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Federal Register

THURSDAY, OCTOBER 6, 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

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(Details: 42 FR 49531, 9-27-77)

For reservations call: Lynda Barrer at (216) 433-8600, ext. 243 or Tharen Broquet (216) 623-1350, ext. 784

Baton Rouge, Louisiana, 10-26-77

(Details: 42 FR 49851, 9-28-77)

For reservations call: Mrs. Jeri Shread at (504) 344-7679

Houston, Texas, 10-27-77

(Details: 42 FR 49851, 9-28-77)

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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
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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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- DOT/FAA—Albany, N.Y.; alteration of control zone and transition area. 41107; 8-15-77
- Alaska; realignment of federal airway and addition of reporting point. 40691; 8-11-77
- Alteration of control zone and 700-foot transition area; Barre-Montpelier, Vt. 35639; 7-11-77
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- Transition area and controlled airspace; Hawaiian Islands. 42193; 8-22-77
- VOR federal airway between Atlanta, Ga. and Augusta, Ga.; revocation. 40692; 8-11-77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

- H.R. 6502..... Pub. L. 95-116
 Veterans, automotive assistance allowance and adaptive equipment, provide. (Oct. 3, 1977; 91 Stat. 1062). Price: \$.50.
- H.R. 1862..... Pub. L. 95-117
 Veterans Disability Compensation and Survivor Benefits Act of 1977. (Oct. 3, 1977; 91 Stat. 1063). Price: \$.50.
- H.R. 5262..... Pub. L. 95-118
 International Financial Institutions, increased participation by U.S. (Oct. 3, 1977; 91 Stat. 1067). Price: \$.50.
- H.R. 7554..... Pub. L. 95-119
 Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1978. (Oct. 4, 1977; 90 Stat. 1073). Price: \$.90.

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.

[3410-05]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

INVITATIONS FOR BIDS; PURCHASING AND/OR SHIPPING AGENTS

AGENCY: Office of the General Sales Manager, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Title I, Pub. L. 480, financing regulations to establish several new requirements applicable to purchases made on the basis of invitations for bids (IFB's) and to awards made on a "lowest landed cost" basis. Purchases of food commodities are required to be made on the basis of IFB's and payments to selling agents in connection with such sales are prohibited.

A procedure is established for the approval of a person to act as purchasing and/or shipping agent for participating countries. Such person is required to submit certain information for consideration by USDA. Approval is conditioned upon such person's not acting in certain other capacities in any Title I transaction with the participating country while he is its purchasing and/or shipping agent for Title I transactions. Appeal procedures are provided for a person denied approval as shipping agent and/or purchasing agent and for one whose approval has been terminated as provided in the regulations. Appeal procedures are also provided for a person not approved or conditionally approved as supplier or selling agent.

In addition to implementing the Food and Agricultural Act of 1977, the purpose of the amendment is as follows:

To increase competition and eliminate certain potential conflicts of interest, keep the costs of the Title I, Pub. L. 480, program to the United States Government as low as possible, and insure that all persons, including small businesses, desiring to participate in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480, receive fair and equitable treatment.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

George Pope, Office of the General Sales Manager, U.S. Department of Agriculture, Room 4085, South Building, Washington, D.C. 20250, telephone 202-447-5693.

SUPPLEMENTARY INFORMATION:

EFFECTIVE DATE

The provisions of this amendment shall not apply with respect to transactions involving purchase authorizations issued prior to October 6, 1977.

Various provisions of this regulation are required by the Food and Agriculture Act of 1977 (Pub. L. 95-113), effective October 1, 1977. Public notice of rule-making with respect to other provisions was given in June 1977. Accordingly, it is hereby determined that compliance with any further notice of proposed rulemaking, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

BACKGROUND

On June 29, 1977, the Office of the General Sales Manager published a proposed rule (42 FR 33038) to amend the regulations governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701 et seq.), referred to herein as "Title I, Pub. L. 480."

Since the publication of the proposed rule on June 29, 1977, the "Food and Agriculture Act of 1977" (Pub. L. 95-113) has amended Pub. L. 480, effective October 1, 1977.

The major provisions of the legislation which relate to this rule are as follows:

1. Food commodities are required to be purchased on the basis of an IFB publicly advertised in the United States.

2. Bid offerings are required to conform to such IFB and be received and publicly opened in the United States.

3. Commissions, fees, or other payments to any selling agent are (unless waived by the Secretary) prohibited in any purchase of food commodities.

Those areas of the proposal covered by the legislation have been changed to conform therewith.

Situations in which there could be conflicts of interests are varied. Suppliers under Title I, Pub. L. 480, with economic ties and other interests in firms acting for participants as agents in the shipping or purchasing of commodities financed under the program may have an advantage in the contracting procedure stemming from advance knowledge or collaboration, involving the

arrival of the commodity and vessel at the U.S. ports, not enjoyed by other suppliers. Eliminating such possibilities gives all firms, including small businesses, a more equal opportunity to participate. The resultant increased competition should be a significant factor in keeping the Government's costs as low as possible.

Requirements that invitations for bids, publicly opened in the United States, be used in purchasing food commodities financed under Title I, Pub. L. 480, will make it easier for commodity suppliers, particularly small businesses, to participate. Potentially, this should reduce commodity prices by increasing the number of bidders.

Based on comments received and on the recent amendments to Title I, Pub. L. 480, several changes have been made in the text of this proposal, which is now being published as a final rule. These changes are pointed out in "Discussion of Major Comments."

DISCUSSION OF MAJOR COMMENTS

APPROVAL OF SHIPPING AND/OR PURCHASING AGENTS

In many of the comments addressed to the proposed requirements for approval of shipping and/or purchasing agents, the position was taken that the proposed rule was too broad and the result would be that few, if any, of the firms currently acting as shipping and/or purchasing agents would be able to qualify as being free from all disqualifying activities or affiliations. In other comments, questions were raised as to the justification for a rule which would disqualify persons from acting as shipping and/or purchasing agents on the basis of affiliations and activities unrelated to Pub. L. 480 transactions. It was also pointed out that there were no guidelines established for determining that a person who could not meet the specified standards could be approved on the basis that such approval would result in no conflict of interest or reduced competition.

In light of these comments, under the regulation a person would be disqualified from acting as shipping agent and/or purchasing agent for a participant only if he or an affiliate acted as a ships broker, ocean transportation supplier, commodity supplier, or selling agent in any Title I transaction with the participant while he was serving as purchasing and/or shipping agent for Title I transactions for the participant. This narrows the prohibition to those actions clearly providing a potential conflict of interest situation in connection with Title I transactions. The agent's activities and affiliations in non-Title I transactions

are no basis for disqualification. There is no provision for a waiver to permit approval of a person as an agent who does not meet the above requirement.

Additional questions were raised with respect to that part of the approval procedure based on " * * * business reputation and any other factors with respect to the capability of such person to perform. * * *" The regulation now deletes the above reference, with approval of shipping and purchasing agents being based solely on standards directed toward eliminating conflicts of interest and increasing competition.

The final rule contains, as did the proposal, a procedure for appeal to the GSM by a person who was not approved as a purchasing and/or shipping agent.

"LOWEST LANDED COST" OPTION

The proposal stated that an importer purchasing under an IFB had the option of awarding on a "lowest landed cost" basis (commodity price plus ocean freight charges) under certain circumstances rather than strictly on the basis of the lowest commodity price offered. A number of comments were received opposing this option.

One comment was that the commodity supplier should know the basis on which awards would be made ("lowest landed cost" or lowest commodity price) before he submitted his offer. This would not appear relevant in a competitive bidding situation, where a supplier would be expected to offer his lowest possible price regardless of which method the importer used to determine awards. This is especially true under Title I, Pub. L. 480 transactions, since commodity and ocean freight offers are independent of each other. The wording of the proposal in this area is, therefore, retained.

Other comments recommended that the current policy governing commodity awards for rice, which requires that rice be purchased based on the lowest f.a.s. or f.o.b. commodity price, be continued. This does not permit an importer to use the "lowest landed cost" option for rice. All comments on this point have been carefully reviewed, and it has been determined that there is no justification for treating rice differently from other food commodities by precluding the lowest landed cost option for rice purchases. However, changes have been made to meet some of the underlying problems in the use of the lowest landed cost option which caused these commenters concern.

Specific comments received opposing the lowest landed cost option included the following:

The lowest landed cost option allows manipulation of results, as the importing country or commodity supplier may own or control vessels whose rates are used in the computation, and a decision on lowest landed cost based on estimated freight rates, not actual freight rates, is not valid.

The use of the lowest landed cost option precludes prompt handling of awards.

The lowest landed cost option leads to excessive retendering by the buyer.

In response to these comments, provisions have been added which preclude the use of lowest landed cost when vessels offered under the flag of the participant or importing country, or vessels controlled by the participant or importing country, are to be used; in such cases, commodity purchases must be made on the basis of the lowest f.a.s. or f.o.b. commodity offers. This will prevent manipulation of freight rates to allow the importer to accept higher commodity offers.

Also, lowest landed cost may not be used unless offers for commodity and freight are received for review by the importer at the same time. This allows the importer to make lowest landed cost awards on a timely basis and insures that actual freight rates are available for use in the computation of the lowest landed cost. From a review of Pub. L. 480 transactions it appears that the availability of the lowest landed cost option does not lead to more retendering by the importer but, in fact, results in fewer tenders, particularly when commodity and freight offers are reviewed together.

The question was raised as to why purchases on a c. and f. or c.i.f. basis ("commodity and freight" or "commodity, insurance and freight") were not permitted instead of allowing purchases on the lowest landed cost basis. The use of c. or c.i.f. sales can favor large commodity suppliers, who may own or control ocean vessels, and place smaller commodity suppliers, not controlling their own vessels, at a disadvantage.

SELLING AGENT'S COMMISSIONS

The proposed rule (§ 17.8(c)(1)(ii)) would have made commissions paid to " * * * a selling agent * * * employed or engaged by the supplier to obtain a contract * * *" for the sale of food commodities ineligible for financing. The basis for this restriction was that there would appear to be no need for the commodity supplier to use the services of a selling agent to "obtain a contract" when purchases were required to be made under an IFB issued and publicly opened in the United States.

In several comments received the argument was made, however, that CCC should continue to finance selling agents' commissions in such cases since selling agents performed many necessary services for the supplier which are in addition to obtaining a contract, such as the handling of documentation problems and contract disputes.

The Food and Agriculture Act of 1977 amended Title I, Pub. L. 480, to prohibit the payment of a commission, fee, or payment to a selling agent in connection with the sale of food commodities financed under Title I, Pub. L. 480, unless waived by the Secretary. The regulation has been changed to conform thereto, with no provision being made for a waiver.

REGULATION OF COMMODITY SUPPLIERS AND SELLING AGENTS

In one comment the position was taken that commodity suppliers and selling agents should be covered by this rule, as there could be a conflict of interest with a commodity supplier who is also an ocean transportation supplier, for example. Currently, commodity contracts and ocean freight contracts may not be contingent upon one another (see § 17.6(a)(2)). Also, selling agents, if used, may not be affiliated with the government of the importing country (§ 17.2(c)(19)). Further regulations in this area will be proposed in accordance with the amendment of section 408 of Pub. L. 480 by the "Food and Agriculture Act of 1977" which requires further regulations to be issued within six months to prevent conflict of interest.

DEFINITION OF TERMS

There was a request in one comment for a definition of "conflict of interest" and in another for a redefinition of "affiliate." These comments were addressed to the broad ineligibility criteria which were applicable to the approval of purchasing and/or shipping agents. We feel this is not necessary in view of the manner in which conflict of interest is now handled in § 17.8(e)(3)(vi).

In another comment a comprehensive definition of the term "responsive to the IFB" to prevent inconsistent interpretation was requested and in a related comment it was requested that it be made clear how late in the bidding procedure an offer could be modified to make it responsive to the IFB. This is unnecessary since these points can be controlled by USDA review of the IFB to insure that it outlines the key elements to be expected of a responsive bid and that it provides there can be no modification of an offer after the closing date in the IFB.

IFB'S MUST BE ISSUED IN U.S.

Comments on this requirement noted that it imposes an added burden and expense on the importing country and might discourage developing countries from purchasing from the United States under Title I, Pub. L. 480. Several comments from importing countries did not indicate major problems with this regulation; one country stated that it would be inconvenient, but not impossible, for them to comply for certain commodities.

The "Food and Agriculture Act of 1977" amends Pub. L. 480 to require IFB's issued and publicly opened in the United States, to be used in the purchase of food commodities financed thereunder.

For consistency, this regulation provides that when IFB's are used, whether for food or non-food commodities, they must be issued in the United States. It is felt that the concessional nature of the financing will continue to make purchasing under Title I, Pub. L. 480 sufficiently attractive to participating coun-

tries to overcome any potential problems raised by this requirement.

In other comments it was noted that this requirement would not necessarily mean that many smaller firms would become direct exporters under the program. It is recognized that small firms may still prefer to serve as intermediate suppliers for reasons such as lack of expertise in export paperwork procedures; however, the amendment should provide expanded opportunity for participation by some small suppliers who may not have participated in the past when IFB's were held in the importing country.

In one comment it was suggested that OGSM consider having an observer present at IFB openings to monitor procedures. It is planned that a USDA representative attend IFB openings as an observer only.

DISTINCTION BETWEEN USE OF IFB'S FOR PURCHASE OF FOOD AND NON-FOOD COMMODITIES

In several comments disagreement was expressed with the distinction made in the regulation between food commodities, for which IFB's must be issued, and non-food commodities (cotton, tallow, and tobacco) which are not required to be purchased by IFB. This distinction was made because of the significantly different marketing practices used in purchasing non-food commodities from those for food commodities. This distinction was recognized by the Congress in the amendment of Pub. L. 480 made by the Food and Agriculture Act of 1977 which requires IFB's only for purchases of food commodities. The final rule retains this distinction.

DELAY UNTIL LEGISLATION PASSED

In some comments it was suggested that publication of the final rule be delayed until final Congressional action on legislation affecting Title I, Pub. L. 480. This has been done.

MISCELLANEOUS AMENDMENTS

No comments were received opposing the miscellaneous amendments in the proposal which changed references from "EMS" to "OGSM," amended and added definitions, and added a hearing provision applicable to approval of commodity suppliers and selling agents. They are adopted without change.

COMMENTS OUTSIDE SCOPE

Other comments were received which were outside the scope of the proposed rule. These will be filed for consideration when the sections of the regulations to which they apply are reviewed for future amendment.

AUTHORITY TO APPROVE PURCHASING AND/OR SHIPPING AGENTS

The authority to issue regulations which might bar participation of a person to act as a shipping agent for a purchaser obtaining Title I, Pub. L. 480, financing was questioned in one of the comments received. The interest of the United States Government in such

transactions is sufficient to warrant such regulation.

The Commodity Credit Corporation finances over long periods of time (up to 40 years) at low interest rates the purchase price of such commodities. The Commodity Credit Corporation also pays the ocean freight differential between the cost of shipping the commodity on United States-flag vessels and foreign-flag vessels to the extent that U.S.-flag vessels are required by the Cargo Preference Act to be used for such shipments. It is essential that there not be interference with the conduct of the program caused by actions which could result from conflicts of interest.

The Congress has recognized this in the amendment to section 408 of Title I, Pub. L. 480, made by the Food and Agriculture Act of 1977, which requires that regulations for the administration of Title I operations be issued within six months from the effective date of the Act (October 1, 1977), to prohibit conflict of interest between "(A) recipient countries (or other purchasing entities) and their agents, (B) suppliers of commodities, (C) suppliers of ships, and (D) other shipping interests." This regulation covers certain of these areas with respect to which there was proposed rulemaking. Additional regulations, to comply further with this provision, will be prepared for publication.

Accordingly, the amendments to 7 CFR Part 17 Subpart A, Regulations Governing the Financing of Commercial Sales of Agricultural Commodities, are adopted with changes as set forth below.

Dated: October 3, 1977.

KELLY HARRISON,
General Sales Manager, Office
of the General Sales Manager,
Department of Agriculture.

1. The terms "Export Marketing Service" and "EMS" are changed to read "Office of the General Sales Manager" and "OGSM," respectively, wherever they appear in the regulations and Appendices A and B.

2. Section 17.2 is amended by revising paragraphs (a) (1) and (6), renumbering paragraphs (a) (7) through (10) as paragraphs (a) (8) through (11), adding a new paragraph (a) (7), revising paragraphs (a) (8) and (10) as renumbered, revising paragraph (c) (12), and adding paragraphs (c) (22) through (26) as follows:

§ 17.2 Definition of terms.

(a) *Terms relating to the United States, its agencies, and officials.* (1) "AMS" means the Agricultural Marketing Service, U.S. Department of Agriculture.

(6) "FGIS" means the Federal Grain Inspection Service, U.S. Department of Agriculture.

(7) "OGSM" means the Office of the General Sales Manager, U.S. Department of Agriculture.

(8) "USDA" means the U.S. Department of Agriculture and includes all or

any of the offices mentioned in subparagraphs (1) through (7) of this paragraph.

(9) "Secretary" means the Secretary of Agriculture of the United States, or his designee.

(10) "General Sales Manager" and "GSM" mean the General Sales Manager, OGSM, or his designee.

(11) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(c) *Other terms.* * * *

(12) "Importer" means the legal entity which contracts with the supplier for the importation of the commodity. The importer may be the participant or any legal entity to which a participant has issued a subauthorization.

(22) "Shipping agent" means any person engaged by a participant to arrange ocean transportation.

(23) "Ships broker" means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

(24) "Purchasing agent" means any person engaged by a participant to procure agricultural commodities.

(25) "Person" means an individual or other legal entity.

(26) "Invitation for bids" and "IFB" mean a publicly advertised request for offers.

3. Section 17.6 is amended by revising paragraph (a) (4), adding a new paragraph (a) (7), revising paragraph (b), and by deleting and reserving paragraph (c) as follows:

§ 17.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* * * *

(4) Commodity contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by USDA of the supplier, the selling agent if any, the contract price, and, whenever purchases are made on the basis of an IFB, responsiveness to IFB terms.

(7) A supplier or selling agent who is not approved, or is approved upon any conditions established under applicable criteria of this section, shall be notified of such determination promptly. The notification shall state the reasons for the action taken or conditions established. Such person shall have the right to appeal such action to a designated USDA official and submit further information, orally or in writing, bearing on such determination.

(b) *Contracting procedures.* (1) *Purchasing—general.* Importers may purchase through negotiation with a supplier or suppliers of the importer's choice except when the regulations (§ 17.6(b)(2)) or the purchase authorization specifies that purchases must be made on the basis of IFB's.

(2) *Purchasing—food commodities.* The importer shall purchase food commodities on the basis of IFB's.

(3) *IFB's—general.* Whenever commodity purchases are made on the basis of IFB's the following conditions shall apply:

(i) The terms of the IFB must be approved by the GSM prior to issuance.

(ii) The IFB shall be issued in the United States and all offers shall be opened in public in the United States at the time and place specified in the IFB.

(iii) The IFB shall permit submission of offers from all suppliers who meet the requirements of this section.

(iv) The IFB shall not preclude offers for shipment from any United States port(s) unless the purchase authorization limits exportation to certain ports.

(v) The IFB shall not establish minimum quantities to be offered or which will be considered.

(vi) The IFB shall be in compliance with the regulations, the purchase authorization, and sound commercial standards.

(4) *Contract awards.* (i) Whenever purchases are made on the basis of an IFB, the importer shall consider only offers which are responsive to the IFB and shall make awards on the basis of the lowest commodity price(s) offered, unless the importer determines and the GSM agrees that acceptance of a higher commodity price would result in the lowest landed cost of the commodity: *Provided*, That awards may not be made on a "lowest landed cost" basis unless IFB's are issued for commodity and ocean freight so that all commodity and ocean freight offers are reviewed simultaneously: *And provided further*, That when vessels offered under the flag of the participant or importing country or vessels controlled by the participant or importing country are to be used, the participant must purchase commodities on the basis of the lowest FAS/FOB offers. (ii) Announcement of awards shall be made in the United States. The importer shall promptly submit to OGSM copies of all offers received with a copy of the IFB which was issued. No sale can be approved for financing until this information has been received by OGSM. The decision of the GSM shall be final regarding the responsiveness of offers to IFB terms in the awarding of contracts.

(c) [Reserved]

4. Section 17.8 is amended by revising paragraphs (c)(1) and (c)(2) and adding a new paragraph (e).

§ 17.8 Fees, discounts, commissions, brand names, purchasing agents, shipping agents.

(c) *Commissions.* (1) (i) For non-food commodities, a commission to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is eligible for financing

to the extent that such commission is included in the contract price, except as stated in this paragraph.

(ii) For food commodities, a commission, fee or other payment to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is prohibited.

(2) If the supplier of the commodity has employed any person or firm, other than a selling agent, to obtain a contract, the sale is not eligible for financing.

(e) *Purchasing agents; shipping agents.* (1) A participant is not required to use a purchasing agent or shipping agent; however, if a purchasing or shipping agent is to be used, the participant shall submit the nomination(s) to the GSM in writing along with a copy of the proposed agency agreement. No person may act as purchasing or shipping agent, or as both, unless approved by the Assistant Sales Manager, Pub. L. 480 Programs, in accordance with the provisions of this paragraph.

(2) The term "affiliate" shall have the meaning as provided in § 17.2(c)(1) and, in addition, persons will also be deemed to be affiliates if any of the following conditions are met:

(i) Such persons have any common officers or directors.

(ii) There is any investment by ships brokers, ocean transportation suppliers, approved commodity suppliers, or selling agents, or their officers, or directors in the purchasing agents or shipping agents.

(iii) There is any investment by the purchasing agent or shipping agent, or his officers or directors in ships brokers, ocean transportation suppliers, or approved commodity suppliers, or selling agents.

These conditions include those cases in which investment has been concealed by the utilization of any scheme or device to circumvent the purposes of this section but does not include investment in any mutual fund.

(3) A person whose nomination has been submitted to act as a purchasing agent or shipping agent, or both, shall furnish to the Assistant Sales Manager, Pub. L. 480 Programs, the following:

(i) The names of all incorporators of the firm;

(ii) The names and titles of all officers and directors;

(iii) The names and proportionate share interest of all stockholders;

(iv) If the beneficial interest in the firm is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(v) The amount of the subscribed capital of the firm;

(vi) A written undertaking signed by such person agreeing that if he is approved neither he nor any of his affiliates, as defined in § 17.8(e)(2), will act as a ships broker, ocean transportation supplier, commodity supplier, or selling

agent in any Title I transactions with the participant during the term of the agency agreement.

(vii) A certification that the person has not arranged to give or receive any payment or other benefit in connection with his selection as agent.

(4) Consideration will not be given to approval of a person to act as a shipping or purchasing agent, or both, until the documents required to be submitted by this paragraph are received by the Assistant General Sales Manager, Pub. L. 480 Programs. Approval of a nomination for purchasing agent or shipping agent may be withheld for a period not to exceed 30 days pending completion of any investigation deemed appropriate.

(5) Approval of a purchasing agent or shipping agent to act for a participant shall be coextensive with the term of the agency agreement or such shorter period as the Assistant Sales Manager, Pub. L. 480 Programs, may determine: *Provided*, That such approval will be automatically terminated if the shipping or purchasing agent or any of the affiliates of such agent, acts as ships broker, ocean transportation supplier, commodity supplier or selling agent in connection with any Title I transaction for such participant during the term of the agency agreement.

(6) If a participant uses an unapproved purchasing agent in the procurement of commodities made available under Title I, Pub. L. 480, sales approval may be withheld.

(7) If a participant uses an unapproved shipping agent in the shipping of commodities made available under Title I, Pub. L. 480, vessel approval may be withheld or the amount of the shipping agent's commission in connection with the shipment may be deducted from the ocean freight differential to be paid.

(8) The Assistant Sales Manager, Pub. L. 480 Programs, shall promptly notify persons seeking approval as purchasing or shipping agents of his determination or of the need for further investigation. If such person is not approved, the notification shall state the reasons therefor. The determination of the Assistant Sales Manager shall be effective immediately and shall continue in effect pending the result of any appeal to the General Sales Manager. Nothing herein shall be construed as to prohibit a shipping agent or purchasing agent, whose application has been disapproved or whose approval terminated, from being nominated at a later time.

(9) Any person whose nomination has been disapproved or whose approval has been terminated pursuant to the provisions of this section shall have the opportunity, within 30 days, to present to the General Sales Manager any reasons, orally or in writing, as to why such action should not stand.

(Sec. 101-115, Pub. L. 83-480, as amended (7 U.S.C. 1701 et seq.); E.O. 10900, 26 FR 143, as amended.)

[FR Doc. 77-29341 Filed 10-5-77; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

INCOME DETERMINATION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to establish new guidelines for the determination of family income for separated couples. The intended effect of this amendment is to make the income determinations which establish the program eligibility of separated individuals consistent with similar determinations made for interest credit eligibility.

EFFECTIVE DATE: This amendment is effective on October 6, 1977. Comments must be received on or before November 7, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Wesley Harris (202-447-4295).

