION ___

4. Applicant is a:

☐ Corporation ☐ Partnership ☐ Sole Proprietorship

☐ Other (specify): _____

5. If applicant is a corporation:

(a) Date and place of incorporation:

Date: _____ (month/year) Place: _____

(b) List below each class of equity security:

Class	Voting	Non-Voting
_____	☐	☐
_____	☐	☐
_____	☐	☐

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. No Schedule required by any item on this page need be filed with an amended item unless the Schedule itself is amended.

DO NOT WRITE BELOW THIS LINE — FOR OFFICIAL USE ONLY

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

FORM ADV Page 2

OFFICIAL USE

6. If applicant is a sole proprietor, state full residence address and social security number.

Social Security No.: _____

(NUMBER AND STREET) (CITY) (STATE) (ZIP CODE)

7. (a) Is applicant a successor to a registered investment adviser and taking over all or substantially all of the assets and liabilities and continuing the business of a registered investment adviser? YES ☐ NO ☐

If "yes," state:

(1) Date of Succession: _____

(2) Full name, IRS Empl. Ident. No. and SEC File No. of predecessor:

Name: _____

IRS Empl. Ident. No.: _____

SEC File Number: _____

(b) Has applicant merged with or acquired another registered investment adviser? YES ☐ NO ☐

(If "yes," describe briefly on Schedule E.)

8. (a) If applicant is a corporation, complete Schedule A.

(b) If applicant is a partnership, complete Schedule B.

(c) If applicant is other than a sole proprietorship, partnership, or corporation complete Schedule C.

9. (a) Does any person not named in Items 2(a) and 8, or any Schedule thereunder, directly or indirectly through agreement or otherwise, exercise or have the power to exercise a controlling influence over the management or policies of applicant? YES ☐ NO ☐

(If "yes," state on Schedule E the exact name of each person (if individual, state last, first, and middle names) and describe the agreement or other basis through which such person exercises or has the power to exercise a controlling influence.)

(b) Is the business of applicant wholly or partially financed, directly or indirectly, by any person not named in Items 2(a) and 8, or any Schedule thereunder, in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240. 15c3-1)? YES ☐ NO ☐

(If "yes," state on Schedule E the exact name (last, first, middle) of each person and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. No Schedule required by any item on this page need be filed with an amended item unless the Schedule itself is amended.

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

FORM ADV Page 3

OFFICIAL USE

10. State whether the applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling, or controlled by applicant, including any employee of applicant:

(a) Has been found by the Securities and Exchange Commission or any jurisdiction willfully to have made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or to have omitted to state any material fact, which was required to be stated, in any application for registration or report required to be filed under the Federal securities laws or under the securities laws of any jurisdiction, or in any proceeding before the Securities and Exchange Commission or any jurisdiction relating to securities, the conduct of business or registration as a broker, dealer, municipal securities dealer, or investment adviser or associated person thereof.... YES ☐ NO ☐

(b) Has been convicted within 10 years preceding the filing of any application for registration or at any time thereafter of any felony or misdemeanor

(i) involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense; ..... YES ☐ NO ☐

(ii) arising out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary: ..... YES ☐ NO ☐

(iii) involving the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds or securities: . YES ☐ NO ☐

(iv) involving the violation of Section 152, 1341, 1342 or 1343 or Chapter 25 or 47 of Title 18, United States Code (concealment of assets, false oaths and claims, or bribery, in any bankruptcy proceeding; mail fraud, fraud by wire, including telephone, telegraph, radio or television; counterfeiting, forgery; fraud, false statements); or .. YES ☐ NO ☐

(v) has pleaded nolo contendere to any felony or misdemeanor described in items 10(b)(i-iv)..... YES ☐ NO ☐

(c) Is enjoined permanently, or within the past 10 years has been enjoined temporarily, by order, judgment or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an associated person or employee of any of the foregoing, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security, or arising out of any securities or investment advisory activities ..... YES ☐ NO ☐

(d) Has been found by the Securities and Exchange Commission or any jurisdiction or any court to have violated or to have aided, abetted, counselled, commanded, induced, or procured the violation by any other person of the Federal laws, or the laws of any jurisdiction, relating to securities or relating to the conduct of business as a broker, dealer, municipal securities dealer, investment adviser, or investment company, any rule or regulation under any of such laws, or any rule of the Municipal Securities Rulemaking Board, or to have failed reasonably to supervise another person who committed such a violation, or to have been unable to comply with any of the foregoing .. YES ☐ NO ☐

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. No Schedule required by any item on this page need be filed with an amended item unless the Schedule itself is amended.