SUPPLEMENTARY INFORMATION: The FmHA amends § 1822.3(n)(2) and Exhibit E, paragraph 5, (c)(3)(i) of Subpart A of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 44993 as amended at 42 FR 1023-1025). Paragraph (n)(2)(v) of this section is added to provide guidelines under exempted income for separated couples; paragraphs 5, (c)(2) and (3) of Exhibit E are amended to allow for an exemption where the spouse has been living apart from the family without having filed for divorce or legal separation for at least six months.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since they make loan and interest credit eligibility definitions consistent with each other. As a result the program is made available to certain individuals who are currently in need of

Assistance. For this reason delay in making these changes effective would be contrary to the public interest. Accordingly, the following changes are made.

1. Section 1822.3 (n) (2) (v) is added to exempted income.

§ 1822.3 Definitions.

(n) Annual income. . . .

(2)

(v) The income of an applicant's spouse not living in the dwelling when: (A) Legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings, *Provided:*

(1) The applicant is informed and agrees that should the spouse begin to live in the dwelling, that spouse's income will then be counted toward annual income and the applicant may be required to graduate to other credit; and

(2) The spouse, if necessary for FmHA to obtain adequate security (as provided by State Regulations), signs the security instrument.

(B) Papers have not been filed to commence divorce or legal separation proceedings, *Provided:*

(1) The spouse has been living apart from the family for at least six months, and

(2) The conditions of paragraph (n)(2)(v)(A) (1) and (2) of this section are met.

2. Paragraphs 5, (c)(2), (2)(ii), (3) and (3)(i) of Exhibit E as amended, read as follows:

5. Interest credits for existing loans.

(c)

(2) A borrower's spouse is living apart from the family and property, and legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings provided:

(i)

(ii) For FmHA recordkeeping purposes, the account is put in the remaining spouse's name only.

(3) A borrower's spouse is living apart from the family and the property, and papers have not been filed to commence divorce proceedings *provided:*

(i) The spouse has been living apart from the family for at least six months, and

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: September 23, 1977.

GORDON CAVANAUGH,
Administrator, Farmers
Home Administration.

[FR Doc.77-29343 Filed 10-5-77;8:45 am]

[3410-07]

SUBCHAPTER J—LOAN AND GRANT PROGRAM (GROUP)

PART 1933—LOAN AND GRANT PROGRAM (GROUP) COMMUNITY FACILITY LOANS

Subpart A—Community Facility Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations pertaining to Office of the General Counsel review of Construction Contracts; the dissolution of other than utility type projects by nonprofit corporations; the qualifications of independent auditors engaged to audit financial operations accounts and reports submitted to the Farmers Home Administration and specifications for flexible plastic pipe for water systems. These changes are intended to make the Community Facilities loans more procedurally efficient.

EFFECTIVE DATE: October 6, 1977. Comments must be received on or before November 7, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Judd M. Hudson. Telephone 202-447-7667.

SUPPLEMENTARY INFORMATION: Sections 1933.8(g), 1933.17(a)(4)(v), 1933.17(a)(14)(iv)(C)(i) and 1933.18(a)(3)(ii)(C) of Subpart A, Part 1933, Title 7, Code of Federal Regulations (42 FR 24232-24252) are amended. On May 13, 1977, a document was published in the FEDERAL REGISTER (42 FR 24232-24252) containing final regulations for community facility loans but requesting comments. Based upon comments received upon publication certain procedural changes have been made in the regulations. These changes are now being published in final rulemaking form because they do not impose additional substantive requirements upon the recipients of assistance under this program and because they are the result of the comment process. However, any additional written comments will be considered and, if accepted, incorporated in a further revision of this regulation. As amended, §§ 1933.8(g), 1933.17(a)(4)(v), 1933.17(a)(14)(iv)(C)(i) and 1933.18(a)(3)(ii)(C) read as follows:

§ 1933.8 Actions subsequent to loan closing.

(g) State Office review of loan closing. The State Director will review the

County Supervisor's statement concerning loan closing, the security instruments, and other documents used in closing to determine whether the transaction was closed properly. All material submitted by the County Supervisor, including the executed contract documents with the certification of the attorney, along with a statement by the State Director that all administrative requirements have been met, will be referred to the OGC for post closing review. OGC will review the submitted material to determine whether all legal requirements have been met. OGC's review of FmHA's standard forms will be only for proper execution thereof, unless the State Director brings specific questions or deviations to the attention of OGC. It is not expected that facility development including construction will be held up pending receipt of the opinion from OGC. When the opinion from OGC is received, the State Director will advise the County Supervisor of any deficiencies that must be corrected and return all material that was submitted for review.

§ 1933.17 Appendix A—Community facilities.

(a) * * *

(4) Facilities for public use. * * *

(v) Before a loan is made to an applicant other than a public body for other than utility type projects, the articles of incorporation or loan agreement will include a condition similar to the following: "In the event of dissolution of this corporation, or in the event it shall cease to carry out the objectives and purposes herein set forth, all business, property and assets of the corporation shall go and be distributed to one or more nonprofit corporations or public bodies as may be selected by the board of directors of this corporation and approved by at least 75 percent of the users or members to be used for, and devoted to, the purpose of a community facility project or other purpose of serve the public welfare of the community. In no event shall any of the assets or property, in the event of dissolution thereof, go or be distributed to members, directors, stockholders, or others having financial or managerial interest in the corporation either for the reimbursement of any sum subscribed, donated or contributed by such members or for any other purposes, provided that nothing herein shall prohibit the corporation from paying its just debts."

(14) Borrower accounting methods, management reporting and audits. * * *

(iv) Audits and financial statements. * * *

(C) Other borrowers. * * *

(I) Independent public accountant defined. Audits shall be conducted in accordance with generally accepted auditing standards by independent certified

public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

§ 1933.18 Appendix B—Community Facilities—Planning Bidding, Contracting Constructing.

(a) * * *

(3) Design policies. * * *

(ii) Water systems. * * *

(C) Pipe. All pipe used should meet current product standards in American Society Testing Materials, further, if plastic pipe is used, its operating pressure shall not exceed $\frac{2}{3}$ of its rated working pressure, and its wall thickness shall not be less than .090. If flexible plastic pipe is used its operating pressure shall not exceed $\frac{2}{3}$ of its rated working pressure, and its wall thickness shall not be less than ".060".

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture; 7 CFR 2.23; delegation of authority by the Assistant Secretary of Agriculture for Rural Development; 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 21, 1977.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc. 77-29344 Filed 10-5-77; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

Clarifying and Corrective Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Clarifying and corrective amendments.

SUMMARY: The Commission's "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information" is hereby amended. The amendments substitute certain office and officer designations so as to reflect the Commission's present staff functions and organization, or to make the designations consistent throughout. The amendments also correct language inaccuracies regarding various statutory provisions of the Atomic Energy Act of 1954, as amended, and delete certain words which are superfluous.

EFFECTIVE DATE: The amendments are effective October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Royal J. Voegeli, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7437.

SUPPLEMENTARY INFORMATION:

The amendments relate to substituting office and officer designations in 10 CFR Part 10 so as to reflect the present NRC staff functions and organization, or to make the designations consistent throughout Part 10. Thus, the "(AEC) Office of the General Counsel" in § 10.22 will be changed to "Office of the Executive Legal Director", and the definition of "Hearing Counsel" in § 10.5(c) will be changed to mean an NRC attorney assigned "by the Office of the Executive Legal Director." The designation of "Executive Director of Operations" in § 10.22(f) will be changed to "Director, Office of Administration" so that the designation will be consistent with §§ 10.5(b) and 10.26(a). In various other paragraphs the word "Director" has been inserted preceding "Office of Administration", and in others the "Director, Division of Security" has been substituted for "Office of Administration" so that the designations will reflect the actual functioning of the Director of the Division of Security and the delegation of authority currently in effect. Several other changes relate to the routing of documents and staff procedures, and are set forth in the amendments to §§ 10.21, 10.22, 10.22(h), 10.24(a), 10.26(h), 10.27(j) and 10.27(q).

The amendments will also correct language inaccuracies in § 10.3 regarding the statutory provisions of Sections 141, 145(f), 161(a), 161(c) and 161(n) of the Atomic Energy Act of 1954, as amended. The present amendments will also delete certain words which are superfluous, i.e., the word "concerned" in §§ 10.27(j) and 10.30(a), and the words "from whom he received his notification letter" in § 10.29(a).

Because these amendments relate solely to minor matters, it has been found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

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

§ 10.3 [Amended]

1. Section 10.3 is amended by substituting the word "declassification" for the word "disclosure" in Section 141; by deleting the comma following the word "investigation" in Section 145(f); by deleting the word "the" where it precedes the word "legislation" in Section 161(a); by deleting the sentence "No person shall

be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege." in Sec. 161(c); by substituting "57b." for "57a(3)" in Sec. 161(n); deleting "102 (with respect to the finding of a practical value)" in Sec. 161(n); and by substituting "145f." for "145e" in Sec. 161(n).

§§ 10.5, 10.22, 10.24, 10.26, 10.28-10.34 [Amended]

2. Paragraphs 10.5(b), 10.22(c), 10.22(d), 10.24(b), 10.26(a), 10.26(b), 10.26(f), 10.26(g), 10.28(d), 10.29(a), 10.29(b)(1), 10.29(b)(2), 10.30(a), 10.30(b), 10.30(c), 10.31(a), 10.32(c), 10.33(b) and 10.34(b) are amended by inserting "Director," before the words "Office of Administration" wherever those words appear.

§ 10.5 [Amended]

3. Paragraph 10.5(c) is amended by adding the words "by the Office of the Executive Legal Director" after the word "assigned".

§ 10.10 [Amended]

4. Paragraph 10.10(c) is amended by deleting the words "The Director, Office of Administration", and substituting the words "The Director, Division of Security, Office of Administration".

§ 10.21 [Amended]

5. Section 10.21 is amended by deleting the words "Office of Administration" where it first appears and substituting the words "Director, Division of Security, through the Director, Office of Administration"; and by deleting the words "Office of Administration" where it next appears and substituting the words "Director, Division of Security".

§ 10.22 [Amended]

6. Section 10.22 is amended by deleting the first sentence and substituting the following sentence: "A notification letter, prepared by the Division of Security, approved by the Office of the Executive Legal Director, and signed by the Director, Office of Administration, shall be presented to each individual whose eligibility for access authorization is in question."

7. Paragraph 10.22(f) is amended by deleting the words "Executive Director for Operations" and substituting the words "Director, Office of Administration".

§§ 10.22, 10.24 [Amended]

8. Paragraphs 10.22(h) and 10.24(a) are amended by inserting "Director, Division of Security, through the Director," before the words "Office of Administration".

§§ 10.25, 10.34 [Amended]

9. Paragraphs 10.25(b), 10.25(d) and 10.34(c) are amended by deleting the

words "Office of Administration" and substituting the words "Director, Division of Security".

§ 10.26 [Amended]

10. Paragraph 10.26(h) is amended by inserting "Director," before the words "Office of Administration" where it first appears; by inserting "Director, Division of Security, through the Director," before the words "Office of Administration" where it next appears; and by inserting "Director," before the words "Office of Administration" where it last appears.

§ 10.27 [Amended]

11. Paragraph 10.27(j) is amended by deleting the words "Office of Administration concerned" and substituting the words "Director, Office of Administration, that he instruct the Director, Division of Security" and paragraph 10.27(q) is amended by deleting the words "Office of Administration" in the first sentence and substituting the words "Director, Office of Administration, that he instruct the Director, Division of Security".

§ 10.29 [Amended]

12. Paragraph 10.29(a) is amended by deleting the words "from whom he received his notification letter".

§ 10.30 [Amended]

13. Paragraph 10.30(a) is amended by deleting the word "concerned".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 29th day of September, 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Executive
Director for Operations.

[FR Doc. 77 29418 Filed 10-5-77; 8:45 am]

[3128-01]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendments to Synthetic Natural Gas Feedstock Allocation Regulations

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: The Federal Energy Administration (FEA) is amending the Mandatory Petroleum Allocation Regulations with respect to crude oil and allocated products used for the manufacture of synthetic natural gas (SNG). The purpose of these amendments is to make the regulations more responsive to the needs of priority users of natural gas and to assure consistency with the National Energy Plan.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Gerald P. Emmer (Allocation Regulations), 2000 M Street NW., Room 2304, Washington, D.C. 20461 (202-254-7200).

Kenneth Kincel (Resource Development Policy), 12th and Pennsylvania Avenue NW., Room 4112, Washington, D.C. 20461 (202-566-9052).

Finn K. Neilsen (Specialty Fuels), 2000 M Street NW., Room 6318, Washington, D.C. 20461, (202-254-9730).

Joel M. Yudson (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, (202-566-9565).

SUPPLEMENTAL INFORMATION:

I. BACKGROUND

On August 30, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing with respect to the allocation of petroleum feedstocks for the production of SNG (42 FR 44551, September 6, 1977). As proposed, the regulations provided for a continuation of FEA's current policy of case-by-case review of feedstock applications for new and expanded SNG plants. A public hearing was held in Washington, D.C. on September 26 and 27, 1977 at which 22 persons testified. In addition, 20 written comments were received.

In issuing the notice of proposed rulemaking, the FEA was responding to a number of concerns and developments. As discussed in the August 30 notice, for more than a year FEA had been conducting a review of its policies related to SNG production from petroleum. Further impetus toward revision of the SNG allocation regulations was provided by the establishment of a task force in this area pursuant to the FEA's allocation regulations covering all natural gas liquids, including regulations dealing with allocation levels for SNG feedstock, Btu enrichment and use limitations (42 FR 41242, August 15, 1977).

II. COMMENTS RECEIVED

A large number of comments from the natural gas industry and other affected parties were received in connection with the five public hearings mentioned above. Comments addressed to the major areas of concern in this rulemaking proceeding are discussed below.

A. EXISTING PLANTS AND PENDING APPLICATIONS

FEA proposed that existing SNG plants which had received allocations as of July 1, 1977 for commercial operation be allowed to elect whether their current and future applications should be evaluated under the criteria existing at that time or under the new criteria set forth in the proposed rule. Such plants would be given thirty days from the date

this rule becomes effective to make such the irrevocable election. FEA further proposed that firms which have had applications for SNG feedstock allocations pending since prior to January 1, 1976, should make the same election with respect to the SNG production capacity covered by their applications.

Firms commenting generally stated that they would not be able to make an informed choice as to which set of policies set forth in the President's National Energy Plan in April 1977. As part of the efforts of the task force, a general hearing regarding SNG feedstock allocation was held on July 18, 1977 to receive comments on SNG policy, with specific reference to fifteen questions published in a notice of inquiry (42 FR 32838, June 28, 1977). The task force completed its review in August 1977 and issued two reports summarizing its findings. These were made available to the public for comment concurrently with the commencement of the comment period for the August 30 notice. In addition, a draft programmatic environmental impact statement (EIS) on FEA's SNG feedstock allocation program was issued in June 1977 (42 FR 30240, June 13, 1977), comments on which were received at a public hearing held on July 11, 1977. The final programmatic EIS was issued on August 31, 1977.

Two other related public hearings were held in September 1977 on the allocation of natural gas liquids which dealt in part with issues concerning the use of natural gas liquids by gas utilities or transmission companies. Specifically, a hearing was held on September 6, 1977, on FEA guidelines for the allocation of propane for gas utility use in propane-air peakshaving plants (42 FR 38553, July 29, 1977), and a second hearing was held on September 12 and 13, 1977, on a proposed general revision of criteria to choose. They pointed out that the new criteria are broad and untested and that certain of the existing criteria set forth in Special Rule No. 1 to Subpart A of Part 211 have been found to be unsatisfactory. In addition, the entire Special Rule has reference to, and is dependent on, the Statement of Policy, which was proposed to be deleted. Requiring an immediate election would be speculative, it was contended, particularly for those companies with allocation orders which will continue in effect for a number of years. Further, the proposal was not clear as to whether all SNG plant operators would be required to make the election or just those with applications currently pending before FEA. Most utilities requested that, rather than being given a choice of criteria to be judged under, their feedstock allocations should be "grandfathered" at full capacity operational levels for the life of their plants.

B. WINTER OPERATION

FEA proposed that allocations for the fourth and first calendar quarters be based on design winter requirements for priority gas users, a classification which would correspond to Federal Power Com-

mission (FPC) priorities 1, 2, and 3 (as set forth in Orders 467B and C), not including industrial boiler fuel uses. FEA further proposed that, if a particular heating season were warmer than a design winter, the SNG plant would be permitted to use the feedstock during that time to function as a supply buffer to meet peak demand. Although a certain amount of SNG would thereby be used to service lower priority users, FEA would place no end use restrictions on the allocation as to the amount of SNG feedstock used during the winter season. In addition, FEA requested comments as to whether a definition of a "design" winter should be adopted on a uniform basis rather than separately for each applicant.

Comments received were generally in favor of having winter allocations based on design winter requirements. It was pointed out, however, that the winter heating seasons in all parts of the country are not co-extensive and allocations for winter operation could in certain instances include parts of the second or third calendar quarter. Most commenters stated that a uniform definition of design winter is not possible, because of the varying methods by which design conditions are determined.

C. NON-WINTER OPERATION

Many commenters opposed the requirement of proposed Section 211.29(c) (3) (ii) that applicants certify that allocated feedstocks would be used for SNG production in the second or third calendar quarter only while gas service is continued to priority gas users or for industrial boiler fuel users which use up to 1500 MCF per peak day. It was stated that SNG plants must be operated year round to achieve efficiency. Such operation, it was contended, spreads the fixed cost of an SNG facility over a greater number of units of production. It was stated also that year-round operation is necessary to provide a consistent volume outlet for the feedstock supplier. Suppliers, it was contended, would be reluctant to enter into any type of agreement unless fixed delivery schedules could be maintained. It was further pointed out that pipeline companies which distribute SNG to a great number of local distribution companies would have no way to ascertain or assure the class of ultimate customers receiving gas supplies from them and therefore they could never make such a certification.

D. FEEDSTOCK STORAGE REQUIREMENT

To insure that sufficient feedstocks will be available to operate plants in the event of a supply interdiction, FEA proposed that applicants certify that a 90-day peak-load supply of feedstock be maintained in readily accessible storage which could be used without adversely affecting the distribution of such products to other users. Commenters were requested to indicate whether storage for greater or less than ninety days of operation should be required, and whether such a provision should apply

differently for various kinds of feedstocks.

Comments received in relation to the 90-day storage requirement focused on the capital expense involved, the large land-use requirements, possible technical difficulties, and the potential environmental and safety hazards, particularly where natural gas liquids (NGLs) are to be stored. In the case of naphtha feedstock, if the SNG plant is to be supplied by a nearby refinery, then it was asserted that the refinery's access to sufficient supplies of crude oil could provide the necessary assurance that the SNG plant could continue to meet the needs of priority gas uses. Furthermore, it was stated that certain utilities maintain large storage supplies of natural gas which would reduce the need for SNG feedstock storage.

A number of commenters suggested alternatives to the proposal. Among the suggested alternatives were requirements of 20, 30, or 45 days' storage, or a requirement that applicants simply demonstrate that they will have adequate storage to meet emergency situations.

E. NATURAL GAS LIQUID IMPORT REQUIREMENT

Many utilities voiced strong objection to the requirement of proposed Section 211.29(c) (3) (iv) that SNG plants be restricted to the use of non-Canadian imports where NGLs are used as feedstocks. It was argued that the restriction discriminates against the gas industry and forces high priority gas utility customers to be dependent on higher-priced and less secure imports. Some commenters urged that SNG plants should at least have access to Canadian NGLs, because Canadian imports will be at lower prices and are from a more secure supply source than overseas imports.

F. PRIOR STATE APPROVAL

FEA proposed that an applicant for SNG feedstock certify that approval for the proposed new or expanded SNG facility has been obtained from the state public service commission having the appropriate authority (if the SNG plant were subject to such authority) in at least one state to be served by the facility. It was contended that such a requirement would lead to extra delay and costs. The suggestion was made that the regulation require only that an application be filed with the appropriate state public service commission and that prior approval should not be necessary.

G. OTHER COMMENTS

Comments were also submitted alleging that the detailed informational requirements imposed on applicants would be burdensome. As to the proposed audit provision, it was alleged that such a provision could hamper the efforts of firms to obtain financing because of the constant threat of rescission of an allocation. Further, the objection was raised that the proposal was silent as to audit standards and due process safeguards. One commenter also stated that the requirement of proposed § 211.29(c) (4) (v), re-

quiring a clear and convincing demonstration of the need for SNG to overcome a severe environmental problem, imposed too difficult a standard for an applicant to meet.

III. AMENDMENTS ADOPTED

The FEA has concluded, based on all the comments received in this proceeding and other information available to FEA, including the analysis presented in the programmatic EIS and in the two reports prepared for the SNG Task Force, that the proposal should be adopted in a modified form as explained below.

A. EXISTING PLANTS AND PENDING APPLICATIONS

In the rule adopted today, FEA is not requiring firms that operate existing SNG plants to choose whether their applications should be evaluated under the criteria contained in Special Rule No. 1 or under new criteria adopted, as was proposed. FEA has concluded that the criticisms of the proposed election procedure are valid.

Special Rule No. 1 is being deleted, together with the Statement of Policy which accompanies it, and all applications for SNG feedstock or Btu enrichment, including those now pending, will be evaluated under the new criteria adopted hereby.

However, a special provision is adopted with respect to applications received prior to July 1, 1977 relating to the capacity of SNG facilities existing as of that date or to proposed capacity which was the subject of an application pending before FEA as of that date. Any action that FEA will take under these amendments shall result in allocations no less favorable to the applicant than those which would have been provided by FEA under § 211.29 and Special Rule No. 1 as in effect on July 1, 1977. The allocations of firms which were grandfathered under Paragraph No. 4 of Special Rule No. 1 as in effect on July 1, 1977 will not be affected by the adoption of these amendments.

Applications filed subsequent to July 1, 1977 for new SNG facilities or expansions of existing SNG facilities will be evaluated under the new criteria without regard to what treatment they would have received under Special Rule No. 1.

B. CRITERIA AND REQUIREMENTS

1. *Winter Operations.* The proposal required a demonstration by an applicant of the need for the requested volumes of SNG feedstock or Btu enrichment material in the fourth and first calendar quarters to meet priority gas uses under design conditions. The final rule provides in § 211.29(c)(2)(i) that for the entire winter heating season, the allocation will be based on those natural gas volumes which will be required under design winter conditions to meet priority gas uses. FEA has concluded that basing the need for SNG on requirements for priority gas uses only in the fourth and first calendar quarters

as set out in the proposal is inappropriate in view of the fact that temperature-sensitive priority requirements may extend for either a shorter or a longer period, depending upon a company's location and the nature of their demand profile. The gas requirements will take into account the applicant's entire supply of gas from all sources other than propane-air used for peak shaving and the incremental amount necessary to be supplied by the SNG facility will be determined.

The definition of design winter has also been revised. For most companies, a design winter is an analytical device which is based on the experiences of past winters and uses a number of variables and criteria in order to estimate future winter heating season requirements under the most severe conditions which could reasonably be expected. Although an unusually severe winter may have requirements which exceed those of a design winter, as was the case for some companies during the winter of 1976-77, FEA has concluded that design winter requirements are an appropriate measure of a company's future potential need for gas, including SNG. FEA recognizes further that such requirements will vary from utility to utility. For purposes of these regulations, "design winter" will mean a specified level of estimated natural gas requirements for a future winter heating season which the system capacity and other engineering specifications can reliably meet and which has previously been recorded with either a state public service commission or the Federal Power Commission, or, in the case of an unregulated utility, can be demonstrated to have been used for such purposes prior to July 1, 1977.

2. *Non-winter use.* FEA is modifying the provision in the proposal which required that an applicant certify that it would not use naphtha or an allocated natural gas liquid product for SNG production in the second and third calendar quarters while continuing gas service to customers which would be classified in FPC priorities 4 through 9. FEA has concluded, based on comments detailing specific problems that could occur as a result of a complete prohibition of service to customers other than for priority gas uses and small industrial boiler fuel use, that such a prohibition is inappropriate. A utility may find that short-term supplies of gas may become available as a result of various circumstances, but because an SNG plant, for technical reasons, cannot be closed down and restarted during such a short period, it must choose between refusing the extra gas which would be available to serve industrial customers or to receive the gas for a short period and serve such customers in violation of its required certification. Further, as indicated in the discussion of the comments, pipeline transmission companies do not control the class of customer served by their utility customers and could not operate an SNG plant during non-winter months without substantial risks of non-

compliance with prohibitions as to priorities of customers served.

Therefore, to afford companies a measure of flexibility to respond to unforeseen opportunities to receive additional supplies of gas, FEA will not prohibit the use of allocated SNG feedstocks during non-winter months when customers other than those in FPC priorities 1 through 3 receive gas service. FEA will, pursuant to § 211.29(c)(2)(ii), continue to determine the volumes of SNG feedstock or Btu enrichment material for non-winter use (which is not necessarily co-extensive with the second and third calendar quarters) based on those volumes of natural gas required to meet priority gas uses and industrial boiler fuel use which require up to 1,500 MCF per peak day. It is altogether possible that if a utility's other gas supplies are sufficient to meet its entire requirements for priority gas uses and industrial boiler fuel loads of up to 1,500 MCF per peak day, its allocation of SNG feedstock for non-winter months will be zero. However, under the regulations as adopted there is no prohibition as to classes of customers served and, where unanticipated short-term supplies of natural gas become available, an SNG plant with a non-winter allocation could operate while gas service is provided to customers which would be in FPC priorities 4-9.