FORM ADV Page 4

OFFICIAL USE

(e) Has been or is the subject of an order of the Securities and Exchange Commission entered pursuant to subsection (f) of Section 203 of this title or paragraph (6) of Section 15(b) or paragraph (4) of Section 15B(c) of the Securities Exchange Act of 1934, or an order of a court or jurisdiction (or any agency thereof), or an order of an appropriate regulatory agency entered pursuant to paragraph (5) of Section 15B(c) of the Securities Exchange Act of 1934, barring or suspending the right of such person to be associated with an investment adviser, broker, dealer, or municipal securities dealer..... YES ☐ NO ☐

(f) Has been denied membership or registration with, or participation in, or has been suspended, revoked or expelled from membership, participation in or registration with any self-regulatory organization registered under the Securities Exchange Act of 1934; or has been suspended or barred from being associated with any member of such self-regulatory organization; or has been censured or fined by any such self-regulatory organization... YES ☐ NO ☐

(g) Has been denied registration (license) with, or suspended, revoked or expelled from registration (license) with the Securities and Exchange Commission or any jurisdiction (or any agency thereof) as a broker, dealer, investment adviser, securities salesman, or municipal securities dealer, or has been barred from being associated with a person engaged in such business..... YES ☐ NO ☐

(h) Has been found to have been a cause of (1) the denial, suspension, or revocation of any person's (a) registration with the Securities and Exchange Commission or any jurisdiction (or any agency thereof), or (b) membership or participation in any self-regulatory organization registered under the Securities Exchange Act of 1934; or (2) any person's expulsion from such self-regulatory organization..... YES ☐ NO ☐

(i) Has been, within the past 10 years, the subject of any cease and desist, desist and refrain, prohibition, or similar order which was issued by the United States or any jurisdiction arising out of the conduct of the business of a broker, dealer, municipal securities dealer, or investment adviser YES ☐ NO ☐

(j) Has been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency arising out of any securities or investment advisory activities ..... YES ☐ NO ☐

(k) State whether applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling or controlled by applicant, including any employee, is presently the subject of any proceedings in which an adverse decision would result in any of the foregoing questions being answered "yes"..... YES ☐ NO ☐

Note: For purposes of item 10, applicant is required to include representations as to clerical and ministerial employees.

11. Complete a separate Schedule D for each appropriate person in accordance with the instructions thereon and instruction 22 to this form.

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. No Schedule required by any item on this page need be filed with an amended item unless the Schedule itself is amended.

OFFICIAL USE

12. Provide on Schedule F a balance sheet current as of the end of applicant's most recent fiscal year.

Note: If the information contained in this balance sheet becomes materially inaccurate, Rule 204-1(b) under the Act requires the investment adviser to file promptly with the Commission a revised balance sheet.

In any case, that rule requires an investment adviser to file with the Commission no later than 90 days after the end of its fiscal year an updated balance sheet containing, at least, the accounts set forth above.

13. Does applicant:

	YES	NO
a) Furnish "investment supervisory services," defined as the giving of continuous advice to clients as to the investment of funds on the basis of individual needs of each client; e.g., the nature and amount of other assets, investments and insurance, and the nature and extent of the personal and family obligations of each client (distinguished from continuous advice of any nature which is not based on consideration of such relevant individual factors)?	☐	☐
b) Manage investment advisory accounts under circumstances not involving investment supervisory services?	☐	☐
c) Furnish investment advice through consultations (not as part of (a) or (b) above)?	☐	☐
d) Issue periodic publications relating to securities on a subscription basis?	☐	☐
e) Prepare or issue special reports or analyses relating to securities, not included in any service described above?	☐	☐
f) Prepare or issue, not as part of any service described above, any charts, graphs, formulas, or other devices which clients may use to evaluate securities?	☐	☐
g) Furnish investment advice in any manner not described above?	☐	☐

If the answer to any of the preceding paragraphs is "Yes," the applicant shall furnish full details on Schedule E, including the precise basis or bases of compensation, e.g., a percentage of the assets under management, hourly charges, a fixed fee or an annual subscription fee in the case of a periodic publication, for the services which the investment adviser provides and the precise amounts charged, e.g., % per annum, and when such compensation is payable. If such compensation is payable prior to the rendering of the services relating thereto, the applicant should explain to what extent and under what conditions such compensation is refundable. In addition, the applicant should include the name of each publication or analysis issued on a regular basis and a general description of any special reports or analyses to be issued on an irregular basis.

The applicant should set forth the procedures and conditions, if any, pursuant to which the applicant or any client may terminate an investment advisory contract prior to the termination date set forth in the contract.