FEA will continue to monitor the classes of customers served by the utility with non-winter allocations and, if it finds that such service to lower priorities is of a regular rather than a sporadic nature, it may consider taking action to reduce the SNG plant's allocation.

3. *Feedstock storage.* In the final rule, FEA is requiring that an applicant demonstrate it will maintain a thirty (30) day peak-load supply of feedstock in readily accessible storage which can be used without adversely affecting the distribution of such product to other users. The comments were persuasive that requiring certification of a ninety-day peak-load feedstock supply in storage, while desirable to maintain gas service in the event of a feedstock supply interruption, would be costly and difficult for utilities to implement.

4. *State public commission approval.* Although comments expressing a contrary position were received, FEA has concluded it is appropriate for an applicant to obtain prior approval from the appropriate state regulatory agency, where such approval is required by a state which would receive the SNG. FEA's decision is based on the states' significant interest in the impacts of SNG provided to their residents and FEA's desire to coordinate its actions with such states. The final rule provides that if more than one state requires such approval, the approval of only one state which would receive the SNG is necessary prior to the granting of an allocation.

5. *Natural gas liquid feedstock import requirement.* The FEA is amending the proposed requirement that an applicant

certify that any allocated natural gas liquid product to be used for SNG feedstock, SNG Btu enrichment or SNG plant fuel will be a non-Canadian import. FEA has concluded that any import, including Canadian imports of allocated natural gas liquid products, may be used for SNG use.

The easing of the prohibition as to Canadian imports is not based on the comments alleging discriminatory treatment of utilities or those contending that utilities should be given access to lower-priced product. FEA remains aware that the cost of the SNG feedstock will in most instances be rolled-in to prices for ultimate customers. FEA believes that the Canadian NGL supply situation is such that, in a select number of situations, allowing the use of Canadian imports by utilities for SNG use will not impact adversely upon other historical users of such products. FEA intends to examine carefully each application requesting the use of Canadian imports to assure other firms reliant on Canadian feedstocks will not be prejudiced by any action taken by the Agency.

6. *Environmental review.* FEA believes that it will be sufficiently difficult for an applicant to demonstrate that SNG is necessary to overcome or mitigate a significant environmental problem, and therefore § 211.29(c) (3) (vi) of the final rule does not impose a "clear and convincing" burden of proof requirement upon an applicant in this regard.

7. *Other criteria.* One additional criterion is included in the final rule which was not contained in the proposal. This factor, which is set forth at § 211.29(c) (3) (vii), provides FEA the flexibility to grant an allocation for unique or special circumstances not encompassed by the other criteria. The need for this factor was demonstrated by the pending application of one firm commenting for a small prototype SNG plant, which is to be built for testing and demonstration purposes only. Such an application could not be properly evaluated under the other enumerated criteria.

Certain of the criteria have been adopted substantially as proposed and are not discussed above, including the requirement that utility customer growth to be served by the SNG plant be limited to priority uses only and that allocations will be for a term of years.

C. INFORMATIONAL REQUIREMENTS

FEA has determined that applications should set forth all of the information required in the proposal, with the exception of the rate structure of the SNG manufacturer's gas utility customers, with those items claimed to be proprietary marked as such. FEA believes that all the information required to be submitted is clearly necessary to evaluate an SNG feedstock or Btu enrichment application.

D. REVIEW

Under this final rule, FEA has retained the ability to review at its discretion any allocation to assure that a firm is continuing to operate an SNG plant in ac-

cordance with the factual basis for and the terms and conditions of the allocation order and the applicable regulations. On the basis of such a review, the FEA may determine that adjustment or rescission of the allocation is appropriate. Any such rescission or adjustment to an allocation order is required to be upon reasonable notice to all interested parties, with an opportunity for a hearing provided to the operator of the affected SNG plant.

E. OTHER PROVISIONS

The remainder of the regulatory provisions have been adopted substantially as proposed, except that the definition of synthetic natural gas has been changed to clarify that gas produced from sources other than liquid hydrocarbons is not subject to the regulation.

Comments were requested as to whether the standards proposed for SNG plants should also be adopted for base loading propane-air facilities. FEA intends to resolve this issue in the near future and the rulemaking is continued in this regard.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790. 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., September 30, 1977.

ERIC J. FYGI,
Acting General Counsel.

1. Section 211.29 is amended to read as follows:

§ 211.29 Synthetic natural gas production.

(a) *General.* Notwithstanding any inconsistent provision of §§ 211.12 and 211.13, a firm which purchases or acquires crude oil and allocated products for use in the production of synthetic natural gas (SNG), including feedstock use, SNG Btu enrichment use, and plant fuel use, shall comply with the provisions of this section. Any firm which has requirements for an SNG plant that exceed its base period volume or which has no base period volume may seek an adjustment of its base period volume or establishment of a base period volume only upon application to the FEA National Office in accordance with Subparts B or C, respectively, of Part 205 of this chapter.

(b) *Existing plants and pending applications.* (1) This paragraph applies to firms which had received allocations for SNG feedstock, SNG enrichment, or plant fuel for SNG production prior to July 1, 1977, or which had applied prior to July 1, 1977, for an SNG feedstock allocation.

(2) The allocations of firms which have received allocations of naphtha for SNG production pursuant to paragraph

(4) of Special Rule No. 1 to Subpart A of Part 211 of this chapter, as in effect on July 1, 1977, shall remain in full force and effect.

(3) Any action FEA takes under this section with respect to applications related to the July 1, 1977, capacity of SNG facilities existing as of that date or related to the proposed capacity which was the subject of an application pending before FEA as of that date shall result in allocations no less favorable to the applicant than those which would have been provided by FEA under Special Rule No. 1 and this section as in effect on July 1, 1977.

(c) *Criteria and requirements.* In evaluating an application for assignment or adjustment of base period volumes for SNG feedstock, Btu enrichment or SNG plant fuel, FEA shall impose the following requirements and consider the following factors, in addition to the criteria set forth in Subparts B or C of Part 205.

(1) Unless otherwise waived by FEA for good cause shown, applicants shall demonstrate that:

(i) Approval for a proposed new or expanded SNG facility has been obtained from the state regulatory agency having the appropriate jurisdiction in at least one state to be served by the facility (no such approval is required where no state agency has such jurisdiction or where no state approval is required).

(ii) Any allocated natural gas liquid product to be used for SNG feedstock, SNG Btu enrichment or SNG plant fuel will be imported for such use.

(iii) All new growth by the applicant or the applicant's gas utility customers which would be served by the SNG plant will be for priority gas uses.

(iv) A thirty (30) day peak-load supply of feedstock, which can be used without adversely affecting the distribution of such product to other users of such product, will be maintained in readily accessible storage.

(2) The volumes allocated for SNG feedstock or Btu enrichment use shall take into account all projected sources of natural gas supplies other than propane-air used for peak shaving and shall be calculated so as to provide, together with such natural gas supplies,

(i) For the winter heating season, those natural gas volumes which will be required under design winter conditions to meet priority gas uses, and

(ii) For other than the winter heating season, those natural gas volumes which will be required to meet priority gas uses and industrial boiler fuel uses which require up to 1500 MCF per peak day.

(3) The following factors shall also be considered by FEA in its evaluation of applications under this paragraph (c):

(i) The effects on the distribution and storage systems serving the market area.

(ii) The effect of allocating domestic rather than imported feedstocks.

(iii) The effect of allocation of the requested product for SNG production on the supply of and demand for such product in a particular market area, with

due regard to the impacts on competing uses.

(iv) The security of feedstock supply from the proposed source of supply.

(v) The ability of a new plant to use a variety of feedstocks.

(vi) The environmental impact of the requested allocation within a market area. If the applicant contends that the production of SNG is required to overcome a significant environmental problem, the applicant shall demonstrate the need for SNG to overcome or mitigate such problem. Notwithstanding the other requirements contained in this paragraph (c), if such a showing is made, an allocation may be granted to the applicant to serve other than priority gas users under design winter conditions or other than priority gas users and industrial boiler fuel users up to 1,500 MCF per peak day during other than the winter heating season.

(vii) Any unique or special factors not addressed in the above criteria.

(d) *New applications.* Any application for adjustment or assignment shall contain, in addition to the information specified in §§ 205.24 or 205.34 of Part 205 of this chapter, the following information:

(1) The applicant's projected pipeline supply of natural gas for the period for which the allocation is sought.

(2) All other current and projected sources of gas supplies, including, but not limited to, underground storage, liquefied natural gas (LNG), propane-air, SNG from coal, and the efforts the applicant has made to obtain such supplies.

(3) The projected demand for gas (design winter and other estimates—by volume and number of customers) in the applicant's market area, by consuming sector (set forth by FPC priority or other readily identifiable categories with separate identification of industrial boiler fuel requirements), including estimates of that portion of the demand for which the SNG will be required.

(4) The projected rate of growth of gas consumption in the applicant's market area for each consuming sector.

(5) The projected schedule of curtailments of pipeline supplies of gas for the allocation period, and a description of any curtailment plan in effect for the market area to be served by the SNG plant and an estimate of the effect of such plan.

(6) A description of the rate structures of the SNG manufacturer including pricing policies for SNG and other supplemental sources of gas.

(7) A complete description of the proposed feedstock, including the supplier(s), volumes, prices, and technical specifications of the feedstock.

(8) The design and practical feedstock capacity of the SNG plant.

(9) The proposed product needed for Btu-enrichment requirements of the SNG plant, including source, volumes, and price.

(10) The proposed SNG plant fuel, including source and volumes.

(11) Other information which may be identified by FEA as necessary for a comprehensive evaluation of the application.

(e) *Special limitations.* Unless directed by FEA upon application pursuant to Subpart G of Part 205 of this chapter, no supplier shall supply and no wholesale purchaser or end-user shall accept or use naphtha or any allocated natural gas liquid product in excess of one hundred percent of base period use for synthetic natural gas plant feedstock use.

(f) *Reporting requirements.* Each SNG manufacturer shall report to FEA in a manner prescribed by FEA on the usage of crude oil or allocated products for SNG production.

(g) *Review.* Each firm operating an SNG plant shall be subject to review at the discretion of FEA to assure that the firm is continuing to operate the plant in accordance with the factual basis for and the terms and conditions of the allocation order and the applicable regulations. On the basis of such a review the FEA may determine that adjustment or rescission of the allocation is appropriate. Any such rescission or adjustment to an allocation order shall be upon reasonable notice given to all interested parties, with an opportunity for a hearing provided to the operator of the affected SNG plant.

2. Special Rule No. 1 to Subpart A of Part 211 and the Statement of Policy following Special Rule No. 1 are deleted.

3. Section 211.51 is amended by deleting the definition of "synthetic natural gas plant" and by inserting the following definitions of "design winter," "priority gas uses," and "synthetic natural gas" in the appropriate alphabetical order:

§ 211.51 General definitions.

"Design winter" means a specified level of estimated natural gas requirements for a future winter heating season which the system capacity and other engineering specifications can reliably meet and which has previously been recorded with either a state public service commission, the Federal Power Commission, or, in the case of an unregulated utility, can be demonstrated to have been used for such purposes prior to July 1, 1977.

"Priority gas uses" means usage of natural gas for residential use, commercial use, storage injection requirements, and firm industrial requirements for plant protection, feedstocks, process uses, or other non-boiler fuel uses.

"Synthetic natural gas" or "SNG" means gas chemically reformed from any allocated liquid hydrocarbon source material and having the same characteristics as natural gas, and which is, or may easily be made, fungible with natural gas.

[FR Doc.77-29303 Filed 10-3-77;10:25 am]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULE OF PRACTICE

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Levy Civil Penalties

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Board of Directors of the FDIC ("Board") has delegated to the General Counsel of FDIC or his designee the authority to levy civil penalties for the late filing of Reports of Condition and Reports of Income, or such other reports as the Board may from time to time require. The purpose of the delegation is to promote flexibility, expedition and efficiency in operations.

EFFECTIVE DATE: These amendments shall become effective immediately.

ADDRESSES: Alan R. Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Arthur L. Beamon, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429 (202-389-4422).

SUPPLEMENTARY INFORMATION: In connection with the June 30, 1976 Call for Reports of Condition and Reports of Income FDIC revised the reporting schedule to provide that both reports are due within 30 days after the Call date. Previous to that time reports had been due within 10 days after the end of the reporting period. At the same time, FDIC announced that insured State non-member banks which fail to submit reports within 30 calendar days of the Call date will be subject to a penalty of up to \$100 per day for each delinquent report. Notice of adoption of a statement of policy on the imposition of such penalties was published in the FEDERAL REGISTER on July 12, 1976 at 41 FR 28583.

This policy was implemented for the first time on September 7, 1976, when the Board of Directors of FDIC levied penalties on 89 insured State nonmember banks. The policy has been followed on each Call since that time.

Since the levying and enforcement of civil penalties involves primarily legal functions, the Board of Directors of FDIC has delegated to the General Counsel or his designee authority to levy and collect civil penalties for late filing of Reports of Condition and Reports of Income, or such other reports as the Board may require under the authority of section 7(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(1)). In the exercise of the delegated authority, the General Counsel will be required to

consult with the Director of the Division of Bank Supervision or his designated representative.

Section 303.13 of FDIC rules and regulations (12 CFR 303.13) is amended to reflect the delegation. The amendment is adopted pursuant to the authority of sections 7(a)(1) and 9 (Seventh and Tenth) of the Federal Deposit Insurance Act (12 U.S.C. 7(a)(1) and 9 (Seventh and Tenth)).

Section 303.13 is amended to read as follows:

§ 303.13 Other delegations of authority.

(1) *Imposition of Civil Penalties.* The Board of Directors has delegated to the General Counsel or his designee the authority for the levying and enforcement of civil penalties under Section 7(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. § 1877(a)(1)) for the late filing of Reports of Condition and Reports of Income, and such other reports as the Board may require under the authority of that Section. In the exercise of the delegated authority, the General Counsel shall consult with the Director of the Division of Bank Supervision or his designated representative before imposing any penalty. At its discretion, the Board may review any action taken under authority of this paragraph.

The rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 553 (b) and (d) and the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.1, 302.2, and 302.5) with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because they constitute rules of internal FDIC practice and procedure and are not substantive in nature.

By order of the Board of Directors,
September 30, 1977.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-29314 Filed 10-5-77;8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10492; Amdt. SFAR 26-11]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Interim Approval of Import Aircraft Components and Subassemblies From Japan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the effectivity of a current Special Federal Aviation Regulation which provides for the interim approval of certain air-

craft components and subassemblies that are manufactured in Japan. The extension is needed to facilitate the completion of the renegotiation of a related bilateral agreement with Japan.

DATE: Effective October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone: 202-755-8716.

SUPPLEMENTARY INFORMATION:

SFAR 26 provided for approvals on a selective basis of aircraft engines, propellers, materials, parts and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to certain of those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The termination date for SFAR 26 has been extended by Amendments SFAR 26-1 through Amendment SFAR 26-10, and is currently scheduled to terminate on October 1, 1977.

At the time the current termination date of SFAR 26 was established, the negotiation of amendments to the existing bilateral agreements had been concluded with all foreign countries to the extent then involved except Japan, and the FAA believed that the Japanese bilateral agreement would be concluded by October 1, 1977. However, these negotiations will not be concluded by that date and the government of Japan has requested a 60-day extension of SFAR 26 to allow time for final negotiations and processing of the agreement in order to assure uninterrupted trade flow. The reasons which justified the adoption of SFAR 26 still exist with respect to Japanese aircraft components and subassemblies. In view of the above, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from October 1, 1977, to December 1, 1977, for Japanese aircraft components and subassemblies produced under existing contracts with United States manufacturers.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

The principal authors of this document are N. S. Dobl, Flight Standards Service, and J. D. Jeffrey, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, effective October 1, 1977, the last paragraph of Special Federal Aviation Regulation No. 26 (35 FR

12748), as amended by Amendments SFAR 26-1 through SFAR 26-10 (42 FR 35634), is further amended by striking out the words "October 1, 1977" and inserting the words "December 1, 1977" in place thereof, and paragraph 6 is amended to read: "After October 1, 1977, this special regulation applies only to aircraft components and subassemblies produced in Japan pursuant to contracts between Japanese manufacturers and United States product manufacturers entered into prior to October 1, 1977."

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

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

Issued in Washington, D.C., on September 30, 1977.

LANGHORNE BOND,
Administrator.

[FR Doc.77-29308 Filed 10-5-77;8:45 am]

[4910-13]

[Docket No. 17238; Amdt. 39-3053]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (Formerly Nord Aviation) Nord 262 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the installation of certain modifications to the fuel tanks on Societe Nationale Industrielle Aerospatiale (formerly Nord Aviation) Nord 262 series airplanes to prevent the fuel surging that is associated with the failure of one engine and that results in the exposure of fuel tank booster pumps and interruption of fuel flow to the operating engine.

EFFECTIVE DATE: October 31, 1977.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletins may be obtained from Aero-spatiale, BP 475, 36003 Chateauroux, France.

A copy of each of the service bulletins is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

M. E. Gaydos, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined during flight tests that flight operations with less than 700 pounds (110 gals) of fuel in each tank introduces the possibility of complete power loss in the event of failure of one engine on Societe Nationale Industrielle Aerospatiale (formerly Nord Aviation) Nord 262 Series Airplanes. Fuel surging associated with failure of one engine causes exposure of fuel tank booster pumps and consequent interruption of fuel flow to the operating engine. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires the incorporation of partitions in the boost-pump area of the fuel tanks to restrain fuel surging.

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

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, F. H. Kelley, Flight Standards Service, and K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly Nord Aviation). Applies to all Nord 262 Series Airplanes certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

To prevent interruption of fuel flow to the operating engine as a consequence of failure of one engine, accomplish the following:

(a) For airplanes not equipped with auxiliary tanks in center wing, install a rigid metal partition inside fuel tank No. 1 (LH and RH) in accordance with Paragraph II "Embodiment Instructions" of NORD 262-FREGATE Service Bulletin No. 28-18 (MOD. 825), dated June 23, 1977, or an FAA-approved equivalent.

(b) For airplanes equipped with auxiliary tanks in center wing, install a rigid metal partition inside fuel tank No. 1 (LH and RH) in accordance with Paragraph II "Embodiment Instructions" of NORD 262-FREGATE Service Bulletin No. 28-19 (MOD. 826), dated June 23, 1977, or an FAA-approved equivalent.

(c) After accomplishing paragraph (a) or (b) of this AD, adjust the zero point on the fuel quantity indicator in accordance with Paragraph II "Accomplishment Instructions" of NORD 262-FREGATE Service Bulletin No. 28-20 (MOD. 828), dated June 23, 1977, or an FAA-approved equivalent.

This amendment becomes effective October 31, 1977.

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

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

Issued in Washington, D.C., on September 28, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-29273 Filed 10-5-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-11]

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

Alteration of Control Zone and Transition Area at Columbus, Nebr.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this amendment is to alter the Columbus, Nebr., control zone and transition area due to relocation of the Columbus, Nebr., VOR to provide additional airspace to protect aircraft executing approach and departure procedures at the Columbus, Nebr., Municipal Airport.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

The purpose of this amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Columbus, Nebr., control zone and transition area. The notice of proposed rulemaking was published in the FEDERAL REGISTER on April 18, 1977 (42 FR 20147, 20148). The proposal resulted from the relocation of the Columbus, Nebr., VOR. Relocation of the VOR requires adjustment of the instrument flight procedures based on that navigational aid. Alteration of controlled airspace (control zone, transition area), at Columbus, Nebr., is necessary to compensate for the adjustment of the instrument approach procedures so that aircraft will be afforded continuous airspace protection at or above 700 feet AGL (Above Ground Level) in which to execute the adjusted instrument approaches. No objections were received on the proposal.

DRAFTING INFORMATION

The principal authors of this document are Gary W. Tucker, Operations, Procedures and Airspace Branch, Air Traffic Division, and John L. Fitzgerald, Jr., Office of the Regional Counsel.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. December 1, 1977, by adding the following transition area to read:

§ 71.171 [Amended]

1. By amending § 71.171 (42 FR 371) so as to alter the following control zone to read:

COLUMBUS, NEBR.

Within a five mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.), and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the five mile radius zone to 11 miles northwest of the airport, and within three miles each side of the 157° radial of the Columbus VOR extending from the five mile radius zone to 8.5 miles southeast of the VOR. This Control Zone shall be effective during the times established by a notice to airman or as published in the Airman's Information Manual.

§ 71.181 [Amended]

2. By amending section 71.181 (42 FR 475) so as to alter the following transition area to read:

COLUMBUS, NEBR.

The airspace extending upward from 700' above the surface within a 6.5 mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.); and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the 6.5 mile radius area to 11.5 miles northwest of the Airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).)

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

Issued in Kansas City, Mo., on September 26, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-29330 Filed 10-5-77;8:45 am]

[4910-13]

[Docket No. 77-SO-39]

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

Alteration of Laurel, Mississippi, Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Laurel, Mississippi, Transition Area. The name of the Laurel Municipal Airport has been changed to Hesler-Noble Field. The action of the City of Laurel, officially changing the name, requires this to be reflected in the transition area description.

EFFECTIVE DATE: 0901 Gmt, December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In a regular meeting, the City of Laurel officially changed the name of the Laurel Municipal Airport to Hesler-Noble Field. Therefore, it is necessary to alter the description of the Laurel, Mississippi, Transition Area to reflect the name change. Since this alteration is editorial in nature, notice and public procedures hereon are not necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, December 1, 1977, as follows:

§ 71.181 [Amended]

In Subpart G, § 71.181 (42 FR 440), the Laurel, Mississippi, Transition Area is amended as follows:

“ * * * Laurel Municipal Airport * * * ” is deleted and

“ * * * Hesler-Noble Field * * * ” is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Georgia, on September 27, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-29120 Filed 10-5-77; 8:45 am]

[4910-13]

[Docket No. 77-SO-42]

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

Alteration of Memphis, Tennessee, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Memphis, Tenn., transition area. The Memphis VORTAC is being relocated to a position on the Memphis International Airport. This relocation requires deletion of controlled airspace no longer required for aircraft executing instrument approaches predicated upon the former Memphis VORTAC location.

EFFECTIVE DATE: 0901 GMT, December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: On December 1, 1977, the Memphis VORTAC navigational aid will be relocated to a position on the Memphis International Airport. Therefore, it is necessary to alter the description of the Memphis, Tennessee, transition area to delete controlled airspace which was required for aircraft executing instrument approach procedures predicated upon the former location. Since this alteration lessens the burden on the public, notice and public procedure hereon are not necessary.

DRAFTING INFORMATION

The principal authors of this document are Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, December 1, 1977, as follows:

In Subpart G, § 71.181 (42 FR 440), the Memphis, Tennessee, area is amended by deleting the following: “ * * * within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC * * * ” and “ * * * within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC * * * ”

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Georgia, on September 27, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-29116 Filed 10-5-77; 8:45 am]

[4910-13]

[Docket No. 77-SO-41]

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

Alteration of Mobile, Ala., Control Zone (Aerospace Airport) and Mobile, Ala., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Federal Aviation Regulations by altering the Mobile, Alabama, control zone (Aerospace Airport) and Mobile, Alabama, transition area. The existing control zone and transition area extensions will be realigned. This is necessary due to revision of the VOR instrument approach procedure to Mobile Aerospace Airport.

EFFECTIVE DATE: 0901 GMT December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7947.

SUPPLEMENTARY INFORMATION: The final approach radial of the Brookley VORTAC for the VOR Runway 32 approach to Mobile Aerospace Airport will be realigned from the 146° radial to the 153° radial. Therefore, it is necessary to alter the control zone and transition area extensions to coincide with the revised final approach course of the instrument approach procedure. Since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., December 1, 1977, as hereinafter set forth.

In Subpart F, § 71.171 (42 FR 355), the Mobile, Alabama (Aerospace Airport) control zone is amended as follows:

“ * * * within 3.5 miles each side of Brookley VORTAC 150° radial * * * ” is deleted and “ * * * within 3.5 miles each side of Brookley VORTAC 157° radial * * * ” is substituted therefor.