14. (a) Is Applicant or Registrant engaged in any business or profession other than acting as investment adviser? (If so, describe briefly on Schedule E such other business or profession.) YES ☐ NO ☐

(b) Is the principal business of Applicant or Registrant that of an investment adviser? YES ☐ NO ☐

(c) Does a substantial part of Applicant's or Registrant's investment advisory business consist of rendering "Investment supervisory services" as defined in Item 13 above? YES ☐ NO ☐

15. (a) Does Applicant control or is Applicant controlled by, directly or indirectly, any partnership, corporation, or other organization engaged in the securities or the investment advisory business? YES ☐ NO ☐

(If "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule E)

(b) Is Applicant registered (or does Applicant have an application for registration pending) as a broker or dealer? YES ☐ NO ☐

(c) Is Applicant affiliated with any broker or dealer? ☐ ☐

(If "yes," state the nature of such affiliation and the business relationship, if any, between such broker or dealer and Applicant on Schedule E)

Note: Pursuant to Section 202(a)(12) of the Act, the term "affiliated person" has the same meaning as in Section 2(a)(3) of the Investment Company Act of 1940, which, as relevant, means

> "(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person ...."

16. Does Applicant or any person associated with Applicant have discretionary authority to make any of the following determinations without obtaining the consent of the investment advisory client before the transaction is effected:

(a) Which securities are to be bought or sold? YES ☐ NO ☐

(b) Through which broker-dealer securities are to be bought or sold? ☐ ☐

(c) The total amount of the securities to be bought or sold? ☐ ☐

If the answer to any question of Item 16 is "yes" and there are limitations on such authority, describe such limitations in full detail on Schedule E.

17. Does applicant, or any person associated with applicant, have custody or possession of, or have authority to obtain custody or possession of:

(a) Securities of any investment advisory client? YES ☐ NO ☐

(b) Funds of any investment advisory client? ☐ ☐

REMINDER: Rule 206(4)-2 contains special provisions relating to investment advisers who have custody or possession of securities or funds of their advisory clients.

(c) If the answer to any of the foregoing questions of item 17 is "Yes," provide the approximate value of the clients' funds and securities in registrant's custody or possession _____

18. Does applicant:

(a) As principal, sell securities to or buy securities from any investment advisory client? YES ☐ NO ☐

(b) Effect securities transactions as broker or agent for any investment advisory client? YES ☐ NO ☐

(c) As broker or agent for any person other than an investment advisory client, sell securities to or buy securities from clients? YES ☐ NO ☐

(d) Recommend to investment advisory clients or prospective clients, the purchase or sale of securities in which the applicant or registrant, directly or indirectly, has a position or interest? YES ☐ NO ☐

If the answer to any of the foregoing questions of item 18 is "Yes," describe on Schedule E the circumstances in which the investment adviser engages in such transactions and any internal procedures the investment adviser has concerning such transaction.

(e) Impose any restrictions upon itself or any person associated with it when effecting transactions for its or their account in securities recommended to clients? (If the answer to this paragraph is "yes," describe such restrictions on Schedule E.) YES ☐ NO ☐

19. Check the types of clients for which the applicant generally provides investment advice and the approximate number of accounts in each category:

a) Individuals	☐	_____
b) Investment Companies	☐	_____
c) Pension and profit-sharing plans	☐	_____
d) Banks	☐	_____
e) Charitable institutions	☐	_____
f) Educational institutions	☐	_____
g) Trust accounts	☐	_____
h) Corporations	☐	_____
i) Insurance companies	☐	_____
j) Other (explain in full detail on Schedule E)	☐	_____

(If the applicant imposes any limitations on the types of clients it will accept, explain in full detail on Schedule E.)

20. Check types of securities concerning which the applicant generally provides investment advice:

a) Equity securities	☐
b) Corporate debt securities	☐
c) Warrants	☐
d) Commercial paper	☐
e) Bank certificates of deposit	☐
f) Municipal securities	☐
g) Investment company securities	
1) Variable life insurance	☐
2) Variable annuities	☐
3) Mutual fund shares	☐
h) United States government securities	☐
i) Options contracts on	
1) securities	☐
2) commodities	☐
j) Interests in limited partnerships investing in	
1) real estate	☐
2) oil and gas interests	☐
k) Other (explain in full detail on Schedule E)	☐

21. a) Check the sources of information, including reference materials, generally used by the applicant as the basis for investment advice rendered to clients:

1) Financial newspapers and magazines	☐
2) Company prepared information (i.e., annual reports, prospectuses, filings with the Commission, press releases, etc.)	☐
3) Meetings with corporate personnel	☐
4) Inspections of corporate activities	☐
5) Research materials prepared by others	☐
6) Corporate rating services	☐
7) Other (explain in full detail on Schedule E)	☐

b) Check the general method or methods of securities analysis employed by applicant:

1) Fundamental analysis	☐
2) Technical analysis	☐
3) Cyclical analysis	☐
4) Charting	☐
5) Other (explain in full detail on Schedule E)	☐

(Explain each method of analysis and the relative emphasis applicant places on each method in formulating its investment advice)

c) Check the types of securities transactions generally recommended or used to implement any investment advice rendered to clients:

1) Long term purchases (securities will be held at least one year except in unusual circumstances)	☐
2) Short term purchases (securities will generally be sold within one year after purchase)	☐
3) Trading (securities will generally be sold within 30 days after purchase)	☐
4) Short Sales	☐
5) Margin transactions	☐
6) Option writing	
a) covered options	☐
b) uncovered options	☐
7) Other (explain in full detail on Schedule E)	☐

22. Are there any uniform standards of education and business background which applicant requires of persons associated with applicant (other than persons whose functions are solely clerical or ministerial) whose functions or duties relate to providing investment advice to clients.