In Subpart G, § 71.181 (42 FR 440), the Mobile, Alabama, transition area is amended as follows:

“ * * * within 3.5 miles each side of Brookley VORTAC 150° radial * * * ” is deleted and “ * * * within 3.5 miles each side of Brookley VORTAC 157° radial * * * ” is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Georgia, on September 27, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-29117 Filed 10-5-77; 8:45 am]

[4910-06]

[Airspace Docket No. 76-SO-67]

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

Alteration of VOR Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the low altitude VOR airway structure in the vicinity of Memphis, Tenn., and Gilmore, Ark., commensurate with the relocation of the Memphis, Tenn., VORTAC at Lat. 35°03'45" N., Long. 89°58'53" W., and the establishment of the Gilmore, Ark., VOR/DME at Lat. 35°20'49" N., Long. 90°28'41" W. These actions are part of an overall plan to improve and upgrade the air traffic capabilities in and around the Memphis, Tenn., International Airport, thereby providing more efficient services to the airspace users.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

HISTORY

On March 31, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the VOR airway structure in the vicinity of Memphis, Tenn., commensurate with the relocation of the Memphis, Tenn., VORTAC and establishment of the Gilmore, Ark., VOR/DME (42 FR 17138). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. One comment was received from the Southern Region U.S. Air Force Representative concerning VOR Airway (V-11) transiting the Columbus 3 Military Operations Area (MOA) and possibly derogating the military use of this area. The FAA Southern Region assured the Air Force

Representative that whenever the Columbus 3 MOA was activated, ATC controlled IFR aircraft would not be routed via V-11 within the Columbus 3 MOA.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) alters the low altitude VOR airway structure in the vicinity of Memphis, Tenn., and Gilmore, Ark., commensurate with the relocation of the Memphis, Tenn., VORTAC and the establishment of the Gilmore, Ark., VOR/DME. Subsequent to the publication of the NPRM further airway refinements, in the interest of route design efficiency, were found to be in order. These refinements are as follows:

In V-7 an east alternate from Graham, Tenn., to Central City, Ky., via Nashville, Tenn., is not required. Other airways are established along this route, therefore, the elimination of this east alternate will reduce route duplication.

In V-9 the final site selection of the Gilmore VOR/DME has eliminated the requirement for a dogleg airway between Greenwood, Miss., and Gilmore, Ark. This route segment will now proceed direct between these facilities.

In V-16 after Jacks Creek, Tenn., the route alignment will remain as it is presently established.

In V-124 from Jacks Creek, Tenn., this route will now proceed via Shelbyville, Tenn., to Hinch Mountain, Tenn.

In view of the extensive airway/alternate airway structure in the vicinity of Nashville and Crossville, Tenn., retaining the designation V-16 for the airways over these locations will lessen the impact of these changes, and a comprehensive study shows that no useful purpose will be served in changing the nomenclature of the airways. This change will switch the airway numbers only for those segments between Jacks Creek and Hinch Mountain, Tenn.

In V-52 a north alternate airway is designated between Nashville, Tenn., and Central City, Ky., in order to provide flexibility for terminal procedures.

In V-74 between Jackson and Greenville, Miss., this route was realigned slightly to the west in order to have 15 degrees divergence between the main and alternate airway.

These airway refinements are considered to be within the scope of the original notice (42 FR 17138). Therefore, the FAA believes that additional public comment is unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) and amended (42 FR 30607) is further amended, effective 0901 G.m.t., December 1, 1977, as follows:

1. In V-7 "Graham, Tenn.; Nashville, Tenn.; Central City, Ky.; including an east alternate;" is deleted and "Graham, Tenn.; Central City, Ky.;" is substituted therefor.

2. In V-9 "Memphis, Tenn., including an E alternate and also a W alternate; Malden, Mo., including a W alternate;" is deleted and "Gilmore, Ark.; Malden, Mo.;" is substituted therefor.

3. In V-11 "Jackson, Miss. From Memphis, Tenn., Dyersburg, Tenn., including a W alternate via INT Memphis 001° and Dyersburg 235° radials, and an E alternate via the INT Memphis 045° and Dyersburg 182° radials;" is deleted and "Jackson, Miss.; Greenwood, Miss.; Holly Springs, Miss., including a W alternate via the INT Greenwood 010° and Holly Springs 225° radials; Dyersburg, Tenn.;" is substituted therefor.

4. In V-16 "Pine Bluff, Ark.; Memphis, Tenn., including a S alternate; Jacks Creek, Tenn., including a N alternate via INT Memphis 045° and Jacks Creek 260° radials; Graham, Tenn., including a S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radials;" is deleted and "Pine Bluff, Ark.; Holly Springs, Miss.; Jacks Creek, Tenn.; Graham, Tenn.;" is substituted therefor.

5. In V-47 "From Little Rock, Ark.; via Walnut Ridge, Ark.; Malden, Mo.;" is deleted and "From Pine Bluff, Ark.; Gilmore, Ark.; Dyersburg, Tenn.;" is substituted therefor.

6. In V-49 "Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; Bowling Green, including an E alternate from Decatur to Bowling Green via Nashville, Tenn.;" is deleted and "Nashville, Tenn.; Bowling Green, Ky., including a W alternate from Decatur to Bowling Green via Graham, Tenn., and INT Graham 006° and Bowling Green 230° radials;" is substituted therefor.

7. In V-52 After "Evansville, Ind.;" "Central City, Ky.; Nashville, Tenn., including a N alternate;" is added.

8. In V-54 "Memphis, Tenn., including a N alternate; Muscle Shoals, Ala., including a N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials;" is deleted and "Holly Springs, Miss.; Muscle Shoals, Ala.;" is substituted therefor.

9. In V-67 "From Cunningham, Ky.;" is deleted and "From Chattanooga, Tenn.; Shelbyville, Tenn.; Graham, Tenn.; Cunningham, Ky.;" is substituted therefor.

10. In V-69 "Pine Bluff, Ark.; INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials" is deleted and "Pine Bluff, Ark.; INT Pine Bluff 038° and Walnut Ridge, Ark., 187° radials;" is substituted therefor.

11. In V-74 After "Pine Bluff 006° radials.;" "Greenville, Miss., including a N alternate; INT Greenville 147° and Jackson, Miss., 325° radials; Jackson, including a N alternate.;" is added.

12. In V-94 "Greenville, Miss., including a W alternate; INT Greenville 036° and Memphis, Tenn., 205° radials; to Memphis. The airspace within R-5103A is excluded." is deleted and "Greenville, Miss., including a S alternate; Holly Springs, Miss., including a N alternate via INT Greenville 021° and Holly Springs 268° radials; Jacks Creek, Tenn.; Bowling Green, Ky. The airspace within R-5103A is excluded." is substituted therefor.

13. In V-124 "Memphis, Tenn." is deleted and "Gilmore, Ark.; Jacks Creek, Tenn.; Shelbyville, Tenn.; to Hinch Mountain, Tenn." is substituted therefor.

14. In V-140 "Livingston 232°" is deleted and "Livingston 226°" is substituted therefor.

15. In V-159 "Holly Springs, Miss., including an east alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; Memphis, Tenn., including a west alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; Walnut Ridge, Ark.;" is de-

leted and "Holly Springs, Miss.; Gilmore, Ark.; Walnut Ridge, Ark.;" is substituted therefor.

16. In V-305 After "Little Rock, Ark.;" "Walnut Ridge, Ark.; Malden, Mo.; Cunningham, Ky.;" is added.

17. In V-321 After "Huntsville.;" "Shelbyville, Tenn.; Livingston, Tenn.;" is added.

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

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

Issued in Washington, D.C., on September 29, 1977.

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

[FR Doc.77-29369 Filed 10-5-77;8:45 am]

[4910-13]

[Docket No. 77-SO-32]

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

Designation of Transition Area,
Columbia, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Columbia, Mississippi. This action provides the necessary controlled airspace for accommodation of IFR operations at the Columbia-Marion County Airport.

EFFECTIVE DATE: 0901 G.m.t., December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7947.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on Monday, August 8, 1977 (42 FR 39994), which proposed the designation of the Columbia, Mississippi, transition area. No objections were received from this notice.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14

CFR 71) is amended, effective 0901 GMT, December 1, 1977, by adding the following:

COLUMBIA, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Columbia-Marion County Airport (Lat. 31°17'45" N., Long. 89°48'50" W.)

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

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

Issued in East Point, Ga., on September 2, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-29118 Filed 10-5-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-15]

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

Designation of Transition Area—
Gothenburg, Nebr.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a transition area at Gothenburg, Nebr., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Gothenburg Municipal Airport which is based on a Non-directional Radio Beacon (NDB) navigational aid being installed at the airport.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The City of Gothenburg, Nebr., is installing a Non-directional Radio Beacon (NDB) on the Gothenburg Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure adequate controlled airspace for aircraft executing the new instrument approach procedures at the Gothenburg Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are Gary W. Tucker, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 36270 of the FEDERAL REGISTER dated July 14, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Gothenburg, Nebr. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

§ 71.181 [Amended]

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. December 1, 1977, by adding the following transition area to read:

GOTHENBURG, NEBR.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Gothenburg Airport (latitude 40°-55'45" N., longitude 100°09'00" W.) within 3 miles each side of the Gothenburg NDB 136° true bearing, extending from the 5 mile radius to 8 miles southeast of the NDB.

(Section 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

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

Issued in Kansas City, Mo., on September 26, 1977.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.77-29331 Filed 10-5-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-9]

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

Designation of Transition Area—
Mountain View, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a transition area at Mountain View, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mills Memorial Airport, Mountain View, Missouri, which is based on a

Non-directional Radio Beacon (NDB) navigational aid being installed at the airport.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

The City of Mountain View, Missouri, is installing a Non-directional Radio Beacon (NDB) on the Mills Memorial Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure adequate controlled airspace for aircraft executing the new instrument approach procedure at the Mills Memorial Airport.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On Page 20635 of the FEDERAL REGISTER dated April 21, 1977, (the period in which to comment being extended in the FEDERAL REGISTER of May 31, 1977, at Page 27603), the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mountain View, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. December 1, 1977, by adding the following transition area to read:

MOUNTAIN VIEW, MO.

That airspace extending upward from 700' above the surface within a 5 mile radius of the Mills Memorial Airport (latitude 36°59'33" N., longitude 91°42'42" W.); and within 3 miles each side of the 106° bearing from the Mills Memorial Airport, extending from the 5 mile radius area to 8 miles east of the airport.

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

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

Issued in Kansas City, Missouri, on September 26, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-29329 Filed 10-5-77;8:45 am]

[4910-13]

[Docket No. 77-SO-40]

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

Redesignation of Control Zone, Valdosta, Ga. (Moody AFB)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Valdosta, Georgia (Moody AFB) Control Zone. On September 3, 1977, the Air Base operating hours were reduced on weekends and Federal holidays.

EFFECTIVE DATE: 0901 G.m.t., December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7946.

SUPPLEMENTARY INFORMATION:

In Subpart F, § 71.171 (42 FR 355) of FAR Part 71, the Valdosta, Ga. (Moody AFB) Control Zone is designated as part time, 0700 to 2300 hours, local time, daily. Since the Air Base operating hours on Saturday, Sunday, and Federal holidays have been reduced to 0800 to 1600 local time, it is necessary to alter the description to reflect the changes. The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the Control Zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations, is amended effective 0901 GMT, December 1, 1977, as follows:

In Subpart F, § 71.171 (42 FR 355), the Valdosta, Georgia (Moody AFB), Control Zone is amended by adding the following:

*** This Control Zone is effective from 0700 to 2300 hours, local time, daily *** is deleted and *** This Control Zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual *** is substituted therefor.

(Sec. 307(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Ga., on September 27, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-29121 Filed 10-5-77;8:45 am]

[4910-13]

[Docket No. 77-SO-37]

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

Revocation of Control Zone, Selma, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Selma, Alabama, control zone because Craig AFB has been deactivated, all instrument approach procedures cancelled, and air traffic control services discontinued.

EFFECTIVE DATE: December 1, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7947.

SUPPLEMENTARY INFORMATION:

The Selma, Alabama, control zone, described in Subpart F, § 71.171 (42 FR 355), was designated to provide controlled airspace protection for IFR operations at Craig Air Force Base. The IFR approach procedures have been cancelled and the Air Force Base deactivated. Therefore, it is necessary to revoke the control zone. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) revokes the Selma, Alabama, control zone.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71, of the Federal Aviation Regulations (14 CFR, Part 71) is amended, effective 0901 GMT, December 1, 1977, by revoking the Selma, Alabama, control zone.

(Sec. 307(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); (14 CFR 11:69)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 10949, and OMB Circular A-107.

Issued in East Point, Ga., on September 27, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-29119 Filed 10-5-77; 8:45 am.]

[4910-13]

[Docket No. 17237; Amdt. No. 1093]

PART 97—STANDARD INSTRUMENT
APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—(1) FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; (2) The FAA Regional Office

of the region in which the affected airport is located; or (3) The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: (1) FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or (2) The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is \$150; add \$30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone 202-426-8277.

SUPPLEMENTARY INFORMATION:

This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impracticable. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA Form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aero-

nautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

§ 97.23 [Amended]

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective December 1, 1977.

Nogales, AZ—Nogales International, VOR-B, Original, cancelled.
Nogales, AZ—Nogales International, VOR/DME-A, Original, cancelled
Washington, DC—Washington National, VOR Rwy 15, Amdt. 4
Washington, DC—Washington National, VOR/DME Rwy 18, Amdt. 4
Washington, DC—Washington National, VOR Rwy 36, Amdt. 6
Olive Branch, MS—Olive Branch, VOR-A Orig., cancelled
Olive Branch, MS—Olive Branch, VOR/DME-A, Orig.
Walls, MS—Twinkle Town, VOR-A, Amdt. 4, cancelled
Walls, MS—Twinkle Town, VOR/DME Rwy 5, Orig.
Memphis, TN—Memphis International, VOR Rwy 9, Original
Memphis, TN—Memphis International, VOR Rwy 17L, Original
Memphis, TN—Memphis International, VOR Rwy 17R, Original
Memphis, TN—Memphis International, VOR Rwy 27, Original
Memphis, TN—Memphis Int'l, VOR Rwy 35L, Amdt. 3, cancelled
Memphis, TN—Memphis International, VOR Rwy 35L, Original
Memphis, TN—Memphis International, VOR Rwy 35R, Amdt. 2, cancelled
Memphis, TN—Memphis International, VOR Rwy 35R, Original
Memphis, TN—Memphis International, VOR/DME Rwy 17R, Amdt. 2, cancelled

* * * Effective November 17, 1977.

Santa Ynez, CA—Santa Ynez, VOR-A, Amdt. 5

Santa Ynez, CA—Santa Ynez, VOR-B, Amdt. 3
 Jamestown, ND—Jamestown Municipal, VOR Rwy 12, Amdt. 4
 Jamestown, ND—Jamestown Municipal, VOR Rwy 30, Amdt. 5
 Dallas, TX—Addison, VOR Rwy 15, Amdt. 14

§ 97.25 [Amended]

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

*** Effective December 1, 1977.

Memphis, TN—Memphis International, LOC (BC) Rwy 27, Amdt. 19

*** Effective November 17, 1977.

Jamestown, ND—Jamestown Municipal, LOC/DME BC Rwy 12, Amdt. 2

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

*** Effective December 1, 1977.

Washington, DC—Washington National, NDB Rwy 15, Amdt. 1

Washington, DC—Washington National, NDB Rwy 36, Amdt. 4

Olive Branch, MS—Olive Branch, NDB Rwy 18, Amdt. 1

Olive Branch, MS—Olive Branch, NDB Rwy 36, Amdt. 1

*** Effective November 17, 1977.

Jamestown, ND—Jamestown Municipal, NDB Rwy 30, Amdt. 3

Wichita Falls, TX—Kickapoo Downtown Airpark, NDB-A, Amdt. 3

§ 97.29 [Amended]

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

*** Effective December 1, 1977.

Washington, DC—Washington National, LDA Rwy 18, Amdt. 8

Washington, DC—Washington National, ILS Rwy 36, Amdt. 29

Memphis, TN—Memphis International, ILS Rwy 9, Amdt. 22

Memphis, TN—Memphis International, ILS Rwy 17L, Amdt. 4

Memphis, TN—Memphis International, ILS Rwy 17R, Amdt. 2

Memphis, TN—Memphis International, ILS Rwy 35L, Amdt. 4

Memphis, TN—Memphis International, ILS Rwy 35R, Amdt. 3

*** Effective November 17, 1977.

(Jamestown, ND—Jamestown Municipal, ILS Rwy 30, Amdt. 3

§ 97.31 [Amended]

5. By amending § 97.31 RADAR SIAPs identified as follows:

*** Effective December 1, 1977.

Washington, DC—Washington National, RADAR-1, Amdt. 20

*** Effective November 3, 1977.

Longview, TX—Gregg County, RADAR-1, Original

*** Effective October 20, 1977.

Rockford, IL—Greater Rockford, RADAR-1 Original

§ 97.33 [Amended]

6. amending § 97.33 RNAV SIAPs identified as follows:

*** Effective December 1, 1977.
 Washington, DC—Washington National, RNAV-A, Amdt. 2
 Washington, DC—Washington National, RNAV Rwy 3, Amdt. 4
 Washington, DC—Washington National, RNAV Rwy 33, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

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

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on May 12, 1969.

Issued in Washington, D.C., on September 30, 1977.

JAMES M. VINES,
 Chief,
 Aircraft Programs Division.

[FR Doc. 77-29334 Filed 10-5-77; 8:45 am]

[3510-04]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 17—LICENSING OF GOVERNMENT-OWNED INVENTIONS IN THE CUSTODY OF THE DEPARTMENT OF COMMERCE

Licensing of Rights in Domestic Patents and Patent Applications

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) has issued Government-wide rules prescribing the terms, conditions, and procedures for the licensing of rights in domestic patents and patent applications vested in the United States of America (41 CFR 101-4.1). The Department of Commerce is adopting this rule to make clear the applicability of the GSA licensing rules to the Department and intends that this rule will provide a convenient reference for individuals wishing to obtain domestic licenses for patents and patent applications in the custody of the Secretary of Commerce.

DATES: This rule has been effective since October 1, 1975.

FOR FURTHER INFORMATION: Inquiries concerning this rule or the licensing activities of the DoC should be addressed as follows:

Mr. Ted Mann, Attorney-Advisor, Office of Assistant General Counsel for Science and Technology, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5394.

SUPPLEMENTARY INFORMATION:

It is intended that this rule will provide a convenient reference for individuals wishing to obtain domestic licenses for patents and patent applications in the custody of the Secretary, Department of Commerce, by establishing a new Part 17 to Title 15, Code of Federal Regulations. Part 17 is entitled "Licensing of Government-Owned Inventions in the Custody of the Department of Commerce" with Subpart A entitled "Licensing of Rights in Domestic Patents and Patent Applications". A Subpart B of Part 17, entitled "Licensing of Rights in Foreign Patents and Patent Applications" is reserved for future use. Public comment on this rule prior to its issuance is unnecessary since this rule merely states for the Department of Commerce the Government-wide domestic licensing rules which were subject to public comment before adoption by the General Services Administration.

15 CFR Subtitle A is amended by adding a new Part 17, reading as follows:

Subpart A—Licensing of Rights in Domestic Patents and Patent Applications

§ 17.1 Licensing rules.

(a) The Government-wide rules for the licensing of rights in domestic patents and patent applications vested in the United States of America, found at 41 CFR 101-4.1, are applicable to all such licensing activities of the Department of Commerce, subject to the following minor clarifications:

(a) The term "Government agency" as defined at 41 CFR 101-4.102(c) means the United States Department of Commerce or a designated operating unit within the Department.

(b) The term "The head of the Government agency", as defined at 41 CFR 101-4.102(d), means the Secretary of Commerce or a designee.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c).)

Subpart B—Licensing of Rights in Foreign Patents and Patent Applications

[Reserved]

WILLIAM T. KNOX,
 Director, National
 Technical Information Service.

[FR Doc. 77-29443 Filed 10-5-77; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE; DEPARTMENT OF THE TREASURY

[T.D. 77-232]

PART 1—GENERAL PROVISIONS

Ports of Entry
 Correction

In FR Doc. 77-27263 appearing at page 47190 in the issue for Tuesday, September 20, 1977, the following correction should be made.

On page 47191, first column, in the amendments to § 1.2, please insert the following between lines 9 and 10 of that section, "CLEVELAND, OHIO and adding in its".

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 801-8]

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS

Pennsylvania Revision

AGENCY: Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: A revision to the Commonwealth of Pennsylvania's State Implementation Plan (SIP) is approved to include the requirement that the Pennsylvania Department of Transportation (Penn DOT) restrict the usage of liquid bituminous cutback asphalt material in the Penn DOT paving and road surface maintenance program. This action is taken by the Commonwealth of Pennsylvania in order to obtain non-methane hydrocarbon (NMHC) emission offsets, pursuant to the requirements of Section 110 of the Clean Air Act (as amended, 1977) and the Environmental Protection Agency's (EPA) December 21, 1976 Interpretative Ruling (41 FR 55524), for the accommodation of the construction and operation of the Volkswagen Manufacturing Company of America, Inc., automobile assembly plant in New Stanton, Pennsylvania.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Glenn Hanson, Regional Air New Source Coordinator, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106 (215-597-8170).

SUPPLEMENTARY INFORMATION: Under Section 110 of the Clean Air Act (as amended, 1977) and the EPA December 21, 1976 Interpretative Ruling, a major new stationary source may locate in an area currently exceeding any National Ambient Air Quality Standard(s) (NAAQS) provided certain conditions are met. Those conditions include:

(1) Air pollutant emissions resulting from the construction and operation of the proposed new source must be controlled to the lowest achievable emission rate(s).

(2) For the pollutant(s) emitted by the proposed new source which will cause or contribute to a violation of any NAAQS(s), there must be a reduction in similar emissions from existing sources which will more than offset those emissions resulting from the construction and operation of the proposed new source.

(3) The required emission offsets must provide for some reasonable progress towards attainment of the NAAQS(s).

On May 20, 1977, the Commonwealth of Pennsylvania submitted to EPA a pro-

posed amendment to the Pennsylvania SIP. The proposed amendment was subsequently published by EPA in the FEDERAL REGISTER on June 14, 1977 (42 FR 30393) as a proposed revision to the Pennsylvania SIP and written public comments were solicited.

The purpose of this revision to the Pennsylvania SIP is to provide for emission reductions or offsets in order to accommodate the construction and operation of the proposed Volkswagen Manufacturing Company of America, Inc., automobile assembly plant in New Stanton, Pennsylvania. This revision is necessary because the geographical area in which the proposed Volkswagen facility is to be located is an area currently exceeding the photochemical oxidant NAAQS and it has been determined that the operation of the proposed Volkswagen facility will result in an increase in non-methane hydrocarbon air emissions, primary contributors to the formation of photochemical oxidants. Therefore, it is necessary that non-methane hydrocarbon air emissions be reduced so as to provide for some reasonable progress towards attainment of the photochemical oxidant NAAQS as required under conditions 2 and 3 as stated above.

Today's approved revision to the Pennsylvania SIP will provide for a net reduction in non-methane hydrocarbon emissions of one thousand and twenty-five tons (1025) per year. This reduction is achieved through the requirement that the Pennsylvania Department of Transportation (Penn DOT) restrict the usage of non-methane hydrocarbon (NMHC) based liquid bituminous cutback asphalts in road surfacing and maintenance programs. To achieve this objective Penn DOT will restrict the usage of NMHC based liquid bituminous cutback asphalts to less than twenty (20) percent of the total amount of asphalt paving material used in the following sixteen (16) county area in the southwest portion of the State; Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland Counties. Section 7.5.9.8 of the Penn DOT Pavement Maintenance Policy has been amended to include the above requirement.

In order to assure that reasonable further progress towards attainment of the photochemical oxidant NAAQS is provided for, the Volkswagen Company of America, Inc., construction and operating permit, issued by the Pennsylvania Department of Environmental Resources and enforceable by EPA, requires that at no time will NMHC air emissions ever exceed eight hundred and ninety-eight (898) tons per year. Further, the Volkswagen Company of America, Inc., has committed to a program which will provide for a reduction in NMHC emissions from six hundred and twenty (620) tons of NMHC's per year to two hundred and eighty (280) tons of NMHC's per year over a three year period. These reductions will be achieved through the substitution of water based/high solids paint

for NMHC based paint in Volkswagen's automobile paint spraying operations. These reductions are based upon paint spraying operations of eight hours per day, five days per week, fifty weeks per year.

During the written public comment period, EPA did receive comments concerning this revision. Some comments addressed the legal authority under which the Commonwealth of Pennsylvania would restrict the usage of liquid bituminous cutback asphalts. The Penn DOT is authorized by Pennsylvania statutory law to formulate and implement the NMHC emissions reduction program; Pa. Stat. Ann., tit. 71, Sections 511, 515(b) (Purdon). Today's approval of the NMHC emissions reduction program; Pa. a revision to the Pennsylvania SIP makes the NMHC emissions reduction program enforceable by EPA as well as by the Commonwealth of Pennsylvania (Specific provisions have been added in a new section to 40 CFR Part 52 to ensure enforceability by EPA).

EPA has assessed the issues relating to the monitoring of compliance with the Penn DOT NMHC emissions reduction program including the monitoring, recording, and reporting of total usages of liquid bituminous cutback asphalts. A specific provision has been added to 40 CFR Part 52 requiring Penn DOT to forward to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected counties the numbers of gallons of each class of asphalt used. This information will be used to compute the total NMHC usage in each county. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977 and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA, and the NMHC emissions data will be entered into the EPA National Emissions Data System.

After evaluation of the State's submittal, the Administrator has determined that the Pennsylvania revision meets the requirements of the Clean Air Act (as amended, 1977), the EPA December 21, 1976 Interpretative Ruling and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Pennsylvania Implementation Plan.

(Sec. 110, sec. 301, Clean Air Act, as amended, (42 U.S.C., 1857c-5, 1857g))

Dated: September 29, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart NN—Pennsylvania

1. Section 52.2020(c), paragraph (15) is revised to read as follows:

§ 52.1120 Identification of plan.