YES NO

If "yes", please furnish a complete description of such standards on Schedule E.

If the applicant provides investment supervisory services (as defined in Section 202(a)(11) of the Act) or manages investment advisory accounts for clients under circumstances not involving investment supervisory services, complete questions 23 through 27.

23. What is the minimum amount of assets applicant generally requires to establish and maintain an investment advisory account? _____

If applicant imposes any other conditions on the establishment or maintenance of an investment advisory account, explain in full detail on Schedule E.

24. Does applicant have discretionary authority to select brokers or dealers to execute transactions in securities for its clients or for the accounts of its clients? YES ☐ NO ☐

If "yes" and there are limitations on such authority, describe such limitations in full detail on Schedule E.

25. Does applicant consider factors relating to the individual circumstances of clients in making recommendations to, or effecting transactions for, such clients. YES ☐ NO ☐

If "yes," describe such factors in full detail on Schedule E.

26. Describe briefly on Schedule E:

a) applicant's organizational structure, including a description of the role of each principal department in the organization in the usual process of arriving at investment decisions or recommendations for clients,

b) the process pursuant to which applicant reviews each investment advisory account, including, but not limited to, the category of personnel performing the review, factors which trigger reviews, the sequence in which accounts are reviewed and the matters reviewed, and

c) the frequency and nature of any reports furnished to clients concerning their investment advisory accounts.

27(a)(1) Number of accounts under discretionary management _____

(2) Approximate market value of all accounts under discretionary management _____

(3) Date of valuation _____

(4) Approximate number of accounts under discretionary management in the following size categories:

(i) Less than $2,500 _____
(ii) $2,500 - $10,000 _____
(iii) $10,000 - $50,000 _____
(iv) $50,000 - $200,000 _____
(v) $200,000 - $500,000 _____
(vi) $500,000 - $1,000,000 _____
(vii) More than $1,000,000 _____

(b) What is the maximum number of investment advisory accounts with respect to which any one individual associated with applicant may act as portfolio or account manager? _____

(c) Does Applicant have advisory accounts under any other form of management or supervision? Yes ___ No ___
If the answer is "Yes," please provide:

(i) Number of such accounts _____

(ii) Approximate market value of all such accounts _____

(iii) Date of valuation _____

(iv) Approximate number of such accounts in the following size categories:

(a) Less than $2,500 _____
(b) $2,500 - $10,000 _____
(c) $10,000 - $50,000 _____
(d) $50,000 - $200,000 _____
(e) $200,000 - $500,000 _____
(f) $500,000 - $1,000,000 _____
(g) More than $1,000,000 _____

28. Is applicant or registrant a party to any civil litigation relating to its business as an investment adviser? Yes ☐ No ☐

(If "yes", describe briefly on Schedule F)

SCHEDULE A OF FORM ADV ☐ FORM SD ☐

OFFICIAL USE

FOR CORPORATIONS
(Answers in response to ITEM 8(a) of Form ADV or Form SD.)

Date as stated on the execution page of Form ADV or Form SD accompanying this Schedule: _____

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form SD: _____ IRS Empl. Ident. No.: _____

II. Name under which business is conducted if different: _____

III. Complete and mark appropriate columns for (a) each officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the beneficial owner of 5% or more of the outstanding shares of any class of equity security of applicant unless applicant is the issuer of a security registered pursuant to Section 12 of the Securities Exchange Act of 1934 (or the issuer of a security which is exempted pursuant to Subsections (g)(2)(A), (B), or (g)(2)(G) thereof) in which case each other person who is, directly or indirectly, the beneficial owner of 5% or more of any such registered class of equity security of applicant. Thus, if applicant is owned directly, or indirectly through one or more intermediaries, by a corporation, then such corporation's shareholders should be considered in determining who must be listed on Schedule A. Place an asterisk (*) after the names of the persons for whom a change in title, status, or stock ownership is being reported. Place a double asterisk (**) after the names of the persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of ownership as follows: If none, enter "none," above 0% to less than 5%, enter "A," 5% to less than 10%, enter "B," 10% to less than 25%, enter "C," 25% to less than 50%, enter "D," 50% to less than 75%, enter "E," 75% to 100%, enter "F."