(c) The plan revision listed below was submitted on the dates specified * * *

(15) Pennsylvania Department of Transportation change to section 7.5.9.8 of the Paving Maintenance Manual Creditable as emission offsets submitted by the Secretary of the Pennsylvania Department of Environmental Resources on July 15, 1977, as addenda to the Pennsylvania Air Quality Implementation Plan.

2. Section 52.2054 is added to read as follows:

§ 52.2054 Control of asphalt paving material.

(a) Notwithstanding any provisions to the contrary in the Pennsylvania Implementation Plan, the Pennsylvania Department of Transportation shall restrict the annual usage of asphalts to the limits listed below in the following sixteen county area of Pennsylvania: Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Fayette, Green, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties:

(1) No more than twenty percent of the total amount of liquid bituminous rephalt paving material used shall be cutback asphalt; and

(2) No more than 2,615,000 gallons of cutback asphalts shall be used, of which no more than 1,400,000 gallons may be used for dust palliative work on roadways and shoulders; and

(3) No more than 2,500,000 gallons total of emulsion Class E-4 and Class E-5 shall be used unless an equivalent reduction in the use of cutbacks is made to balance the additional hydrocarbon emissions from emulsions.

(b) The Pennsylvania Department of Transportation is required to submit to the Pennsylvania Department of Environmental Resources, on a quarterly basis, reports which list for each of the affected Counties the number of gallons of each class of asphalt used. The first quarterly reports will be submitted in October 1977 for the period between July 1, 1977, and September 30, 1977. Copies of all reports will also be forwarded to Region III, EPA.

[FR Doc. 77-29326 Filed 10-5-77; 8:45 am]

[6560-01]

SUBCHAPTER N—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND NEW SOURCE PERFORMANCE STANDARDS

[FRL 802-1]

PART 432—INDEPENDENT RENDERING INDUSTRY

Effluent Limitations and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document sets forth final regulations establishing effluent limitations and new source performance standards for processing plants in the in-

dependent rendering industry. The independent renderer recovers salable products such as fats, oils and proteinaceous meal from discarded animal materials. The regulations were proposed on May 23, 1977 (42 FR 26226) after EPA completed a restudy of the industry as directed by the U.S. Court of Appeals for the Eighth Circuit. The regulations will make certain pollutant limitations for existing plants (1983 requirements) less stringent and will make requirements for new plants more stringent than those originally promulgated. The final rule does not differ from the proposed rule, except that this regulation adds a new § 432.105(b). This corrects an omission in the proposed regulation and restores the allowance for cattle hide curing contained in the original new source regulation. The hide curing allowance for BAT is contained in § 432.103(b) of the original regulation which is unchanged.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202-426-2560).

SUPPLEMENTARY INFORMATION:

BACKGROUND AND BASIS FOR AMENDMENTS

On May 23, 1977 the Environmental Protection Agency (EPA) published a proposed rule (42 FR 26226) to revise the present standards of performance for new sources (NSPS) and those portions of the regulations which set forth effluent limitations guidelines representing best available technology economically achievable (BATEA) for existing sources.

The above action was taken in part in response to a court order. The new source performance standards for the renderer subcategory of the Meat Products and Rendering Processing Point Source Category, published on January 3, 1975 and codified as 40 CFR 432.105 (Subpart J) were remanded to the Agency for further study on August 30, 1976 by the U.S. Court of Appeals for the Eighth Circuit (*National Renderers Association, et al., v. EPA, et al.*, 541 F. 2d 1281). The BATEA limitations for this subcategory were not remanded but nonetheless were also reevaluated by the Agency.

EPA has reevaluated the technical and economic information on which the original regulations were based, and has reviewed new information in both areas. The rules proposed on May 23 reflected this substantial reevaluation.

LEGAL AUTHORITY

The original regulations were promulgated and today are amended pursuant to sections 301(b), 304(b) and 306 of the Federal Water Pollution Control Act Amendments of 1972.

ECONOMIC IMPACT ANALYSIS

This section summarizes the economic and inflationary impacts of the BATEA

effluent limitations guidelines and the new source performance standards on the independent rendering processing point source category.

The Agency has considered the economic impact of the internal costs (investment plus cost of operation, maintenance, capital and depreciation) and external costs (price increases and impeded growth). For each model rendering plant, the following impact indicators were analyzed: required price increases, after-tax income, return on sales and invested capital.

Following is the impact analysis of BATEA regulations on existing plants and a condensed summary of the impact of NSPS standards (a more detailed summary of the impact of NSPS is contained in the preamble to the proposed regulations).

The final BATEA requirements for BOD5, TSS and ammonia are less stringent than those originally promulgated. The investment and annual costs necessary to meet the amended BATEA requirements in almost all cases are lower than those found for the original limitations. The cost involved to reach BATEA requirements is for internal controls in the form of air-cooled or shell and tube condensers. The impact of the BATEA regulations is expected to be minimal for the industry. No plant closures due to BATEA regulations are projected. Required price increases and effects on employment, growth, and international trade are expected to be minimal. The estimated total industry investment to install BATEA technology is expected to be no more than \$4.5 million. This assumes that all plants are currently meeting the BPCTCA regulations. Annual costs are projected to be \$591,000.

Small plants: Small plants (less than 75,000 pounds of raw material per day) are exempted from BPCTCA and BATEA regulations and NSPS. Therefore, an economic impact analysis was not performed for these model plants.

Medium batch and continuous plants. Medium batch plants process 75,000 to 250,000 pounds of raw material per day, while medium continuous plants process 250,000 to 350,000 pounds of raw material per day. Technology investment costs ranged from \$69,000 for the batch plant to \$96,000 for the continuous plants. Annual costs were \$12,000 and \$16,000, respectively, for the two model plants. Decreases in after-tax income were 10 percent for the continuous model plants and 12 percent for the batch model plants. The packinghouse batch model plant showed the greatest percentage decrease, with a \$13,000 reduction from \$105,000. The packinghouse batch model plant also had the greatest percentage decrease in after-tax return on sales, declining from 5.7 percent to 4.7 percent. After-tax return on sales for the other medium model plants showed similar reductions. After-tax returns on invested capital declined between 17 percent and 20 percent. The medium poultry batch plant had the greatest percentage decline, decreasing from 33.5

percent to 26.8 percent. However, these declines in financial conditions were not judged to result in closures for the medium plants.

Large batch and continuous plants. Technology costs ranged from \$148,000 for the large batch plants to \$165,000 for the large continuous plant. Annual costs were \$24,000 for the batch plant and \$27,000 for the continuous plant. After-tax income for the packinghouse batch plant decreased from \$337,000 to \$318,000, while after-tax return on sales declined from 5.4 percent to 4.7 percent. After-tax returns on invested capital for the packinghouse batch plant decreased from 25.3 percent to 20.4 percent, while the decline in net present value was 5 percent. The other large plants showed similar, but somewhat smaller, declines. Reductions in profitability are not projected to cause plant closures.

The external cost analysis showed that the required price increases to maintain profitability similar to that before installation of pollution control equipments to be minimal. The maximum price increase required to maintain pre-BAT conditions was 1.4 percent for the medium poultry batch and continuous plants. Impacts of this regulation on employment and international trade will be insignificant.

The NSPS requirements are more stringent than those originally promulgated for BOD₅, TSS, oil and grease, and ammonia. The impact of the standards is expected to be minimal for the industry. It is anticipated that no construction would be impeded by the imposition of the pollution control costs. Plants that would be built in the absence of pollution control costs would also be built in the presence of such costs. Required price increases are expected to be minimal, as are the effects on employment, growth and international trade.

An inflationary impact assessment is not necessary because this regulatory action would not exceed any of the following four (4) criteria established by the Administrator:

1. Annualized costs will total more than \$100 million.
2. Total additional cost of production is more than 5 percent.
3. Net national energy consumption will be increased by the equivalent of 25,000 barrels of oil a day.
4. Additional annual demands for scarce resources is increased more than 3 percent.

PUBLIC COMMENT

The public was provided 30 days within which to submit suggestions and criticisms of the proposal. Two commenters responded, the National Renderers Association (NRA) and the North Carolina Department of Natural and Economic Resources.

No comments were received regarding limitations for BOD₅, TSS, pH and fecal coliform. No adverse comments were received relative to the economic impact analysis or with respect to making the requirements for both BATEA and NSPS equivalent.

The NRA requested that oil and grease not be limited because (1) control of BOD₅ to the levels specified in the proposed regulations will result in reduction of oil and grease to the proposed effluent levels, (2) oil and grease from rendering operations is not subject to pretreatment limitations when discharged to publicly owned treatment works (POTW) which have typical biological treatment systems, and (3) monitoring for oil and grease will impose extra operating costs which provide no pollution control benefits.

Oil and grease is a major constituent of rendering wastes. It is a significant parameter in measuring materials recovery and effectiveness of waste treatment systems. The pollutant has physical and chemical properties that are environmentally significant. For example, it can form ugly scums on stream banks and objectionable surface slicks on water. Soluble and emulsified material may adhere to the gills of fish or coat and destroy algae and other plankton. Chemically, its constituents vary in composition and have different degrees of degradability not readily accounted for in the BOD₅ test. For the above reasons, it has been determined that monitoring and control of oil and grease are necessary.

In answer to the NRA comment, the Agency considered the use of BOD₅ as a surrogate for oil and grease. However, analyses of treated effluents from exemplary plants as listed in tables V-1 and V-2 of the Supplement to the Development Document showed no relationship between the two. Further, efficiency of oil and grease removal could not be predicted from BOD₅ and TSS removal efficiencies. In addition, BOD₅ test results cannot be considered to represent the total amount of oil and grease present. The accepted method for determining and limiting oil and grease is by Freon extraction. This test is designed to reflect total oil and grease of any composition. The short term BOD₅ test measures only a part of oil and grease.

Use of BOD₅ as a surrogate was also considered inappropriate because the preparation and dilution techniques used in the BOD₅ test preclude obtaining representative amounts of oil and grease. Also, composite sampling as practiced for obtaining BOD₅ samples is different from sampling for oil and grease (see *Standards Methods for the Examination of Water and Waste Water*).

The pretreatment issue raised by the commenter is not germane to effluent limitations for the direct discharger. The oil and grease in rendering wastes sent to POTW is intermixed and diluted with other wastes. That sent to on-site treatment plants is not. Pretreatment regulations concern the levels of pollutants present in industrial waste waters prior to municipal treatment. These regulations, on the other hand, concern the levels of pollutants in waste waters after treatment.

The commenter also stated that monitoring for oil and grease will result in extra costs with no attendant benefits.

Typically, the costs for monitoring oil and grease are very nominal and would be between 40 and 80 dollars per month as discussed in the Supplement to the Development Document. This cost is comparable to that for testing BOD₅ and is not a burden for the size of operations involved. Data on oil and grease are very significant to plant managers, treatment plant operators and regulatory agencies. It signals the effectiveness of in-plant equipment used to remove reusable oil and grease from process waste and the end-of-pipe treatment system. If the amount of oil and grease in the discharge from a large renderer increased from 10 to 100 milligrams per liter, approximately 15,000 pounds of potential product would be lost each year. The data also provide regulatory agencies specific information on a pollutant whose physical characteristics can cause stream and plant operational problems.

Comments from the North Carolina Department of Natural and Economic Resources said the Department concurred with the proposed rules. The Department reported that sample data on several rendering plants in the state do not show a correlation between BOD₅ and oil and grease. However, the Department noted that there would be no objection to a procedure for withdrawing oil and grease monitoring requirements on a case-by-case basis where correlation can be demonstrated.

EPA approval for use of alternate test procedures can be obtained, as explained in the Amendments to the Guidelines Establishing Test Procedures for the Analysis of Pollutants, 40 CFR Part 136 (41 FR 52781). Such approval can be obtained for specific NPDES permit holders or for nationwide use.

CONCLUSION

As a result of the above review along with information previously available to the Agency, it has been determined that the oil and grease limitations should be retained in the regulation. It is essential to have a direct measure and limitation for this pollutant, rather than rely on an indirect limit such as BOD₅, especially when there is no established correlation between oil and grease and BOD₅ values in rendering wastes.

All available information indicates the BOD₅, TSS, pH and fecal coliform limitations as proposed are appropriate.

PUBLICATION OF INFORMATION

In conformance with Section 304(e) of the Act, the manual supporting this regulation titled "Supplement to the Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Renderer Segment of the Meat Products and Rendering Processing Point Source Category" will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402, for a nominal fee.

Copies of the economic analysis document supporting the regulation titled "Economic Analysis of the Effluent Limitations Guidelines and New Source Performance Standards for the Independent

Rendering Segment of the Meat Products and Rendering Processing Point Source Category" and "Economic Analysis of the Effluent Limitations Guidelines for BATEA for the Independent Rendering Segment of the Meat Industry" will be available from the National Technical Information Service, Springfield, Va. 22151.

SMALL BUSINESS ADMINISTRATION LOANS

Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program, write to EPA, Office of Analysis and Evaluation, WH-586, 401 M Street, S.W., Washington, D.C. 20469.

As a result of the data, information, and comments assembled for this re-study of the industry, the new source performance standards and the effluent limitations guidelines based on the use of best available technology economically achievable for this industry (40 CFR Part 432, Subpart J) are to be amended as set forth below.

Dated: September 29, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart J—Rendering Subcategory

1. § 432.103(a) is revised to read as follows:

§ 432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units	(Kilograms per 1,000 Kg of raw material)
BOD ₅	0.18.....	0.09
TSS.....	0.22.....	.11
Oil and grease.....	0.10.....	.05
Ammonia.....	0.14.....	.07
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	English units	(Pounds per 1,000 lb of raw material)
BOD ₅	0.18.....	0.09
TSS.....	0.22.....	.11
Oil and grease.....	0.10.....	.05
Ammonia.....	0.14.....	.07
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

2. Section 432.105 is revised to read as follows:

§ 432.105 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 Kg of raw material)	
BOD ₅	0.18.....	0.09
TSS.....	.22.....	.11
Oil and grease.....	.10.....	.05
Ammonia.....	.14.....	.07
pH.....	Within the range 6.0 to 9.0.....	
Fecal Coliforms.....	Maximum at any time 400 mpn/100 ml.....	
	English units (pounds per 1,000 lb of raw material)	
BOD ₅	0.18.....	0.09
TSS.....	.22.....	.11
Oil and grease.....	.10.....	.05
Ammonia.....	.14.....	.07
pH.....	Within the range 6.0 to 9.0.....	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.....	

(b) The standards given in paragraph (a) of this section for BOD₅ and TSS are derived for a renderer which does no cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the following empirical formulas should be used to derive an additive adjustment to the standards for BOD₅ and TSS.

BOD5 adjustment (kilograms per 1,000 kg of raw material) = $\frac{8.0x(\text{number of hides})}{\text{kilograms of raw material}}$

(pounds per 1,000 lb of raw material) = $\frac{17.6x(\text{number of hides})}{\text{pounds of raw material}}$

TSS adjustment (kilograms per 1,000 kg of raw material) = $\frac{11.0x(\text{number of hides})}{\text{kilograms of raw material}}$

(pounds per 1,000 lb of raw material) = $\frac{24.2x(\text{number of hides})}{\text{pounds of raw material}}$

[FR Doc. 77-29451 Filed 10-5-77; 8:45 am]

[1505-01]

Title 45—Public Welfare

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Payment for Reserved Beds in Institutions

Correction

In FR Doc. 77-26758 appearing on page 46536 in the issue for Friday, September 16, 1977, on page 46537, § 250.30(d) (2) was revised and reads in its entirety as follows:

§ 250.30 Reasonable charges.

(d) Federal financial participation.

(2) Payments during recipient's absence from institution. Federal financial participation is available in payments made to reserve a bed during a recipient's temporary absence from an inpatient facility. For purposes of this paragraph:

(i) The State plan must provide for such payments and must indicate any limitations placed on the reserved bed policy, and

(ii) The patient's plan of care must provide for absences other than for hospitalization.

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20727; RM-2557; FCC 77-668]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Riverside and Santa Ana, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This Order makes the reassignment of TV Channel 40 from Riverside, California, to Santa Ana, California, effective and terminates the proceeding. A previous Report and Order in this docket, 42 FR 41125, August 15, 1977 discussed the reasons for this action but final disposition was postponed pending Mexican concurrence. Such concurrence has been obtained and the action is now final.

EFFECTIVE DATE: November 9, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Riverside and Santa Ana, California), Docket No. 20727, RM-2557, Order (Proceeding Terminated).

Adopted: September 21, 1977.

Released: September 30, 1977.

1. On July 27, 1977, the Commission adopted a Report and Order, 42 FR 41125 (Aug. 15, 1977), in this proceeding which reassigned UHF TV Channel 40 from Riverside, California, to Santa Ana, California. The action was taken subject to receipt of concurrence from the Mexican government and was to become effective after adoption of an Order terminating this proceeding (see para. 15 of the Report and Order).

2. By letter of August 15, 1977, the Mexican government gave notification of its concurrence with the assignment of the channel to Santa Ana.

3. Accordingly, it is ordered, effective November 9, 1977, Section 73.606(b) of the Commission's Rules is amended with respect to the following communities:

City	Channel No.
Riverside, Calif.	46
Santa Ana, Calif.	40, *50

4. It is further ordered, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,
Secretary.

[FR Doc. 77-29431 Filed 10-5-77; 8:45 am]

[6712-01]

[Docket No. 20916; RM-2685; RM-2707]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Santa Barbara and Ventura, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

¹ Authority for this action is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

SUMMARY: This action assigns Channel 296A to Ventura, Calif., as its third FM channel and substitutes noncommercial educational Channel 220 for Channel 218 at Santa Barbara, Calif. The Ventura assignment intermixes classes of channels there but the Class A proponent expresses a willingness to compete. The Santa Barbara substitution increases the coverage area of Station KCSB-FM and eliminates a short-spacing of 90 kilometers (56 miles).

EFFECTIVE DATE: November 11, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §§ 73.202(b) and 73.504(a), Table of Assignments, FM Broadcast Stations (Santa Barbara and Ventura, Calif.), Docket No. 20916, RM-2685, RM-2707. Report and order, (Proceeding Terminated).

Adopted: September 27, 1977.

Released: September 30, 1977.

1. The Commission has before it for consideration its Notice of Proposed Rule Making, 41 FR 43196 (Sept. 30, 1976) adopted September 16, 1976, and comments thereto (See also 41 FR 49859, Nov. 11, 1976). The Notice proposed in the alternative the assignment of commercial FM Channel 221A to Ventura, Calif., or the substitution of noncommercial educational Channel 220 for Channel 218 at Santa Barbara, Calif. Comments have been submitted by the Ventura petitioners, Charles V. Martin and John A. Popejoy and by the Santa Barbara petitioner, the University of California. No oppositions have been submitted.

2. Ventura (pop. 57,964)² is the seat of Ventura County (pop. 378,497). It has two AM stations, KVEN and KBBQ (both fulltime) and two Class B FM stations, KBBY (Channel 236) and KNAY (Channel 264). Supporting demographic data for the assignment of a third FM channel were set forth in the Notice and will not be repeated here.

3. Santa Barbara (pop. 70,215) is the seat of Santa Barbara County (pop. 264,324). A change in frequencies for the only non-commercial educational station in Santa Barbara is sought by the University of California to solve a short-spacing problem which existed prior to the adoption of Section 73.504³

¹ Due to mileage separation requirements, stations on Channel 221A and Channel 220 must be separated by 105 kilometers (65 miles). Santa Barbara is 66 kilometers (41 miles) from Ventura.

² Population data are taken from the 1970 U.S. Census, as corrected.

³ In accordance with the U.S.-Mexican Treaty, Section 73.504 (then Section 73.507) was adopted to set forth a Table of non-commercial educational FM assignments within approximately 320 kilometers (199 miles) of the border.

(then Section 73.507) of the Commission's Rules. The University of California's Station KCSB-FM (Channel 218) is short spaced by 90 kilometers (56 miles) to Station KUSC (Channel 218), Los Angeles, California. Modification of the Station KCSB-FM license to specify the new channel is also requested.

4. In view of the conflict in the two proposals, the Notice invited suggestions regarding other channels which could be used for either of the two communities. In response several channels were suggested for assignment at both communities and it was discovered by the Commission's staff that Channel 296A can be assigned at Ventura without affecting any other existing FM assignments. The assignment of this channel will also make possible the substitution of Channel 220 for Channel 218 at Santa Barbara as requested.

5. The comments of the respective parties primarily address the comparative factors involved in choosing between an additional Ventura FM channel or an increase in service from the Santa Barbara station through removal of the short-spacing problem. The availability of Channel 296A makes it possible to respond to both needs.

6. The assignment of Channel 296A will result in intermixture at Ventura, but as previously discussed in the Notice, this factor does not represent a bar to the assignment since there is a willingness to utilize the Class A channel in competition with two existing Class B stations. The assignment will provide a third FM station for this sizable community which has shown substantial growth in recent years.

7. The substitution of Channel 220 at Santa Barbara is also desirable since it is anticipated that the resulting gain in the Santa Barbara coverage area would include some 3,224 square kilometers (1,240 square miles). Also it would be possible for Station KUSC at Los Angeles to gain in coverage area by some 10 percent, as, now could apply to operate non-directionally. Therefore, we find it to be in the public interest to substitute Channel 220 at Santa Barbara. No other interest has been expressed in the proposed Santa Barbara channel, and in such circumstances there is no impediment to the modification of the license of Station KCSB-FM to specify the new channel.

8. Mexican concurrence has been obtained for both channel assignments.

9. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, *It is ordered*, That effective November 11, 1977, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules is amended with respect to the community listed, as follows:

City	Channel No.
Ventura, Calif.....	236, 264, 296A

10. *It is further ordered*, That effective November 11, 1977, the noncommercial

educational FM Table of Assignments, Section 73.504(a) of the Commission's Rules IS AMENDED with respect to the community listed, as follows:

City	Channel No.
Santa Barbara, Calif.....	220

11. *It is further ordered*, That effective November 11, 1977, pursuant to authority contained in Section 316 of the Communications Act of 1934, as amended, the license of Station KCSB-FM, Santa Barbara, Calif., is modified to specify operation on Channel 220. In addition:

(a) At least 30 days before operating on Channel 220, the University of California shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 220.

(b) At least 10 days prior to commencing operations on Channel 220, the University of California shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The University of California shall commence operation on Channel 220 only with prior Commission authorization.

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

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

FEDERAL COMMUNICATIONS
COMMISSION,
MARTIN I. LEVY,
*Acting Chief,
Broadcast Bureau.*

[FR Doc.77-29428 Filed 10-5-77;8:45 am]

[6712-01]

[Docket No. 21180; FCC 77-661]

PART 87—AVIATION SERVICES

Permitting Aeronautical Enroute Stations Which Are a Part of an Off-Set Carrier Network to Identify by the Location of Their Principal Control Point

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule permits aeronautical enroute stations to identify by the location of their control points. Because of technical and operational difficulties, it is not practical for each station along an aircraft route to be individually identified by presently allowable methods.

EFFECTIVE DATE: November 9, 1977.

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

FOR FURTHER INFORMATION CONTACT:

R. P. DeYoung, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 87.115 (g) of the rules to permit aeronautical enroute stations which are a part of

an off-set carrier network to identify by the location of their principal control point (Docket No. 21180). Report and Order (proceeding terminated).

Adopted: September 21, 1977.

Released: September 30, 1977.

1. On April 1, 1977, the Commission released a Notice of Proposed Rule Making in the captioned matter (FCC 77-223) (42 FR 19498, April 14, 1977). The time for filing of comments and reply comments has passed. Comments were filed by Aeronautical Radio Inc. (ARINC) and by the Aircraft Owners and Pilots Association (AOPA).

2. The comments favored adoption of the rule as proposed. ARINC noted variations in wording between the text of the Notice and of the rule as proposed in the appendix. These variations concerned the use of the words "off-set" to characterize enroute networks and of the word "principal" to characterize control point. The Commission intended to permit this method of identifying enroute networks notwithstanding the techniques used on such networks.

3. Because some networks have more than one authorized control point and because authorized control points are listed on the station license, ready location of a station in a network is possible. Consequently, station identification by means of any authorized control point will be permitted. For these reasons, the rule will be adopted as proposed in the Appendix.

4. Accordingly, *It is ordered*, That the Commission's rules are amended, effective November 9, 1977, as set forth below. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

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

FEDERAL COMMUNICATIONS
COMMISSION,¹
VINCENT J. MULLINS,
Secretary.

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

Section 87.115(g) is amended to read as follows:

§ 87.115 Station identification.

(g) A land station in the aviation services may use radio station call letters, its location, or the name of the city, area, or airdrome which it serves together with such additional identification as may be required. An aeronautical enroute station which is a part of multistation network may also be identified by the location of its control points.

[FR Doc.77-29450 Filed 10-5-77;8:45 am]

¹ Chairman Wiley not participating.

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Agassiz National Wildlife Refuge, Minnesota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: November 5, 1977 to November 20, 1977 and November 26, 1977 to November 28, 1977, all dates inclusive from sunrise to sunset.

FOR FURTHER INFORMATION CONTACT:

Joseph Kotok, Refuge Manager, Agassiz National Wildlife Refuge, Middle River, MN 56737, (218) 449-4115, or Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

SUPPLEMENTARY INFORMATION:

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

Public hunting of white tailed deer is permitted on the Agassiz National Wildlife Refuge, Minnesota in all areas except those designated by closed area signs.