FULL NAME Last	First	Middle	RELATIONSHIP Beginning Date Mo.	Yr.	Title or Status	Official Use Only	Ownership Code	Class of Equity Security	Social Security Number
						01			
						02			
						03			
						04			
						05			
						06			
						07			
						08			
						09			
						10			
						11			
						12			

IV. List below names reported in the most recent previous filing pursuant to this Item which are DELETED herein:

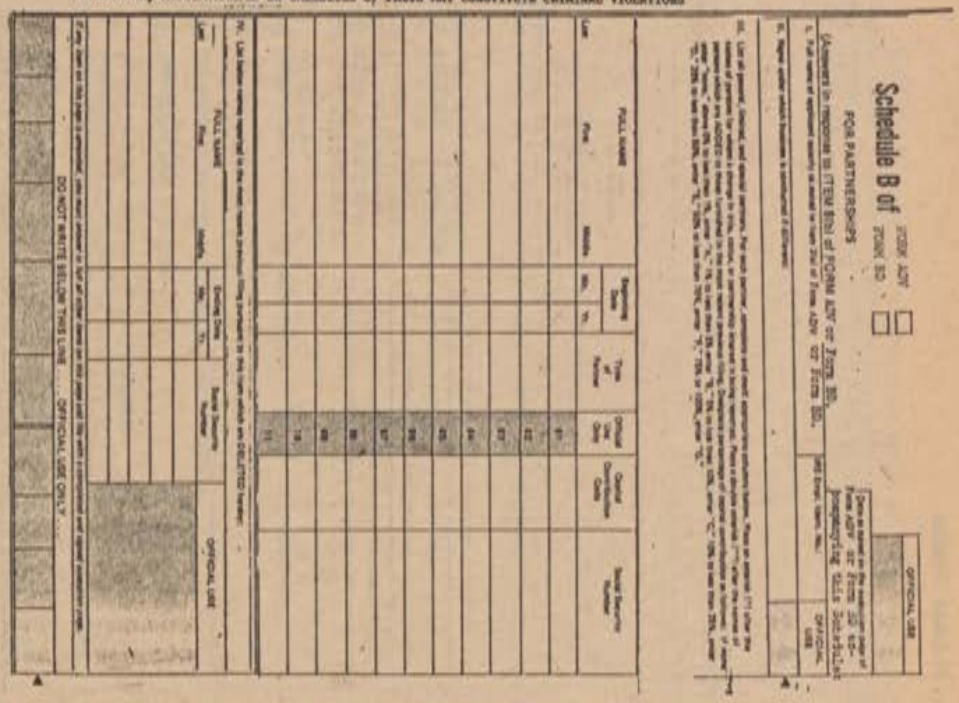
FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	Social Security Number	OFFICIAL USE

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

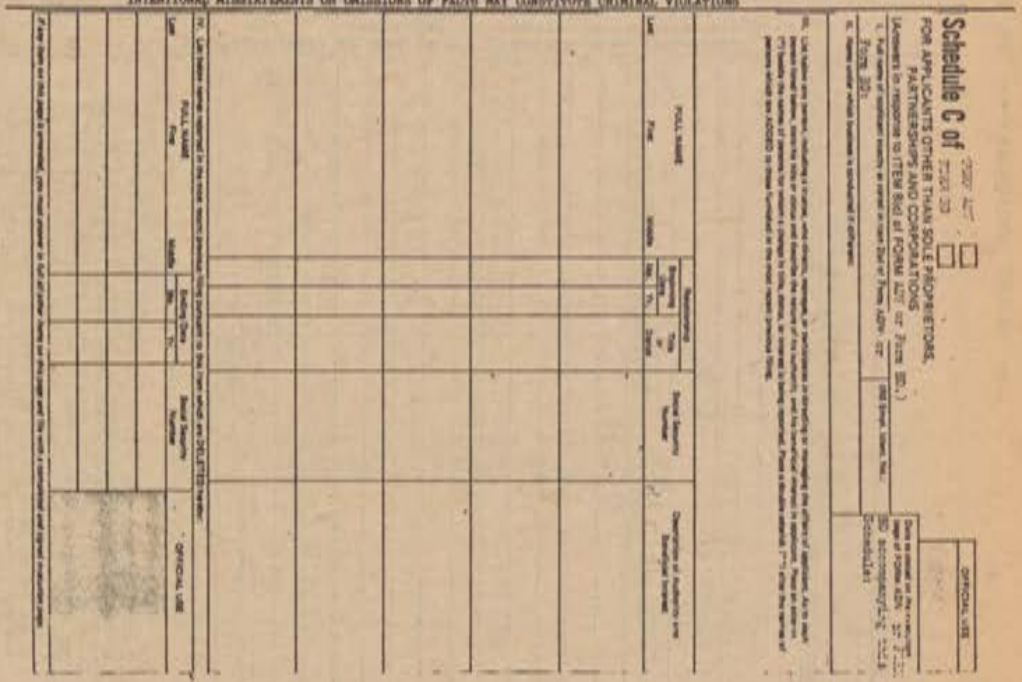
DO NOT WRITE BELOW THIS LINE — OFFICIAL USE ONLY

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS



WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS



Schedule D of FORM ADV ☐ FORM BD ☐

(Answers in response to ITEM 11 of FORM ADV or ITEM 12 OF FORM BD.)

OFFICIAL USE

Date as stated on the execution page of FORM ADV or FORM BD accompanying this Schedule:

NOTE: (a) Corporate or partnership Schedule D for each natural person named in Items 21(a), 8 or 9, or any beneficial shareholder, except that Schedule D need not be furnished for any person who meets both of the following conditions: (1) he owns less than 10% of any class of equity securities of applicant and (2) he is not an officer, director, or person with similar status or functions.

(b) Complete a separate Schedule D for each person subject to any action reported under Item 10.

(c) State all names in the order of last name, first name, full middle name. If any person legally has only an initial, so indicate after the initial.

(d) Applicants who are completing Schedule D in response to Item 11 of Form ADV should also complete a separate Schedule D for: (1) each member of applicant's investment committee or similar group, if any, which determines or approves what investment advice shall generally be rendered by applicant to any client, or to which clients such investment advice shall be rendered, or (2) in the absence of an investment committee or similar group, each person associated with applicant who determines or approves what investment advice shall be rendered by applicant to any client, or to which clients such investment advice shall be rendered.

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form BD — IRS Empl. Ident. No.:

II. Full name of person for whom this Schedule is being completed: — IRS Empl. Ident. No. or Soc. Sec. No.:

III. (a) Residence address of person: (Number and Street, City, State, ZIP Code)

(b) Date of Birth: (c) City of Birth: (d) State or Province: (e) Country:

IV. NAMES USED: Furnish below a list of all names other than name stated in Item II of this Schedule individual has been known by or has used including maiden name if applicable. If no other names used, state "None."

Last — First — Middle

V. EDUCATION: Furnish below a description of the education for the person named in Item II of this Schedule (include name and location of last high school attended, name and location of any college or university attended, degrees received and year it was received.)

VI. BUSINESS BACKGROUND: Furnish below a complete, consecutive statement of all business experience and employments for the past ten years. List the most recent position first. If none, state "None."

Name of Firm and Address	Kind of Business	Exact Nature of Connection or Employment	Beginning Date Mo.	Beginning Date Yr.	Ending Date Mo.	Ending Date Yr.

VII. PROCEEDINGS: If any answer to any paragraph of Item 10 is "Yes" with respect to the person for whom this Schedule is being completed, furnish the following details:

Applicable Part and Question of Item 10	Title or Disposition of Action	Name and Location of Court, Agency, Jurisdiction or Self-Regulatory Organization	Nature and Date of and Disposition of Proceeding

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

Schedule E of FORM ADV ☐ FORM BD ☐

(Continuation Sheet)

OFFICIAL USE

Date as stated on the execution page of FORM ADV or Form BD accompanying this Schedule:

(Do not use this Schedule as a continuation sheet for Schedules A, B, C, and D.)

I. Full name of applicant exactly as stated in Item 2(a) of Form ADV or Form BD: — IRS Empl. Ident. No.:

Item of Form (Identify)	Answer

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

SCHEDULE F OF FORM ADV

(Answers in Response to ITEM 12 of Form ADV and ITEM 4 of Form ADV-S)

1. Full name of applicant exactly as stated in Item 2(a) of Form ADV.	IRS EMPL. IDENT. NO.

Date as given on the execution page of the Form ADV accompanying this Schedule.

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and executed page one.

SCHEDULE C OF FORM ADV
STATE SUPPLEMENTAL INFORMATION FORM
(DO NOT FILE WITH THE SECURITIES AND EXCHANGE COMMISSION)

OFFICIAL USE

SUPPLEMENTAL STATE INFORMATION FOR THE STATE OF: _____

Full name of applicant exactly as stated in Item 1(a) of Form ADV: | IRS Empl. Ident. No.

Answer the following questions by referring to the Special Instruction Sheet for this state. Supply only the information required therein and indicate as appropriate the information supplied.