The open area comprises approximately 57,600 acres and is delineated on a map available at the Refuge Head-

quarters. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1977.

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

JOSEPH KOTOK,
Refuge Manager.

SEPTEMBER 29, 1977.

[FR Doc.77-29318 Filed 10-5-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Agassiz National Wildlife Refuge, Minnesota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: December 3, 1977 through December 11, 1977, all dates inclusive from sunrise to sunset.

FOR FURTHER INFORMATION CONTACT:

Joseph Kotok, Refuge Manager, Agassiz National Wildlife Refuge, Middle

River, MN 56737, (218) 449-4115, or Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

SUPPLEMENTARY INFORMATION:

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

Public hunting of moose on the Agassiz National Wildlife Refuge, Minnesota, is permitted on all areas except those designated by closed area signs. This open area comprises approximately 57,600 acres and is delineated on a map available at refuge headquarters at Middle River, Minnesota and from the Regional Director. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

1. All parties hunting Agassiz National Wildlife Refuge are required to report to the Agassiz check station located 11 miles east of Holt, Minnesota, before they begin to hunt.

2. All moose killed on Agassiz Refuge must be registered at the Agassiz Refuge check station within 48 hours of the kill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through December 11, 1977.

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

JOSEPH KOTOK,
Refuge Manager.

SEPTEMBER 29, 1977.

[FR Doc.77-29317 Filed 10-5-77;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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Reopening of Time for Receipt of
Written Data, Views, or Arguments

AGENCY: Agricultural Marketing Service,
USDA.

ACTION: Proposed rule.

SUMMARY: The notice of proposed rulemaking provides additional time for the receipt of written comments on the proposal to add Golden Seedless and Dipped Seedless raisins under a weight dockage system for immaturity. A comment objecting to the inclusion of these raisins under this system was submitted. The reopening of the comment period will give interested persons an opportunity to reconsider the proposal in light of the comment received.

DATES: Comments must be received by October 17, 1977.

ADDRESSES: Comments should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments should be submitted, and they will be 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 Vegetables Division, Agricultural Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) a notice of proposed rulemaking was published in the August 19, 1977, issue of the FEDERAL REGISTER (42 FR 41867) regarding proposed changes to improve administrative operating procedures under the Federal marketing order for California raisins (7 CFR Part 989; 42 FR 37200). The proposal was based on a recommendation of the Raisin Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments. A raisin handler submitted a comment objecting to the proposed change in § 989.210 of Subpart—Supplementary Regulations (7 CFR 989.201-989.231) to include

Golden Seedless and Dipped Seedless raisins under a weight dockage system for immaturity. Currently, this system is applicable only to Natural (sun-dried) Seedless raisins.

The commentator's main objection was that Golden Seedless and Dipped Seedless raisins do not have the same stemming characteristics as do Natural (sun-dried) Seedless raisins because they are stickier. He contended that these two artificially dried raisins are therefore much less free flowing during the stemming operation and more difficult to process in removal of immature raisins than sun-dried raisins. The commentator stated that through their experience in past years they often failed minimum processed inspection standards for substandard raisins when running lots that were high in substandard prior to processing. Thus, it appears that the risk of failure is present regardless of the care taken during processing.

It was further contended that the proposed change transfers a grower problem to the handler. The problem results from the grower making raisins from immature grapes. The commentator believes that the more the maturity standard is relaxed, the more likely will be the tendency by growers to pick earlier—hence, before the grapes are ready to be picked—and that this will have a disadvantageous market effect.

Therefore, to give interested persons opportunity to reconsider the proposal in light of the comment, the time for receipt of written data, views, or arguments on the proposal to include Golden Seedless and Dipped Seedless raisins under the weight dockage system prescribed in § 989.210 is reopened. Any comments must be received by October 17, 1977.

Dated: September 30, 1977.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc. 77-29368 Filed 10-5-77; 8:45 am]

[1505-01]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

VOLUNTARY DEPARTURE PRIOR TO COMMENCEMENT OF HEARING

Corrections

In FR Doc. 77-28056 appearing at page 49459 in the issue for Tuesday, September 27, 1977, the following corrections should be made.

(1) The headings should read as set forth above.

(2) On page 49461, third column, line 13 from the bottom, the reference to paragraph (a) (1), should read, (a) (2).

[3128-01]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 211 and 212]

EXEMPTION OF MOTOR GASOLINE FROM THE MANDATORY PETROLEUM ALLO- CATION AND PRICE REGULATIONS

Deferral of Action on Proposal

AGENCY: Federal Energy Administra-
tion.

ACTION: Notice.

SUMMARY: The Federal Energy Administration gives notice that it has elected to defer taking action on its proposal to exempt motor gasoline from the Mandatory Petroleum Allocation and Price Regulations (42 FR 40915, August 12, 1977). This will permit this issue to be evaluated under procedures that become effective October 1, 1977, which afford the Federal Energy Regulatory Commission jurisdiction to consider a proposal by the Secretary of Energy to take such action.

FOR FURTHER INFORMATION CONTACT:

Everard A. Marseglia, Jr. (Office of General Counsel), Federal Energy Administration, Room 5138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9567).

SUPPLEMENTARY INFORMATION: On August 8, 1977, FEA issued a Notice of Proposed Rulemaking and Public Hearing to amend 10 CFR Parts 210, 211, and 212 to exempt gasoline on November 1, 1977 from the Mandatory Petroleum Allocation and Price Regulations, and to establish a transitional assignment program for gasoline to alleviate possible supply dislocations following deregulation. This proposal followed a preliminary analysis by FEA of the impact of regulation of gasoline pursuant to the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA", Pub. L. 93-159), and FEA's tentative conclusion that gasoline should be exempted from the Allocation and Price Regulations.

FEA proposed two amendments to be submitted as energy actions to Congress in accordance with the provisions of Section 12 of EPAA, Section 551 of the Energy Policy and Conservation Act (Pub. L. 93-163), and section 102 of the Energy Conservation and Production Act (Pub. L. 94-385), to exempt gasoline, effective November 1, 1977, from the application of the Allocation and Price Regulations,

thereby converting the EPAA to standby authority with respect to the allocation and pricing of motor gasoline.

A National hearing was held in Washington, D.C. on September 7, 1977, and regional hearings were held in Atlanta, New York, Chicago, Dallas, Denver, and San Francisco, during the period September 6 through September 8. Written comments have also been received by FEA.

Section 402(c)(1) of the Department of Energy Organization Act ("DOEOA"), Pub. L. (5-91) provides:

Pursuant to the procedures specified in section 404 and except as provided in paragraph (2), the Commission shall have jurisdiction to consider any proposal by the Secretary to amend the regulation required to be issued under section 4(a) of the Emergency Petroleum Allocation Act of 1973 which is required by section 8 and 12 of such Act to be transmitted by the President to, and reviewed by, each House of Congress, under section 551 of the Energy Policy and Conservation Act.

On September 13, 1977, the President signed Executive Order 12009 (42 FR 46267, September 15, 1977), establishing October 1, 1977 as the effective date for the Department. Accordingly, as of October 1, 1977, the Commission will have jurisdiction to consider a proposal by the Secretary to decontrol gasoline, as it involves amendments that must be submitted for Congressional review.

Final action with respect to this proposal will not be taken by FEA prior to the October 1, 1977 effective date of the Department inasmuch as FEA has concluded that the data and comments received in connection with the proposal should be evaluated under the procedures that will become effective October 1, 1977. This is particularly appropriate inasmuch as there does not appear to be pressing need for final action before October 1.

Issued in Washington, D.C., September 30, 1977.

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

[FR Doc. 77-29304 Filed 10-3-77; 10:25 am]

[3128-01]

[10 CFR Part 211]

ENTITLEMENTS PROGRAM TO REVISE FACTOR USED TO DETERMINE ENTITLEMENT VALUE OF NAPHTHA FEEDSTOCKS IMPORTED INTO PUERTO RICO

Proposed Amendments

AGENCY: Federal Energy Administration.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Federal Energy Administration ("FEA") hereby gives notice of a proposed rulemaking and public hearing to amend its domestic crude oil allocation ("entitlements") program (10 CFR 211.67), by revising the factor which is used in calculating the imputed cost of domestically produced

naphtha for purposes of determining the entitlement value awarded with respect to the naphtha imports of firms operating petrochemical plants in Puerto Rico. FEA believes that this revision is necessary to compensate more accurately under the entitlements program for the feedstock cost disadvantage of the petrochemical plants in Puerto Rico, which is reliant on imported naphtha, as compared with mainland petrochemical producers that have access to naphtha produced by domestic refiners.

DATES: Comments by November 15, 1977, 4:30 p.m.; Requests to speak by October 21, 1977, 4:30 p.m.; Hearing date: November 3, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box PX, Washington, D.C. 20461; Hearing location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Ave., NW., Room 2107, Washington, D.C. 20461, (202-566-9161).

Allen Hoffard (Media Relations), 12th and Pennsylvania Ave., NW., Room 3104, Washington, D.C. 20461, (202-566-9833).

Douglas McIver (Entitlements Program Office), 2000 M Street, NW., Room 6128I, Washington, D.C. 20461, (202-254-8660).

Michael Paige or Judith Garfield (Office of the General Counsel), 12th and Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, (202-566-9565) (Paige); (202-566-2085) (Garfield).

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposed Amendments.
- III. Specific Comments Requested.
- IV. Comment Procedures: A. Written Comments;
- B. Public Hearing: 1. Request Procedure;
2. Conduct of the Hearing.

I. BACKGROUND

On July 20, 1976, FEA adopted amendments to 10 CFR § 211.67 to include within its entitlements program naphtha feedstocks imported into Puerto Rico for petrochemical use (41 FR 30321; July 23, 1976). These amendments were intended to alleviate the competitive disadvantage of the Puerto Rican petrochemical industry which, because of its dependence upon imported naphtha for feedstock use, had been adversely affected by increases in world crude prices taken in conjunction with the imposition of domestic price controls.

In the 1960's, the Federal Government encouraged the establishment and development of refining and petrochemical industries in Puerto Rico. The viability of the petrochemical industry was premised upon the availability of low cost imported feedstock, particularly naph-

tha from Caribbean refiners, to provide a feedstock cost advantage over petrochemical producers on the mainland. Such a cost advantage was necessary in order to offset higher shipping and other costs (including necessary investments) incurred in starting up the industry in the relatively underdeveloped economy of Puerto Rico.

Since its inception in the 1960's, the petrochemical industry in Puerto Rico has grown to the extent that it now constitutes an important segment of total United States petrochemical capacity. However, as FEA noted in the proposed rulemaking relating to the inclusion of naphtha feedstocks imported into Puerto Rico under the entitlements program (41 FR 21936; May 28, 1976), the Puerto Rican petrochemical industry was at a severe competitive disadvantage due to its reliance upon imported feedstocks:

The imposition of the Arab oil embargo and the consequent increases in world crude prices dramatically increased feedstock costs for the entire Puerto Rican petrochemical industry. However, while world prices were rising, the imposition of domestic price controls kept the overall feedstock costs of domestic firms much lower than those of import dependent Puerto Rican companies and placed these companies at a severe competitive disadvantage.

The elimination of the supplemental import fee on crude oil on December 22, 1975 increased the disparity between domestic and imported crude oil costs and placed the Puerto Rican based petrochemical industry at an even greater competitive disadvantage than previously existed. In addition, the domestic crude oil price roll back mandated by the pricing provisions of the Energy Policy and Conservation Act, which were implemented on February 1, 1976, has also contributed to competitive imbalances with respect to Puerto Rican firms. (41 FR at 21936-21937.)

To alleviate this situation, FEA amended the entitlements program to permit Puerto Rican petrochemical producers to receive entitlement benefits for imported naphtha feedstocks. Section 211.67(d)(5) of the amended regulations permits inclusion in a refiner's monthly crude oil runs to stills of the total number of barrels of naphtha imported into Puerto Rico utilized as a petrochemical feedstock at a petrochemical plant owned or operated by that refiner. A firm other than a refiner that owns a petrochemical plant in Puerto Rico is also eligible to receive entitlements with respect to naphthas processed at that plant on the same basis as a refiner.

In adopting these amendments, FEA determined that it would be inappropriate to grant the full crude oil entitlement benefit to naphtha imports when, due to fluctuations in naphtha prices in the world market, the differential between the prices of imported and domestic naphtha is less than the per barrel entitlement value for the month in question. Accordingly, FEA adopted a procedure whereby the entitlement value of naphtha imported into Puerto Rico would not exceed the differential between the weighted average imported naphtha costs of the affected firms and an imputed domestic naphtha price. The maximum entitlement value that can be re-

ceived, however, is the actual per barrel crude oil entitlement value.

Under the procedure adopted by FEA, each eligible firm reports for each month its volumes of naphtha imported into Puerto Rico and used as a petrochemical feedstock. Entitlements are issued with respect to each such barrel of imported naphtha on the same basis as for a barrel of crude oil included in a refiner's crude oil runs for that month, unless the weighted average imported naphtha costs of firms reporting imports into Puerto Rico for this purpose exceed the imputed cost of domestically produced naphtha for that month by less than the per barrel crude oil entitlement value. In the latter case, the entitlement value for each barrel of imported naphtha is equal to the differential between such weighted average imported naphtha costs and the imputed cost of domestic naphtha. For purposes of calculating the imputed cost of domestically produced naphtha, a factor of one hundred twenty percent (120%) is applied to the weighted average cost of crude oil for all domestic refiners for the month in question.

FEA originally developed the factor for calculating the imputed cost of domestically produced naphtha after analyzing the differentials in naphtha prices and crude oil costs over the year preceding the date of the rulemaking (July 20, 1976), with reference to Rotterdam naphtha postings as compared with the estimated delivered costs of Arabian Light crude oil to Rotterdam. At the time, FEA found it necessary to use naphtha postings in the world market because prices for domestic naphthas (the large portion of which are not sold in the marketplace but are used for gasoline production in the refinery where they were produced) are extremely difficult to obtain.

In adopting this factor, FEA requested comments as to whether the factor was an accurate representation of the normal differential between crude oil and the type of naphtha used as a petrochemical feedstock. FEA stated in the July 20, 1976 final rule that if, on the basis of such comments or its own further analysis, FEA determined the factor to be inaccurate, it would propose an appropriate modification.

II. PROPOSED AMENDMENTS

Change in imputed domestic naphtha ratio. It has recently come to FEA's attention that, in light of the fluctuations in world naphtha market prices and the steady decline in naphtha values over the past year, the factor for calculating the imputed cost of domestic naphtha as currently set forth in the regulations is too high. FEA's review of current data relating to naphtha prices and crude oil costs indicates that if FEA were to use its original methodology (i.e., a comparison of Rotterdam naphtha posting with the estimated delivered costs of Arabian Light crude oil to Rotterdam) in calculating the factor at the present time, the proper factor would be one hundred thirteen percent (113 percent) rather

than one hundred twenty percent (120 percent).

The following table sets out the naphtha-to-crude price ratios from 1974 through August 1977 for Arabian Light crude oil, with prices per metric ton con-

verted to dollars per barrel on the basis of 8.51 barrels per metric ton (the API conversion factor used in FEA's original calculations) and on the basis of 8.75 barrels per metric ton (the factor used by the 1976 World Naphtha Survey).

COMPARISON OF NAPHTHA/CRUDE RATIOS

MO./YR.	AVERAGE NAPHTHA PRICE--\$/B		NAPHTHA/ARABIAN LIGHT CRUDE RATIO	
	8.51	8.75	8.51 FACTOR	8.75 FACTOR
	FACTOR	FACTOR		
5/74	17.55	17.07	1.49	1.45
6/74	14.93	14.53	1.25	1.22
10/74	11.48	11.17	0.96	0.93
1/75	10.83	10.54	1.00	0.98
4/75	12.74	12.40	1.19	1.15
5/75	13.29	12.93	1.22	1.19
6/75	12.81	12.46	1.18	1.14
7/75	12.45	12.11	1.12	1.09
8/75	12.83	12.48	1.16	1.13
9/75	13.03	12.67	1.18	1.15
10/75	13.57	13.20	1.15	1.12
11/75	15.02	14.62	1.27	1.24
12/75	15.11	14.70	1.24	1.20
1/76	15.38	14.96	1.28	1.24
2/76	15.91	15.48	1.30	1.27
3/76	16.46	16.01	1.36	1.33
4/76	16.09	15.65	1.33	1.29
5/76	15.74	15.31	1.29	1.26
6/76	15.75	15.32	1.31	1.28
7/76	15.73	15.30	1.29	1.25
8/76	15.07	14.67	1.24	1.20
9/76	14.71	14.31	1.21	1.18
10/76	15.17	14.76	1.25	1.22
11/76	14.16	13.78	1.15	1.12
12/76	14.57	14.17	1.19	1.16
1/77	14.62	14.23	1.07	1.04
2/77	15.01	14.61	1.19	1.16
3/77	15.27	14.85	1.20	1.16
4/77	15.39	14.97	1.23	1.20
5/77	14.98	14.57	1.19	1.16
6/77	14.85	14.44	1.19	1.16
7/77	14.82	14.42	1.13	1.09
8/77	14.83	14.43	1.11	1.08

As the table indicates, the naphtha-to-crude oil price ratios in the first eight months of 1977 are significantly lower than those in 1976. If the conversion factor of 8.51 barrels per metric ton is used, the average ratio is 1.27 for 1976 and 1.16 for 1977. Using the conversion factor of 8.75 barrels per metric ton, the average ratio is 1.23 for 1976 and 1.13 for 1977.

As a result of the discrepancy between the factor set forth in the regulations and the 1977 average naphtha-to-crude price ratio, FEA believes that petrochemical producers located in Puerto Rico may not be receiving sufficient entitlement value for the naphtha feedstocks that they import, thus resulting in a relative competitive disadvantage for these petrochemical producers as compared with mainland firms. To alleviate this situation, FEA is proposing to revise the factor for calculating the imputed cost of domestic naphtha from one hundred twenty percent (120 percent) to one hundred thirteen percent (113 percent). The proposed factor, like the factor currently provided for in the regulations,

is derived by comparing Rotterdam naphtha postings with the estimated delivered costs of Arabian Light crude oil to Rotterdam. In calculating the proposed factor, however, FEA has used the conversion factor of 8.75 barrels per metric ton rather than the factor of 8.51 barrels per metric ton previously used to calculate the current factor of one hundred twenty percent (120 percent). FEA believes that application of the 8.75 conversion factor, which is used by the 1976 World Naphtha Survey for naphtha of the type used in petrochemical production and traded in Rotterdam, produces a more accurate naphtha-to-crude price ratio than the 8.51 API conversion factor, for purposes of these entitlement program provisions.

Therefore, FEA proposes to amend § 211.67(d)(5)(iii) to provide that for purposes of determining the volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills for a particular month, the imputed per barrel cost of domestically produced naphtha is calculated by applying to the weighted average per barrel cost of crude oil for all domestic refiners for that

month a factor of one hundred thirteen percent (113 percent).

Change in calculation of imported naphtha costs. Due to the relief being received by Commonwealth Oil Refining Company from FEA's Office of Exceptions and Appeals (5 FEA '83,132, April 14, 1977) with respect to its naphtha imports into Puerto Rico, FEA further proposes that the naphtha costs of any firm receiving this type of exception relief be excluded from the calculation of the weighted average per barrel cost of naphtha imported into Puerto Rico for purposes of § 211.67(d) (5) (iii). FEA believes that the inclusion of the average imported naphtha costs of a firm receiving the type of exception relief provided in this decision in the entitlement calculations for other affected companies is not appropriate, since the value of that firm's entitlement issuances are not calculated by reference solely to the regulatory provisions.

III. SPECIFIC COMMENTS REQUESTED

It is FEA's objective in this rulemaking proceeding to adopt a factor for calculating the imputed cost of domestically produced naphtha which accurately represents the normal differential between crude oil and the type of naphtha used as a petrochemical feedstock. Therefore, FEA requests comments on the appropriateness of the factor proposed in this notice and the methodology used to obtain it. In this connection, FEA invites comments on whether Arabian Light crude oil is the appropriate crude oil to use for purposes of the naphtha-to-crude price ratio or whether another type of crude oil should be used as the basis of comparison with naphtha postings. FEA also solicits views as to whether, in light of the fluctuations in world market naphtha prices, the factor ultimately adopted should be periodically reviewed and, if market conditions warrant, adjusted.

FEA is particularly interested in ascertaining whether there is an alternative methodology for imputing the cost of domestically produced naphtha that would be more accurate than the methodology upon which the proposed factor is based. For example, FEA believes that the price of JP-4 (a naphtha-based jet fuel used by the military) could be used as a surrogate for the cost of domestic naphtha, with adjustments made to the price of JP-4 to take into account the difference in density between the naphtha used to produce JP-4 and the naphtha used in petrochemical production.

Another possible method for imputing the cost of domestically produced naphtha is to determine the value of naphtha as a feedstock for gasoline. Under this method, it would be necessary to identify an appropriate price for gasoline (such as the average of refiners' rack prices for regular leaded gasoline in the United States) and to subtract from that price the cost of reforming naphtha into gasoline. This method would require FEA to determine the normal

operating costs associated with the reforming process, including perhaps an appropriate allowance for a return on an investment. FEA therefore specifically invites comments as to what costs are involved in reforming naphtha into gasoline, what would constitute an appropriate return on investment for reforming capacity and whether, in general, such a procedure would be an appropriate, as well as administratively feasible, method to determine the imputed cost of domestically produced naphtha.

A third possible methodology would be to identify the actual market prices of domestically produced naphthas. As mentioned previously, the difficulty with this approach is that most domestic naphthas are sold in the marketplace but are used for gasoline production in the refineries in which they are produced. However, FEA is aware that some firms do purchase domestically produced naphthas and is interested in receiving information as to whether these naphtha prices could be used in the entitlement calculations that are the subject of this proposal.

FEA requests comments on the alternate methodologies described above, as well as on any other appropriate methods for determining the cost of domestically produced naphtha.

Finally, FEA invites specific comments on whether naphtha imported by firms on the mainland for use as petrochemical feedstock (but not for use as synthetic natural gas feedstock) should be included under the entitlements program on the same basis as naphtha imports into Puerto Rico. In the previous rulemaking proceeding on this issue, FEA determined not to extend entitlement benefits to mainland importers of naphtha on the basis that the volumes of naphtha imports into the mainland for petrochemical use were not significant enough to warrant such an extension of the entitlements program at that time. FEA, however, is currently reevaluating this issue in light of advice to the Agency as to the reliance by certain mainland petrochemical producers on imports of naphtha.

IV. COMMENT PROCEDURES

A. Written comments. Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice. Comments should be submitted to the address indicated in the addresses section of this preamble and should be identified on the outside envelope with the designation "Amendments to Entitlements Program to Revise Factor Used to Determine Entitlement Value of Naphtha Feedstocks Imported into Puerto Rico." Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107 Federal Building, 12th and Pennsylvania Avenue, NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public hearing. 1. Request procedure. The time and place for the public hearing is indicated in the dates section of this preamble. If necessary to present all testimony, the public hearing will be continued to 9:30 a.m. of the first business day following the hearing date shown above.

Any person who has an interest in the proposed amendments or who is a representative of a group or class of persons that has an interest in the proposed amendments may make a written request for an opportunity to make an oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., October 26, 1977, and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street, NW., Washington, D.C., before 4:30 p.m., e.d.t. on November 1, 1977.

2. Conduct of the hearing. The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing, to Executive Communications before 4:30 p.m., e.d.t., November 1, 1977. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

In accordance with Executive Order 11821 and OMB Circular A-107, FEA is considering the inflationary impact of this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C. September 30, 1977.

ERIC J. FYGI,
Acting General Counsel.

1. Section 211.67 is amended in paragraph (d) (5) (iii) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(d) *Adjustments to volume of crude oil runs to stills.*

(5)

(iii) The volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills for a particular month under this subparagraph (5) shall be reduced by the application of a fraction the denominator of which is equal to the entitlement value for a barrel of crude oil included in the volume of a refiner's crude oil runs to stills for that month (without giving effect to the provisions of paragraphs (e) and (d) (4) of this section), and the numerator of which is equal to the weighted average per barrel cost of all naphthas imported into Puerto Rico for that month as to which entitlement issuances are sought (excluding the per barrel imported naphtha cost for firms receiving relief from FEA's Office of Exceptions and Appeals with respect to such imports), less the imputed per barrel cost of domestically produced naphthas for that month. For purposes of

this subparagraph (5) (iii), the imputed per barrel cost of domestically produced naphthas for a particular month shall be equal to one hundred thirteen percent (113%) of the weighted average per barrel cost of all the crude oil receipts for all domestic refiners for that month.

[FR Doc. 77-29297 Filed 10-3-77; 8:45 am]

[4910-13]

DEPARTMENT OF
TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

[Docket No. 16854; Notice No. 77-22]

[14 CFR Parts 23, 25, 91, 121, and 135]

AIRCRAFT CABIN OZONE
CONTAMINATION

Advance Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration is considering rulemaking to amend the Federal Aviation Regulations (FAR) by revising aircraft design and operational procedures in order to prevent or reduce aircraft cabin ozone contamination during high altitude flights. This action is being taken as a result of crewmember and passenger complaints of physical discomfort on high altitude flights.

DATES: Comments must be received on or before December 6, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 16854, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

This advance notice of proposed rulemaking is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rulemaking. An "advance" notice to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Air carriers, aircraft manufacturers, crewmember organizations, high altitude research organizations, health organizations and other interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal

Aviation Administration, Office of the Chief Counsel, Attention: AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before December 6, 1977, will be considered by the Administrator before drafting the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

During the winter of 1976, the FAA became aware of crew and passenger complaints of physical discomfort on high altitude flights. By March of 1977, information from FAA air carrier inspectors, air carriers, and aircraft manufacturers led to the discovery that ozone gas (O₃) was the probable cause of many of the crew and passenger complaints.

On April 19, 1977, FAA Flight Standards Service completed a draft advisory circular which defined ozone irritation, discussed its causes and symptoms, and described a means of dealing with the problem should it occur in flight. This advisory circular, AC No. 00-52, Ozone Irritation During High Altitude Flight, was published July 21, 1977.

By letter of May 27, 1977, Lawrence M. Noble, Staff Attorney, Aviation Consumer Action Project (ACAP), P.O. Box 19029, Washington, D.C. 20036, petitioned to "immediately issue a rule requiring FAA Part 121 air carriers to give adequate notice to airline passengers of the possibility of exposure to high levels of ozone gas on certain high altitude flights and the ensuing health and safety risks."

ACAP contends that "this emergency action is required because of high concentrations of ozone encountered in the cabins of high altitude flights and the physical discomfort and illness which exposure to this gas is causing among both passengers and flight crews." It states that "studies undertaken by the airlines, aircraft manufacturers and government agencies—many of which were done over a decade ago—clearly show that passengers may frequently be exposed to levels of ozone on high altitude flights that exceed the maximum limits for human exposure recommended by the Occupational Safety and Health Administration (OSHA) and the 1975 Federal Ambient Air Quality Standards established by the Environmental Protection Agency (EPA)."

ACAP further states that "because the airlines fear losing passengers and the aircraft manufacturers fear losing sales of their aircraft, the airlines and manufacturers are reluctant to give passengers notice of the present possibility and danger of exposure to ozone.

For these reasons, ACAP requests "that the Administrator take immediate action to require each certificate holder operating passenger-carrying aircraft that fly above 35,000 feet to ensure that a warning of the possibility of exposure of high levels of ozone, and the ensuing health effects, be posted at every ticket-selling location, be inserted with each passenger ticket for every flight that may exceed an altitude of 35,000 feet, and be orally given by an appropriate crewmember before take-off of the aircraft." These ac-

tions, it asserts, "are required to permit and allow airline passengers to make informed choices concerning air travel, to avoid unnecessary health risks, and to assist the airlines and the FAA in identifying flights that encounter high levels of ozone, so that proper precautionary action can be taken."

The FAA believes that the OSHA standard referenced in the ACAP petition is not a maximum limit for human exposure as stated in the petition. It is rather the maximum exposure average over a single 8-hour work shift in a 40-hour week to which industrial workers may be exposed. OSHA has not established a maximum limit ("ceiling limit") for exposures to ozone of less than 8 hours duration. In fact, levels of ozone measured in the air of several U.S. cities have approached 10 times the OSHA standard without any observable effects on the population.

Ozone concentrations exceeding accepted values may cause irritation of the eyes, nose, mouth, and throat. Higher concentrations can bring about shortness of breath and coughing. The degree of irritation generally increases with increasing levels of ozone concentration, exposure time, and physical activity. The probability of more serious health effects is quite remote, based on measurements of atmospheric and cabin ozone levels at jet operating altitudes and the relatively short periods of exposure.

Scientific studies have shown that concentrations of ozone at jet operating altitudes are generally highest when the tropopause comes closest to the earth. This cycle normally takes place in the late winter and early spring in the northern hemisphere. Because the northern hemisphere is entering the declining phase in the ozone cycle, immediate health problems related to aircraft cabin ozone contamination are not likely. This is also borne out by the substantially reduced number of complaints from passengers and crewmembers since April.

Based on the available information on aircraft cabin ozone contamination, the FAA believes that emergency action rule making is not warranted. However, because of the number and extent of the responses to the FAA draft advisory circular, the ACAP petition for rule making, and the intricacies of this source of airborne irritation, the FAA believes that it is important to review all relevant data on ozone to determine if amending Parts 23, 25, 91, 121, and 135 of the FAR's could bring about action which would prevent or reduce aircraft ozone contamination.

To this end, the FAA solicits data, views, and arguments from all interested persons on the question set forth below. Through these questions, the FAA hopes to determine the extent of the ozone problem and to gather information on the available solution aspects. Data supporting an answer should be submitted and sufficiently identified so that the FAA may use it most effectively.

1. Submit any statistics available on aircraft cabin ozone contamination, including aircraft type, date, altitude, position, and severity of symptoms.

2. What are the health aspects of aircraft cabin ozone contamination in relation to ozone concentration (expressed in parts per million by volume) and exposure time?

3. What design changes to present and future aircraft would be required to prevent or reduce aircraft cabin contamination?

4. Is a cabin ozone meter operationally feasible and functional? What types of meters are available? How should they be used?

5. Can atmospheric ozone concentrations at jet operating altitudes be forecast with enough accuracy to aid flight dispatch? How?

6. What operational procedures would aid flight crews in avoiding or reducing aircraft cabin ozone contamination?

7. Considering the aircraft type, the flight altitude, the route of flight and the season of the year, what combination of potential remedies (i.e. aircraft design changes, operational procedures, etc.) would provide the best solution to the aircraft cabin ozone contamination problem?

8. Should the FAR's be amended to require each certificate holder to warn its passengers of the possibility of exposure to high levels of ozone and the ensuing health effects?

DRAFTING INFORMATION

The principal authors of this document are Charles H. Huettner, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

(Secs. 313, 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423 and 1424); Sec. 6(c) of the Department of Transportation Act 49 U.S.C. 1655(c).)

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

Issued in Washington, D.C., on September 29, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 77-29276 Filed 10-5-77; 8:45 am]

[4910-13]

[14 CFR Part 39]

(Docket No. 77-EA-53)

AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require alteration to wiring and shielding of relays in the reverse current relay of DHC-6 type airplanes. The proposed AD is needed to prevent a fire in one generating system destroying the remaining generating system, which could result in complete loss of electrical power.

DATES: Comments must be received on or before November 10, 1977.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of Regional Counsel, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. The applicable service bulletins may be obtained from the manufacturer DeHavilland of Canada, Ltd. at Downsview, Ontario, Canada. A copy of the service bulletin is contained in the docket at the Office of Regional Counsel, FAA, Federal Building, Eastern Region, J.F.K. International Airport, Jamaica, N.Y. 11430 telephone 212-995-2815.

FOR FURTHER INFORMATION CONTACT:

M. Mavricos, Systems & Equipment Section, AEA-213, Engineering and Manufacturing Branch, Flight Standards Division, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3372.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of in-flight electrical fires in the reverse current relay box which resulted in a total loss of electrical power. While the electrical system has two parallel d.c. sources, the collocation of the reverse current relays permitted a fire in one to disable the other. Since this condition exists in other airplanes of similar type design, the proposal would require alteration of the wiring and installation of shielding around the relays in the reverse current relay box.

DRAFTING INFORMATION

The principal authors of this document are M. Mavricos, Flight Standards Service, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

DeHavilland. Applies to DeHavilland of Canada DHC-6 series aircraft serial numbers 1 through 530.

Compliance required within 800 hours time in service after the effective date of this AD unless already accomplished, or DeHavilland modification 6/1591 is incorporated.

To preclude the possibility of total electrical failure due to contact welding of the reverse current relay and subsequent burning of the adjacent wiring, the other reverse current relay and the battery circuit wiring, install DeHavilland modification 6/1598 in accordance with DeHavilland Service Bulletin No. 6/353 dated May 13, 1977, or later revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation, 49 U.S.C. 1655(c); 14 CFR 11.85.

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

Issued in Jamaica, N.Y., on September 27, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 77-29333 Filed 10-5-77; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 77-WE-26-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes Including Military Type C-9A, C-9B, and VC-9C

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections of the McDonnell Douglas Model DC-9 Series airplane elevator spar for stress corrosion cracking that could, if allowed to grow beyond certain limits, result in structural failure and loss of an elevator surface.

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

ADDRESSES: Send comments on the proposal to: Department of Transportation Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

Persons affected by this AD may obtain copies of Douglas DC-9 Service Bulletin 55-28 by writing to:

McDonnell Douglas Corp. 3855 Lakewood Boulevard, Long Beach, Calif., 90846. Attention: L.A. Eisenberg, CI-750, 54-60.

Also, a copy of the service bulletin may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW, Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Several DC-9 operators have reported finding cracks in elevator spar, Douglas P/N 9918450-1 or 501, upper and lower flanges. These cracks have been attributed to stress corrosion. Several of the spars have more than one crack, usually running from one fastener hole to another. If these individual cracks were allowed to grow or join to form longer cracks, the structural integrity of the spar could be degraded to the point where it could no longer carry design loads and failure of the elevator surface could occur.

The manufacturer has performed an analysis of the spar structure to determine permissible crack limits and associated inspection periods to ensure continued airworthiness of the elevator structure. Dye penetrant and X-ray inspection procedures have been developed to detect cracks and a standard repair is available in the DC-9 Structural Repair Manual. If the old 7075-T651 are replaced with 7075-T7351 spars P/N 9918450-503, no further repetitive inspections are considered necessary, as the 7075-T7351 aluminum has a much higher stress corrosion cracking threshold than 7075-T651. DC-9 aircraft with fuselage No. 840 and subsequent have 7075-T7351 elevator spars installed during manufacture and are not included in this AD.

McDonnell Douglas has issued DC-9 Service Bulletin 55-28 containing crack limits and inspection and repair instructions. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require compliance with the inspection and crack limits of DC-9 Service Bulletin 55-28.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received before the closing date will be considered by the Administrator before taking action upon the proposed rule. The proposals con-

tained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rule Docket.

DRAFTING INFORMATION

The principal authors of this document are Everett W. Pittman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

McDONNELL DOUGLAS: Applies to Model DC-9 Series airplanes, certificated in all categories including military type C-9A, C-9B, and VC-9C, F/N's 1 through 839.

Compliance required within the next 1200 hours time in service, unless already accomplished within the past 2400 hours time in service, and thereafter at intervals not to exceed 3600 hours time in service, on all airplanes with over 10,000 hours time in service as of, and after, the effective date of this AD.

To detect cracks and prevent failure of the elevator spar, comply with the following:

(a) Perform an X-ray or dye-penetrant inspection of the elevator spars, P/N 9918450-1 or -501, in accordance with the inspection procedures of McDonnell Douglas DC-9 Service Bulletin 55-28 dated August 29, 1977, or later FAA approved revision, or McDonnell Douglas All Operators Letter AOL 9-1000 dated November 3, 1976.

(b) Cracked parts found during any of the inspections of paragraph (a) which do not exceed the crack limits in McDonnell Douglas DC-9 Service Bulletin 55-28 dated August 29, 1977, or later FAA approved revisions, may be continued in service. However, in addition to the 3600 hour repetitive general inspection requirements of paragraph (a), the area 12 inches inboard and outboard of all cracks must be X-ray or dye penetrant inspected at intervals not to exceed the following:

(1) Length of longest crack up to two inches—800 hours time in service.

(2) Length of longest crack between two and four inches—400 hours time in service.

(c) If cracks are found during any of the inspections of Paragraph (a) or (b) which exceed the crack limits of McDonnell-Douglas DC-9 Service Bulletin 55-28 dated August 29, 1977, or later FAA approved revision, the cracked spar must be repaired or replaced before further flight.

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

(e) If the original 7075-T651 spars (P/N 9918450-1 or -501) are replaced with 7075-T7351 spars (P/N 9918450-503), the repetitive inspection requirements of this AD will not apply to that airplane.

(f) Special flight permits may be issued in accordance with FAR's 21.197

and 21.199 to authorize operation of an airplane to a base for the accomplishment of the inspections required by this AD.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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

Issued in Los Angeles, Calif. on September 27, 1977.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[FR Doc. 77-29332 Filed 10-5-77; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-17]

[14 CFR Part 71]

CONTROL ZONE EFFECTIVE HOURS

Alteration of Control Zone Effective Hours
AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to reduce the control tower hours of operation at the Worcester Municipal Airport, Worcester, Massachusetts, from 24 hours to 0700 to 2300 hours local time daily. This alternation is necessary due to the limited aeronautical activity between the hours of 2300 and 0700 local time at the Worcester Municipal Airport which do not warrant full-time operation of the Worcester, Massachusetts, Control Tower. Since the effective hours of the Worcester Control Zone are contingent upon the availability of weather updating service provided by the Worcester Tower, this airspace action is required.

DATES: Comments must be received on or before November 7, 1977 (Proposed effective date, January 26, 1978).

ADDRESSES: Send comments in triplicate to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 77-NE-17, 12 New England Executive Park, Burlington, Mass. 01803.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New Eng-

land Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7285.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 77-NE-17, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before November 7, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amending Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to reduce the control tower hours of operation at the Worcester Municipal Airport, Worcester, Mass., from 24 hours to 0700 to 2300 hours local time daily. This alteration is necessary due to the limited aeronautical activity between the hours of 2300 and 0700 local time at the Worcester Municipal Airport which do not warrant full-time operation of the Worcester, Massachusetts, Control Tower. Since the effective hours of the Worcester Control Zone are contingent upon the availability of weather updating service provided by the Worcester Tower, this airspace action is required. Aeronautical maps and charts will reflect this change in control tower hours of operation.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George

L. Thompson, Associate Regional Counsel, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

§ 71.171 [Amended]

1. In § 71.171 of Part 71 (42 FR 440), the following control zone is amended to read as follows:

WORCESTER, MASSACHUSETTS, CONTROL ZONE

"Within a 5-mile radius of the Worcester Municipal Airport (Latitude 42°16'05" N., Longitude 71°52'20" W.). This control zone is effective from 0700 to 2300 hours, local time daily or during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

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

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

Issued in Burlington, Massachusetts, on September 26, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc. 77-29275 Filed 10-5-77; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-35]

[14 CFR Parts 71 and 75]

VOR FEDERAL AIRWAYS AND JET ROUTES¹

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter VOR Federal Airways identified as V-3, V-7, V-35, V-51, V-97 and V-267 to alter Jet Routes identified as J-53, J-79 and J-85 in the state of Fla. A review of the airway/jet route structures in the state of Fla., indicated a need for several changes in the airway/jet route structures to reflect the present day traffic flow. These proposed actions would provide for more efficient use of the navigable airspace.

DATES: Comments must be received on or before November 7, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 77-SO-35, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. The official docket may be examined at the fol-

¹ Maps filed as part of original.

lowing location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Ave. SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 7, 1977 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Ave. SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amendments to Subpart C of Part 71 and Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter six federal airways and three jet routes identified as V-3, V-7, -35, V-51, V-97, V-267, J-53, J-79 and J-85 in the state of Florida. The proposed actions would: (1) Realign V-3 from over Biscayne Bay, Fla., VOR direct to Ft. Lauderdale, Fla., VOR direct to Palm Beach, Fla., VOR. This action would assure that V-3 and V-51E between Biscayne Bay and Ft. Lauderdale overlap; (2) Realign V-7 from over Biscayne Bay, Fla., VOR direct to Ft. Myers, Fla., VOR including an east alternate from Biscayne Bay, Miami, Fla., INT of Miami 337° and Ft. Myers 101° radials, Ft. Meyers, INT of Ft. Myers 022° and Lakeland 154° radials, Lakeland. The realignment of V-7E between Ft. Myers and Lakeland

would establish an airway along a route that is presently being used as an alternate routing between Ft. Myers and Lakeland. (3) Realign the west alternate of V-35 between Ft. Myers and St. Petersburg, Fla., via the INT Ft. Myers 311° and Sarasota, Fla., 156° radials; Sarasota VOR. The realignment of V-35W would improve arrival procedures and afford unrestricted descents int Ft. Myers Airport. (4) Realign V-51 from over Biscayne Bay, Fla., Miami, Fla., INT of Miami 337° and Pahokey, Fla., 174° radials; Pahokey; including an east alternate from Biscayne Bay; Ft. Lauderdale, Fla.; INT of Ft. Lauderdale 339° and Pahokey 124° radials; INT Pahokey 009° and Vero Beach, Fla., 193° radials; Vero Beach. (5) Amend V-97 by adding an east alternate between Miami and LaBelle, Fla., via Miami 337° and LaBelle 124° radials. (6) Realign V-267 between Biscayne Bay and Orlando, Fla., from over Biscayne Bay; INT Biscayne Bay 340° and Pahokey, Fla., 150° radials; Pahokey; Orlando; including an east alternate from Biscayne Bay; INT Biscayne Bay 340° and Palm Beach, Fla., 201° radials; Palm Beach; INT Palm Beach 326° and Orlando, 201° radials; Orlando 162° radials. (7) Realign J-53 between Biscayne Bay and Orlando via direct routing. (8) Realign J-79 between Key West, Fla., and Vero Beach via Key West; Miami; Palm Beach; Vero Beach. (9) Realign J-85 between Biscayne Bay and Lakeland via Biscayne Bay, INT Biscayne Bay 328° and Lakeland, Fla., 140° radials, Lakeland. All radials in this proposal have the same magnetic and true values. These actions, items 5-9, would align the above airways/routes along the present routings being provided to departures from the Miami Terminal Area.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 and § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (42 FR 307 and 707) and subsequently amended (41 FR 45819, 49805, 53318, 56789 and 42 FR 7121, 12167, 20619 and 30606) as follows:

§ 71.123 [Amended]

§ 75.100 [Amended]

1. In V-3 between Biscayne Bay; and Palm Beach, Fla.; "Ft. Lauderdale, Fla.;" would be added.
2. In V-7 all before Cross City, Fla.; would be deleted and "From Biscayne Bay, Fla., via Ft. Myers, Fla., including an east alternate from Biscayne Bay via Miami, Fla., INT of Miami 337° and Ft. Myers 101° radials, Ft. Myers; Lakeland, Fla., including an east alternate via INT Ft. Myers 022° and Lakeland 154° radials;" would be substituted therefor.
3. In V-35 after "St. Petersburg, Fla., including a west alternate" and before "INT St. Petersburg" "via Ft. Myers, INT Ft. Myers

311° and Sarasota, Fla., 156° radials, Sarasota, St. Petersburg;" would be added.

4. In V-51 all before "Ormond Beach, Fla.;" would be deleted and "From Biscayne Bay, Fla.; Miami, Fla.; INT Miami 337° and Pahokey, Fla., 174° radials; Pahokey, including an east alternate from Biscayne Bay, Ft. Lauderdale, Fla., INT Ft. Lauderdale 339° and Pahokey 124° radials, INT Pahokey 009° and Vero Beach, Fla., 193° radials, Vero Beach;" would be substituted therefor.

5. In V-97 "Miami 343° and LaBelle 121°" would be deleted and "Miami 337° and LaBelle 124°" would be substituted therefor.

6. In V-267 all before "INT Palm Beach" would be deleted and "From Biscayne Bay, Fla., INT Biscayne Bay 340° and Pahokey, Fla., 150° radial; Pahokey; Orlando, Fla., including an east alternate from Biscayne Bay, INT Biscayne Bay 340° and Palm Beach, Fla., 201° radials; Palm Beach;" would be substituted therefor.

7. In Jet Route No. 53 "Key West, Fla., via Miami, Fla.;" would be deleted and "Biscayne Bay, Fla., via Orlando, Fla.;" would be substituted therefor.

8. In Jet Route No. 79 all before "Ormond Beach, Fla.;" would be deleted and "From Key West, Fla., via Miami, Fla.; Palm Beach, Fla.; Vero Beach, Fla.;" would be substituted therefor.

9. In Jet Route No. 85 all before "Lakeland;" would be deleted and "From Biscayne Bay, Fla., via INT Biscayne Bay 328° and Lakeland, Fla., 140° radials;" would be substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on September 27, 1977.

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

[FR Doc. 77-29274 Filed 10-5-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[6320-01]

[14 CFR Part 399]

[PSDR-49B; Docket 31290; Dated: September 30, 1977]

DOMESTIC PASSENGER-FARE LEVEL POLICIES, AND DOMESTIC PASSENGER-FARE STRUCTURE POLICIES

Supplemental Advance Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental advance notice of proposed rulemaking.

SUMMARY: This notice announces the denial of a request for extending the filing date for reply comments in the rulemaking proceeding concerning modification of the Board's *DPMI* policies. The requested extension was filed by American Airlines, Inc.

DATES: As prescribed by PSDR-49, the filing date continues to be: Reply Comments: October 6, 1977.

ADDRESSES: Comments should be sent to: Docket 31290, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Norman D. Schwartz, Legal Division, Bureau of Fares and Rates, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5056).

SUPPLEMENTARY INFORMATION: In a telegraph dated September 30, 1977, counsel for American Airlines, Inc. requested an extension of one week for the filing of reply comments in this proceeding. In support of his request, counsel states that he did not receive the comments of the Department of Justice until September 27, 1977 and late-filed comments of the Department of Transportation until September 28, 1977.¹

The requested extension is denied. As we explained in PSDR-49A, the Board has established a very tight schedule in this rulemaking in order to complete it before our decision in the *Chicago-Midway Low-Fare Route Proceeding* (Docket 30277). This schedule does not permit extension of any of the dates established.

We should emphasize, however, that we expect all parties to comply with these dates. Whether late-filed comments will be accepted will be decided by the Board. The undersigned finds that good cause has not been shown for the granting of the requested delay.

Accordingly, pursuant to authority delegated in section 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the request for extending the time for filing reply comments is denied.

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

STEPHEN L. BABCOCK,
Acting Associate General Counsel,
Rules Division.

[FR Doc 77-29445 Filed 10-5-77; 8:45 am]

¹ Comments of the Department of Justice were filed with the Board on the due dates of September 21, 1977; and counsel for the DOJ certified that he served copies of these comments upon all interested persons on that date. However, the comments of the Department of Transportation were not filed with the Board until September 26, 1977 and were accompanied by a motion to submit a late-filed document.

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1930]

[Docket No. R-77-466]

FEDERAL CRIME INSURANCE PROGRAM

Offer To Pay Finders Fee to Property and Life Insurance Agents, Brokers and Certain Nonprofit Corporations and Organizations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would, if adopted, amend existing provisions for compensating persons who sell policies of Federal Crime Insurance under the Federal Crime Insurance Program.

Increasing amounts of evidence indicate that the public is still largely unaware of the availability of Federal Crime Insurance and that marketing of policies is not aggressively conducted in urban areas where the need for the Program appears to be the greatest.

This proposed rule would, if adopted, provide a method of compensating property and life insurance agents and brokers with a one-time finders fee and provide for the designation of certain nonprofit community corporations and organizations as eligible for a finders fee. The proposed rule would, therefore, furnish an increased incentive for publicizing and marketing Federal crime insurance in urban areas.

DATES: Comments must be received on or before November 4, 1977.

ADDRESS: Comments should be submitted to the Rules Docket Clerk, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Rose, Jr., Assistant Administrator, Office of Urban Property Insurance—Riot and Crime, 755-6555, Room 5248, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Crime Insurance Program, since its creation in August 1971, has relied upon property insurance agents and brokers for the sale of Federal crime insurance. Approximately 34,000 policies are currently in force in the District of Columbia and nineteen States eligible for Federal crime insurance. There are

nonprofit community organizations and also life insurance agents which operate in urban areas but current regulations contain no provision for compensating such organizations or persons for publicizing and marketing Federal crime insurance. Section 1930.4 of the Federal Crime Insurance Regulations, Title 24 provides only for the payment of commissions to property insurance agents and brokers. This proposed rule would, if adopted, provide for designating qualified nonprofit community organizations, and compensating them with a finders fee for each valid application leading to the issuance of a Federal Crime Insurance Policy, thus furnishing an incentive for them to publicize and market Federal crime insurance to the citizens for whose benefit those organizations exist. It would also provide for compensating with a finders fee property and life insurance agents or brokers who market Federal crime insurance policies.

Revisions can best be effectuated by deleting the current § 1930.4 and inserting in its place § 1930.4a, which will read basically the same as the current § 1930.4 which describes the procedure for compensating property insurance agents and brokers, and a § 1930.4b which will provide for and describe a finders fee procedure for compensating qualified community organizations. To give both property and life insurance agents and brokers a fair opportunity to compete in the marketing of crime insurance, § 1930.4b would also make the finders fee concept available to them, and for property insurance agents and brokers this would provide an alternative to their current commission procedures. Because no renewal fees will be paid, the one-time fee will be larger than the current minimum commission, thus providing maximum incentive for the sale of policies.