	YES	NO
I. ADMISSION OF FOREIGN CORPORATION IN STATE OF APPLICATION.		
(a) Has applicant applied for or been admitted to do business in this state?	☐	☐
(b) If "yes," give		
(1) Date of admission _____, (Enclose certificate where required) or		
(2) Date of application _____		
(c) Is applicant "in good standing" in its state of incorporation?	☐	☐
II. INVESTMENT ADVISER BOND.		
(a) Attached is the required surety bond in the penal amount of $ _____		
(b) Attached is a form indicating:		
1. Cash deposited in a satisfactory depository in the amount of $ _____		
2. Certificates of deposit, deposited in a satisfactory depository in the amount of $ _____		
3. Securities deposited in a satisfactory depository in the amount of $ _____		
4. Other (Attach explanation.)	YES	NO
(c) Applicant claims exemption from the bond requirement (If "yes," attach explanation and evidence showing circumstances which relieve applicant from obtaining bond.)	☐	☐
(d) 1. Has applicant ever been refused a bond by a surety company?	☐	☐
2. Has applicant ever been subject of a surety bond payment?	☐	☐
(If "yes," attach explanation.)		
III. FINANCIAL REPORTS AND PERSONNEL INFORMATION. (Check whether applicable.)	YES	NO
(a) Attached are ____ copies of applicant's latest certified financial statement	☐	☐
(b) Attached are ____ copies of applicant's latest Joint Regulatory Report or FOCUS Report	☐	☐
(c) Attached are ____ copies of applicant's latest unaudited financial statement	☐	☐
(d) Attached are ____ copies of applicant's latest financial statement on the form provided by the state in which application is being made	☐	☐
(All financial statements must be accompanied by the net capital to aggregate indebtedness ratio computations as of the same date as those reports.)		
(e) Attached are copies of all currently effective subordination agreements (If all are similar in form, attach 1 copy and a schedule showing the name and address of each lender, and the dollar value of the subordinated items on each agreement.)	☐	☐
(f) Submit the name and address of applicant's bank or banks	☐	☐
(g) Supply a list of all persons who will supervise investment advisory activities in this state	☐	☐
(h) Supply a list of all persons who will render investment advice or solicit clients in this state	☐	☐
(i) Submit number of employees	☐	☐
(j) Submit statement of qualifications	☐	☐
(k) Submit photograph(s) which has been taken within the preceding six months	☐	☐
(l) Submit fingerprints in a form acceptable to this state	☐	☐

(Where an item is checked "yes," attach the required documents.)

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page one.

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS

SCHEDULE G OF FORM ADV (continued)

OFFICIAL USE

IV. ORGANIZATIONAL DOCUMENTS AND OTHER INFORMATION:

(a) Is applicant is a corporation, attached are:
Articles____ By-Laws____ Amendments____ Certification____

(b) If applicant is a partnership:
(1) Attached are Partnership Agreement____ Amendments____
(2) Partnership Certificate was filed in_____ (state) _____ (county)
on_____ (date) under_____ (state) Public Acct. No._____
_____ (year).
(3) The effective date of the partnership agreement is_____.

(c) If applicant is a sole proprietor:
(1) Attached is a copy of the assumed name certificate (if not applicable, so state)_____
(2) This certificate was obtained in_____ (state) on_____ (date).

(d) Attached are the following records, forms and schedules:

1. Investment Advisory Contract Forms ____
2. Discretionary or Custody Agreement Forms ____
3. Profit-sharing or other Compensation Agreements ____
4. Reports, Analyses, Publications, Periodicals, etc. ____
5. Letters of recommendation ____
6. Corporate Resolution ____
7. Executed consent to service of process (Form G-2, if applicable) ____

(e) Applicant's fiscal period begins_____ and ends_____.
(f) Effective date of registration with S.E.C._____.

V. OFFICES IN THE STATE OF APPLICATION:

	Address	Name of Person in Charge
Principal Office:		
Branch Offices:		

VI. STATE WHETHER APPLICANT:

	YES	NO
(a) Had a judgment or order entered against him in any civil or administrative proceeding in which fraud was an element other than those previously described in Form ADV	☐	☐
(b) Has ever been subject to any bankruptcy, receivership or insolvency proceedings	☐	☐
(c) Has any unsatisfied judgments outstanding, including against any officer, director, or partner	☐	☐

(If "yes," attach explanation.)

VII. FILING FEE IN THE AMOUNT OF $_____ IS ATTACHED.

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS CONSTITUTE CRIMINAL VIOLATIONS.

FORM ADV-S — ANNUAL SUPPLEMENT FOR INVESTMENT ADVISERS REGISTERED UNDER THE INVESTMENT ADVISERS ACT OF 1940

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

GENERAL INSTRUCTIONS FOR PREPARING AND FILING FORM ADV-S

1. Every investment adviser which is registered under the Act on the last day of its fiscal year is required to file Form ADV-S with the Commission. Form ADV-S (and the updated balance sheet required by item 12 of Form ADV) must be filed together no later than 90 days after the end of applicant's fiscal year unless applicant's registration has been withdrawn, cancelled, or revoked prior to that date.

2. Failure to file Form ADV-S, in addition to constituting a violation of Rule 204-1(c) under the Act, will result in the taking of appropriate steps by the Commission to determine whether a Registrant is still in existence and is still engaged in business as an investment adviser and may, therefore, lead the Commission to order cancellation of a Registrant's registration, pursuant to Section 203(h) of the Act.

3. Any Registrant answering question 2 in the negative which is not, to its knowledge, the subject of a pending Commission investigation or administrative proceeding, is strongly urged to withdraw from registration by filing a notice of withdrawal on Form ADV-W together with this form or as soon as possible thereafter. Otherwise, the Commission may order cancellation of Registrant's registration solely on the basis of Registrant's response to question 2 of this form. Copies of Form ADV-W may be obtained from any office of the Commission.

4. It is essential that, before answering question 3, Registrant carefully review its Form ADV which is currently on file with the Commission and the provisions of Rule 204-1 under the Act, which sets forth the circumstances in which amendments to Form ADV, the application for registration, are required to be filed. Any Registrant which provides an affirmative answer to question 3(a) should file the required amendment(s) together with this form or as soon as possible thereafter. Failure to do so could result in appropriate enforcement action by the Commission. Copies of Form ADV may be obtained from any office of the Commission.

Note: A Registrant which does not have a copy of its Form ADV which is currently on file with the Commission may inspect the Form at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20005 or the appropriate Regional Office, or may obtain a photocopy at a nominal charge from the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549.

Note: Registrants have a continuing obligation to file any amendments to Form ADV within the time limits set forth in Rule 204-1 under the Act and should not postpone such filings until the filing of Form ADV-S.

Page Two of FORM ADV-S

5. UNDER SECTIONS 204 AND 211(a) OF THE INVESTMENT ADVISERS ACT OF 1940 AND THE RULES AND REGULATIONS THEREUNDER, THE COMMISSION IS AUTHORIZED TO SOLICIT THE INFORMATION REQUIRED BY THIS FORM FROM REGISTRANTS UNDER THE INVESTMENT ADVISERS ACT OF 1940. THE INFORMATION SPECIFIED BY THIS FORM (OTHER THAN SOCIAL SECURITY NUMBERS) MUST BE PROVIDED PRIOR TO PROCESSING OF THE FORM. DISCLOSURE OF SOCIAL SECURITY NUMBERS IS VOLUNTARY, BUT SOCIAL SECURITY NUMBERS WILL ASSIST THE COMMISSION IN IDENTIFYING REGISTRANTS AND, THEREFORE, IN PROMPTLY PROCESSING THE FORMS. THE INFORMATION WILL BE USED FOR THE PRINCIPAL PURPOSES OF DETERMINING WHETHER REGISTRANT IS PRESENTLY ENGAGED IN BUSINESS AS AN INVESTMENT ADVISER AND WHETHER ALL INFORMATION IN REGISTRANT'S FORM ADV IS CURRENT. INFORMATION SUPPLIED ON THIS FORM WILL BE INCLUDED IN THE PUBLIC FILES OF THE COMMISSION AND WILL BE AVAILABLE FOR INSPECTION BY ANY INTERESTED PERSON. A FORM WHICH IS NOT PREPARED AND EXECUTED IN COMPLIANCE WITH APPLICABLE REQUIREMENTS MAY BE RETURNED AS NOT ACCEPTABLE FOR FILING. ACCEPTANCE OF THIS FORM, HOWEVER, SHALL NOT CONSTITUTE ANY FINDING THAT IT HAS BEEN FILED AS REQUIRED OR THAT THE INFORMATION SUBMITTED IS TRUE, CURRENT, OR COMPLETE. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. (See 18 U.S.C. 1001 and 15 U.S.C. 80b-17.)

GENERAL: Read all instructions before preparing the form. Please print or type all responses.

---

1. (a) Registrant's Investment Adviser Registration Number

801-_____

(b) Full name of Registrant: (If individual, state last, first, middle name)

_____

IRS Empl. Ident. No. or Soc. Sec. No.:

_____

(c) Name under which business is conducted, if different:

_____

(d) Address of principal place of business: (Do not use P.O. Box Number)

_____

(No. and Street) (City) (State) (ZIP Code)

(e) Mailing address, if different:

_____

---

2. Is Registrant presently engaged in business as an investment adviser?

Yes ☐ No ☐

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records would violate the Federal securities laws and may result in disciplinary, administrative, injunctive or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

Page Three of FORM ADV-S

3. (a) Is any amendment to Registrant's Form ADV required to be filed pursuant to Rule 204-1 under the Act to correct any information contained in Registrant's Form ADV currently on file with the Commission? Yes ☐ No ☐

(b) If the answer to question 3(a) is yes, state whether all required amendments are attached to this form. Yes ☐ No ☐

4. Attach on Schedule F of Form ADV a balance sheet, current as of the end of registrant's most recent fiscal year, meeting the requirements of ITEM 12 of FORM ADV.

EXECUTION: The undersigned represents that he has executed this form on behalf of, and with the authority of, said registrant. The undersigned and registrant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete.

Dated the _____ day of _____ 19___

_____

(NAME OF REGISTRANT)

By: _____

(SIGNATURE AND TITLE)

[FR Doc.77-21596 Filed 7-26-77;8:45 am]

Advance Orders are now being Accepted
for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 20—Employees' Benefits (Parts 1–399)	$3.25	$_____
_____	Title 24—Housing and Urban Development (Parts 0–499)	5.00	_____
_____	Title 26—Internal Revenue (Part 1, §§ 1.170 to 1.300)	4.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

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