A \$40 fee would be paid for commercial policies and a \$20 fee for residential policies. The Administrator proposes initially to exercise the authority in a limited number of metropolitan areas and with respect to a limited number of specially trained and qualified organizations in order to evaluate the results of the new procedure. The Administrator proposes to compare the marketing effectiveness of the nonprofit corporations and organizations with efforts by agents and brokers.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Regulations published at 38 FR 19182, 19186. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address:

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

NOTE.—It is also certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Subchapter C of Chapter X of Title 24 is proposed to be amended as follows:

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO PROPERTY AND LIFE INSURANCE AGENTS, BROKERS AND CERTAIN NONPROFIT CORPORATIONS AND ORGANIZATIONS

Present § 1930.4 is deleted and §§ 1930.4a and 1930.4b are added to read as follows:

§ 1930.4a Offer to pay commissions to property insurance agents and brokers to sell Federal crime insurance.

(a) The insurer hereby offers to pay to any eligible property insurance agent or broker a commission in an amount equal to the specified percentage of the applicable policyholder premium with respect to each Federal crime insurance policy he procures for an eligible applicant in accordance with the provisions of this subchapter. The actual submission of a valid and complete application, together with the applicable premium, resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer: *Provided*, The agent or broker promptly submits the application and transmits the gross amount of the policyholder premium then due to the servicing company and complies, with respect to such policy, with any additional procedural requirements the insurer may then have imposed. It shall be a further condition of this offer that the agent or broker must certify on the application that he has fully carried out any duties set forth in the application. The amount of the commission shall be prorated in the event of the cancellation of any validly issued policy, and the agent or broker shall repay to the servicing company the amount of any unearned commission in excess of the minimum annual commission applicable to the then current term of the policy resulting from any such cancellation. Premiums must be paid by a check or money order made payable to the Federal Insurance Administration, and no agent or broker shall cause any applicant to make any Federal Crime Insurance premium payable to anyone other than the Federal Insurance Administration.

(b) Commissions earned by eligible agents and brokers under the authority of paragraph (a) of this section shall be paid to them in a lump sum by the servicing company either monthly or on such other equitable basis as the insurer may approve.

(c) Subject to a minimum annual commission of \$15 on each commercial policy and \$5 on each residential policy, the specified commission percentages of the policyholder premium for both residential and commercial insurance cover-

ages shall be the following: Initial policies, territory 01, 16 percent; 02, 15 percent; 03, 14 percent; and for all renewal business the commission shall be 12 percent. The renewal commission rate shall apply to any property that has previously been insured under the program unless the lapse of time since the termination of the previous policy is in excess of 1 year: *Provided*, That the commission for any such renewed policy shall be deemed payable only to the agent or broker, if any, who actually submits the renewal application.

(d) No service, placement, or other fee of whatsoever nature shall be charged by any agent, broker, or servicing company to any applicant or property owner under the program as a condition of placement; nor shall any applicant be compelled to purchase any other services or merchandise as a condition for having his application submitted.

(e) For the purposes of this offer, an eligible agent or broker means an agent or broker who is, at the time of making application for the policy, licensed and authorized to act as an agent or broker with respect to the State where the insured premises are located and who has not been suspended or debarred by the insurer. An eligible applicant is one whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 1931.1 of this chapter.

(f) Insureds will be billed directly by the servicing company for all installment and renewal payments and insureds should make payment by check or money order payable to the Federal Insurance Administration and mail such payment to the servicing company and not to the agent or broker. But, nevertheless, in the event that an insured makes a timely installment payment (after the initial payment submitted with the application) to any agent or broker, proof of the timely receipt by the agent or broker shall be deemed proof of timely payment to the insurer.

(g) Neither this § 1930.4a nor any acceptance of this offer shall be deemed to confer upon any agent or broker any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

§ 1930.4b Offer to pay finders fees to licensed property insurance and life insurance agents and brokers and to qualified nonprofit corporations and organizations to sell Federal crime insurance.

(a) The insurer hereby offers to pay to any eligible property or life insurance agent or broker and to any nonprofit corporation or organization, specifically designated by the Administrator, a finders fee of \$20 for each residential policy and \$40 for each commercial policy which such agent or broker or nonprofit corporation or organization procures for an eligible applicant in accordance with the provisions of this subchapter. The Administrator may in his discretion designate such nonprofit corporations or organizations which, after examination by his office, he concludes are qualified

to participate in the marketing of Federal Crime Insurance. No such corporation or organization shall be designated unless the Administrator determines that there has been conducted for the benefit of such corporation or organization a training program approved by and under the supervision of the Administrator which, in his judgment, assures that those who are to explain the Federal Crime Insurance Program to the public are adequately educated concerning the Program and are worthy of trust and confidence. The Administrator shall also determine that any corporation or organization to be designated has demonstrated a proven capability of serving the public interest. If at any time the Administrator determines that any such corporation or organization has failed to comply with the regulations governing the Program, he may upon giving thirty days written notice revoke his designation and no finders fee shall thereafter be paid to such corporation or organization. It is the intention of the Administrator to designate initially a limited number of nonprofit corporations and associations in a limited number of metropolitan areas. As the Program progresses, the Administrator may designate additional such corporations or associations in additional cities and States. For property insurance agents and brokers, this procedure for compensation is an alternative to that described in § 1930.4a and such an agent or broker choosing to be compensated under this § 1930.4b may not thereafter receive any commissions with respect to any policy written under this § 1930.4b. The actual submission of a valid and complete application, together with the applicable premium, resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer: *Provided*, The agent or broker or nonprofit corporation or organization promptly submits the application and transmits the gross amount of the policyholder premium then due to the servicing company and complies with respect to such policy with any additional procedural requirements the insurer may then have imposed. Premiums must be paid by a check or money order made payable to the Federal Insurance Administration, and no property or life insurance agent, broker, nonprofit corporation or organization shall cause any applicant to make any Federal crime insurance premium payable to anyone other than the Federal Insurance Administration.

(b) Fees shall be paid in a lump sum by the servicing company either monthly or on such other equitable basis as the insurer may approve.

(c) No finders fee shall be payable for any policy with respect to a premises that has previously been insured under the program unless the lapse of time since the termination of the previous policy is in excess of 1 year.

(d) No service, placement, or other fee of whatsoever nature shall be charged to any applicant by any property or life insurance agent, broker, nonprofit corpora-

tion or organization receiving finders fees under the Federal Crime Insurance Program; nor shall any applicant be compelled to purchase any other services or merchandise as a condition for having his application submitted.

(e) An eligible applicant is one whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 1931.1 of this chapter.

(f) Insureds will be billed directly by the servicing company for all installments and renewal payments, and insureds should make payment by check or money order payable to the Federal Insurance Administration and mail such payment to the servicing company.

(g) Neither this § 1930.4b nor any acceptance of this offer shall be deemed to confer upon any property or life insurance agent or broker, nonprofit corporation, or any other person or organization any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

(h) Failure of any person to comply with any provision of these regulations may result in the immediate suspension or debarment of the violator from any further participation in the Program.

Paragraphs (b) and (c) of present § 1930.3 are amended to read as follows:

§ 1930.3 Operation of program and inapplicability of State laws.

(b) No Federal crime insurance policy issued by or on behalf of the insurer shall be subject to any State or local tax or insurance law or regulation, nor shall any property of life insurance agent, broker, servicing company and nonprofit corporation or organization designated by the Federal Insurance Administrator be subject thereto with respect to any monies received or action taken in providing Federal crime insurance to the public under the authority of this subchapter; nor shall any person be subject thereto with respect to any action taken to make the public aware of Federal crime insurance.

(c) Nothing in this § 1930.3 shall be construed as authorizing or denying any State or subdivision thereof the right to impose any income or other tax on fees, commissions, or profits earned by property or life insurance agents, brokers, or any other persons solely for their own account or to prosecute any such agent of broker or other person for theft or embezzlement of monies received in connection with the Federal Crime Insurance Program.

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); sec. 1103, 82 Stat. 566 (12 U.S.C. 1749bbb-17))

Issued at Washington, D.C., September 23, 1977.

JAY JANIS,
Secretary of Housing
and Urban Development.

[FR Doc. 77-29339 Filed 10-5-77; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 4]

PROCEEDINGS IN INDIAN PROBATE

Miscellaneous Changes in Certain Rules

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

ACTION: Proposed amendments to rules.

SUMMARY: Amendments pertain to the probate of individual Indian estates held in trust by the Federal Government are being proposed. The effect of these changes would be to permit an Administrative Law Judge of proper jurisdiction to (1) reopen an estate after 3 years to prevent a manifest injustice without first obtaining permission to do so from the Interior Board of Indian Appeals (IBIA) located in Arlington, Va., (2) remove the limits on the scope of review on appeals to the IBIA from an Administrative Law Judge's ruling, and (3) require the IBIA to distribute its decisions to interested parties immediately on issuance.

DATES: All comments received on or before November 7, 1977, will be considered.

ADDRESS: Interested persons may participate in these proposed changes of the rules by submitting written comments to the United States Department of the Interior, Office of Hearings and Appeals, Board of Indian Appeals, Room 1105, 4015 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT:

Alexander H. Wilson, Room 1105, 4015 Wilson Blvd., Arlington, Va. 22203 (703-557-1400).

SUPPLEMENTARY INFORMATION: 43 CFR 4.242(h) of the present probate procedure does not permit an Administrative Law Judge to reopen an Indian trust estate probated by the Department of the Interior more than 3 years after entry of a final decision. He must consider any petition requesting reopening and then if he believes there is a possibility to correct a manifest injustice refer it along with his recommendation to the Interior Board of Indian Appeals (IBIA), which is a part of the Department of the Interior, Office of Hearings and Appeals, Arlington, Va. If the recommendation is accepted by the Board, the petition may be returned to the Administrative Law Judge for further proceedings and decision, subject to an appeal to the IBIA. The proposed regulation change would permit an Administrative Law Judge to reopen an estate which has been closed more than 3 years and take such action as he considers appropriate subject to appeal to the IBIA. The proposed amendment sets forth restrictions which must be satisfied in reopening estates after 3 years and contains provisions to ensure

that all parties concerned will receive an adequate opportunity to be heard.

Present requirements under 43 CFR 4.290 limit the scope of review in appeals to the IBIA to issues which were before the Administrative Law Judge when a ruling was made on a petition for rehearing or reopening. It is believed that this is an unnecessary restriction on the Board of Indian Appeals in its scope of review. The proposed change would delete this limitation.

Under the present 43 CFR 4.291, IBIA decisions are sent to the Administrative Law Judges for distribution. The proposed amendment would require the IBIA to distribute its decisions to all interested parties and offices upon issuance.

The primary author of this document is Alexander H. Wilson, Chief Administrative Judge, Board of Indian Appeals, Office of Hearings and Appeals, 703-557-1400.

It is proposed to amend 43 CFR Part 4 in the following manner.

1. Section 4.242 is amended by revising paragraph (h) to read as follows:

§ 4.242 Reopening.

(h) If a petition for reopening is filed more than 3 years after the entry of a final decision in a probate, it shall be allowed only upon a showing that a manifest injustice will occur; that a reasonable possibility exists for correction of the error; that the petitioner had no actual notice of the original proceedings; and that petitioner was not on the reservation or otherwise in the vicinity at any time while the public notices were posted. A denial of such petition may be made by the Administrative Law Judge on the basis of the petition and available Bureau records. No such petition shall be granted, however, unless the Administrative Law Judge has caused copies of the petition and all other papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition, and after allowing such persons an opportunity to resist such petition by filing answers, cross petitions or briefs as provided in (c) of this rule.

2. Section 4.290 is revised to read as follows:

§ 4.290 Who may appeal.

Any party in interest aggrieved by the action taken by an Administrative Law Judge on a petition for rehearing or on a petition for reopening shall have a right of appeal to the Board of Indian Appeals. The Board shall not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

3. Section 4.296 is revised to read as follows:

§ 4.296 Decisions.

Decisions of the Board will be made in writing. Immediate distribution of decisions shall be made by the Board to all parties and offices concerned, including

the Administrative Law Judge, the Superintendent, the title plant designated under § 4.236(b), and to such other persons as the Board in its discretion deems appropriate. Decisions of the Board, which are final upon issuance, shall not be executed prior to the expiration of 60 days following the date of issuance of the decision. Immediately upon expiration of such period, the Administrative Law Judge shall issue any implementing or supplemental order which may be necessary in accordance with the Board's decision and shall notify the same offices and parties who received the decision of the Board.

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

Dated: September 29, 1977.

JAMES A. JOSEPH,
Under Secretary.

[FR Doc.77-29433 Filed 10-5-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19879, RM-2020; RM-2064; RM-2113; RM-2226; RM-2177; RM-2264; RM-2288; RM-2299; RM-2305; RM-2313; RM-2381; RM-2404; RM-2387; RM-2527]

FM BROADCAST STATIONS IN FAYETTEVILLE AND SPRINGDALE, ARK.

Request for Supplemental Information; Extension of Time for Comments

Correction

In FR Doc. 77-28157, appearing at page 49486, in the issue for Tuesday, September 27, 1977, the first docket number in the heading, reading "19897" should read "19879".

[6712-01]

[47 CFR Part 73]

[Docket No. 21352; RM-1754]

PUBLIC NOTICE OF INTENT TO SELL BROADCAST STATION

Order Extending Time For Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments to a Notice of Inquiry concerning public notice of intent to sell a broadcast station. Haley, Bader and Potts, a law firm, stated that because of intense client response it needs additional time to complete a process of consultation with its clients and prepare a response.

DATES: Comments must be received on or before November 3, 1977. Reply comments must be received on or before December 1, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: September 23, 1977.

Released: September 28, 1977.

By the Chief, Broadcast Bureau: 1. On July 27, 1977, the Commission adopted a Notice of Inquiry and Memorandum Opinion and Order, 42 Fed. Reg. 41141, August 15, 1977 concerning the above-captioned proceeding. The dates for filing comments and reply comments are October 3, and November 1, 1977, respectively.

2. On September 22, 1977, the law firm of Haley, Bader and Potts ("Haley") filed a request seeking an extension of time for filing comments and reply comments to and including November 3, and December 1, 1977, respectively. Haley states that it represents a number of licensees of stations in each of the broadcast services and, because of the importance of this proceeding, it has taken special efforts to alert its clients to the implications involved and to develop a response to the Commission's Notice. Haley notes that as a result of intense client interest, it is still in the process of receiving opinions and suggestions for such a response. Haley states that the additional requested time will permit the process of consultation to be completed and will be conducive to a more useful participation by the firm and its clients.

3. We believe the requested additional time is warranted in order to assure development of a sound and comprehensive record on which to base a decision in this proceeding. Accordingly, *It is ordered*, That the dates for filing comments and reply comments in Docket 21352 are extended to and including November 3, and December 1, 1977, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-29430 Filed 10-5-77; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21427; RM-2933]

FM BROADCAST STATION IN MARION, ALA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a first FM channel to Marion, Ala. Petitioners, Jimmie F. Mizzell and Samuel M. Shiller, state the proposed channel would provide for a first full-time service for Marion, and Perry County.

DATES: Comments must be received on or before November 10, 1977. Reply comments must be received on or before November 30, 1977.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: September 23, 1977.

Released: September 30, 1977.

In the Matter of Amendment of §73.202 (b), Table of Assignments, FM Broadcast Stations. (Marion, Alabama).

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal and Comments:*

(a) Petition for rule making¹, filed July 22, 1977, by Jimmie F. Mizzell and Samuel M. Shiller ("petitioners"), proposing the assignment of Channel 280A to Marion, Ala., as a first FM assignment to that community.

(b) The channel could be assigned in conformity with the minimum distance separation requirements provided the transmitter site of the proposed channel is located 4.8 kilometers (three miles) west-northwest of Marion. No responses were made to the petition.

(c) Petitioners state they will promptly apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Marion, seat of Perry County, is located approximately 40 kilometers (25 miles) northwest of Montgomery, Ala.

(b) *Population:* Marion—4,289; Perry County—15,388.²

(c) *Local Broadcast Service:* Marion has a daytime-only AM station, WJAM, licensed to Radio Marion, Inc.

3. *Economic Data:* Petitioners state that Marion is on the threshold of industrial growth. They note that a new plant which will employ approximately 150 people and add \$1 million in annual payroll to the local economy has recently been located in the community. They indicate that Marion is under con-

¹ Public Notice was given of the petition on August 8, 1977 (Report No. 1069).

² Population figures are taken from the 1970 U.S. Census.

sideration as a possible site for two other large companies. Petitioners add that the existence of two colleges, Judson College and Marion Military Institute and their influence upon the community, gives rise to greater needs for self expression. Petitioners state that the proposed assignment would provide for a first full-time service for Marion and Perry County.

4. In view of the apparent need for a full-time local aural broadcast service in Marion and Perry County, we believe that consideration of the proposed FM assignment in a rule making proceeding would be in the public interest.

5. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules, with regard to Marion, Alabama, as follows:

City	Channel No. Present Proposed
Marion, Ala.....	280A

6. 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 herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 10, 1977, and reply comments on or before November 30, 1977.

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

§ 73.202 [Amended]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.31(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. 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 sections 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) 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 Section 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 N Street NW., Washington, D.C.

[FR Doc.77-29429 Filed 10-5-77;8:45 am]

[6712-01]

[47 CFR Part 83]

[Docket No. 21405; FCC 77-682]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Prohibiting Transmission of Radiocommunications by Ship Stations in the Maritime Services When the Vessels Are on Land

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The amendment of the Commission's rules is proposed to specifically prohibit the transmission of radiocommunications by ship stations in the maritime services when the vessels are on land. An increasing number of inquiries and complaints have been received concerning the operation of ship stations on land. This action is intended to clarify the rules and avoid confusion regarding the utilization of such shipboard stations on land.

DATES: Comments must be received on or before November 9, 1977, and reply comments must be received on or before November 21, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: September 21, 1977.

Released: September 30, 1977.

In the Matter of Amendment of Part 83 of the rules to specifically prohibit the transmission of radiocommunications by ship stations in the maritime services when the vessels are on land.

By the Commission: 1. *Notice of Proposed Rule Making* is hereby given.

2. The Commission has been receiving an increasing number of inquiries and complaints regarding the transmission of radiocommunications by ship stations aboard vessels on land. Apparently the most common such occurrences involve recreational boats parked in driveways, backyards, adjacent to marinas, traveling along roadways, and the like. Part 83 of the Commission's rules (Stations on Shipboard in the Maritime Services) makes no provision for the operation of ship stations while they are on land. Generally transmissions by land borne ship stations would be considered beyond the scope of authority of such stations and thus in violation of the rules. However, rather than rely on a case by case interpretation of the rules, it is felt that confusion can best be avoided by including a specific statement in the rules prohibiting the transmission of signals or communications by ship stations while on land.

3. Accordingly, we propose to amend the rules by adding a new subparagraph (f) to Section 83.178 to indicate that stations subject to Part 83 shall not transmit signals or communications while on board vessels being transported, stored, parked or otherwise located on land. However, for the purposes of this proposed subparagraph, vessels which are aground as a result of a distress situation or in drydock undergoing repairs would not be considered as located on land.

4. The proposed amendment as set forth in the attached appendix, is issued pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before November 9, 1977, and reply comments on or before November 21, 1977. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other

relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

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

Section 83.178(f) is added to read as follows:

§ 83.178 Unauthorized transmissions.

(f) Transmit signals, or communications while on board vessels being transported, stored, parked or otherwise located on land. (Vessels which are aground as a result of a distress situation or in drydock undergoing repairs are not considered to be located on land for the purposes of this subparagraph.)

[FR Doc.77-29432 Filed 10-5-77;8:45 am]

[7035-01]

**INTERSTATE COMMERCE
COMMISSION**

[49 CFR Part 1062]

[Ex Parte No. MC-110]

SPECIAL REGULATIONS, FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS¹

Service at New Plantsites

AGENCY: Interstate Commerce Commission.

ACTION: Initiation of rulemaking proceedings.

SUMMARY: The Interstate Commerce Commission is initiating this rulemaking proceeding to investigate the feasibility of permitting motor carriers to serve newly opened plantsites without the necessity of going through formal application procedures presently required under the Commission's Rules of Practice. This proceeding was prompted by recommendation number 12 of the Staff Task Force report on improving motor carrier entry regulation.

DATES: Comments due on or before December 5, 1977.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Com-

merce Commission, Washington, D.C. 20423. Phone: 202-275-7292.

SUPPLEMENTARY INFORMATION: On July 6, 1977, a specially appointed Commission Staff Task Force submitted its report to the Commission on recommendations for improving motor carrier entry regulation. One of the recommendations dealt with the situation where new plantsites are opened and applications are filed by motor carriers seeking to provide transportation services from the new plantsite.

When a plantsite opens, many applications are filed by carriers seeking to provide service. Although protestants may hold paper authority to provide some or all of the needed service, they have never served the new plantsite. It is difficult to see how these protestants will be harmed by grants of operating authority to serve the new plantsite. We question the necessity of requiring applicants to apply formally for authority to serve the new plantsite when existing carriers cannot be harmed.

We suggest that a carrier (presently authorized or new entrant) could apply to serve a new plantsite during a specified period prior to or after its opening. The carrier would be required only to demonstrate its fitness, to submit a brief affidavit of shipper support, and, possibly to submit certain other basic information. Comments are requested on this or any alternative procedure.

Among the questions that should be addressed are:

- (1) Is the proposal likely to lead to over-capacity at new plantsites?
- (2) Should existing carriers have standing to protest?
- (3) For what period of time prior to or after the opening of a "new plantsite" should these shortened procedures be operative?
- (4) How would implementation of such a proposal affect existing precedents?
- (5) What is meant by "new plantsite"?
- (6) Is this proposal a fair and equitable one?
- (7) Are there alternative implementing procedures?

PUBLIC COMMENTS INVITED

Interested persons are invited to comment on the proposal and suggest alternatives.

This document is promulgated under the authority of 49 U.S.C. § 204, 206, and 207; and 5 U.S.C. § 553, and was adopted at a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 28th day of September, 1977.

By the Commission.¹

H. G. HOMME, Jr.,
Acting Secretary.

¹ If adopted, Part 1062 will be re-titled "Part 1062—Special Application Procedure."

² A statement by Commissioner Stafford, dissenting, is filed as part of the original document.

[FR Doc.77-29452 Filed 10-5-77;8:45 am]

[3410-37]

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[9 CFR Parts 317 and 319]

STANDARDS AND LABELING REQUIREMENTS FOR TISSUE FROM GROUND BONE

AGENCY: Food Safety and Quality Service, Meat and Poultry Inspection, U.S. Department of Agriculture.

ACTION: Proposed rulemaking.

SUMMARY: This document sets forth a proposed definition (including parameters for measuring compliance), permitted uses, and labeling requirements for a meat food product prepared by mechanical processing of tissue from ground bone. This proposal is based on new information, data, and arguments submitted to the Department in response to the April 27, 1976, proposal regarding mechanically deboned meat, as well as recommendations from a select Panel on Health and Safety Aspects of Use of Mechanically Deboned Meat and information and data available to the Department prior to publication of the first proposal.

DATE: Comments must be received on or before December 5, 1977.

ADDRESS: Any person wishing to submit written data, views, or arguments concerning the proposed rules may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All such submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business. Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Irwin Fried, Product Labeling and Standards Staff, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, area code 202-447-6042.

SUPPLEMENTARY INFORMATION:

THE FIRST PROPOSAL

On April 27, 1976, the Administrator published a notice of proposed rulemaking titled "Definition of Meat and Classes of Meat, Permitted Uses, and Labeling Requirements." It appeared in Vol. 41, No. 82, pages 17560-17566 of the FEDERAL REGISTER with a comment period which closed on August 25, 1976. That proposed rulemaking included, among other things, a proposal for the permitted manufacture of "Mechanically Deboned Meat" and related products.

As proposed, these materials were defined as the product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle tissue. The proposed parameters for the three classes are given in Table 1.

TABLE 1

Proposed names	Meat class	Maximum percent calcium	Minimum percent protein	Minimum percent essential amino acids or minimum protein efficiency ratio	Maximum percent fat
Mechanically deboned meat	7	0.75	14	2.5 or 33	30
Mechanically deboned meat for processing	8	1.0	10	2.5 or 33	
Mechanically deboned meat for rendering	9				

As the table shows, limits for Mechanically Deboned Meat were to be lower for calcium and fat and higher for protein than parameters for the other two classes. Mechanically Deboned Meat for Processing was to have a requirement for protein quality, as measured by PER or proportion of essential amino acids, that was equal to the requirements for Mechanically Deboned Meat. No nutritional parameters were to be set for Mechanically Deboned Meat for Rendering, which was not to be used as such in the formulation of meat food products. No limitation on amount used in products was proposed for Mechanically Deboned Meat, but Mechanically Deboned Meat for Processing was to be limited to 20 percent of the total meat, meat by-products, poultry products, or poultry meat content of the product. The proposal also specified those products in which Mechanically Deboned Meat or Mechanically Deboned Meat for Processing were to be permitted as ingredients.

COMMENTS ON THE PROPOSAL

More than 1,100 comments were received in response to the proposal for redefining meat. The great majority of these comments dealt, in whole or in part, with the three proposed classes of mechanically deboned product (hereafter referred to as MDM). Many of these comments were complex, dealing with more than one aspect of the proposed redefinition. Also, many approaches to the same basic questions were used by the different commenters, further adding to the complexity of summarizing the issues. Therefore, no attempt has been made to provide exact tallies of the number of people commenting on any one issue in the discussion of that issue.

A general description of the comments and their sources follows:

Total comments	1100
Based on review of the proposal	175
Based on reports from secondary sources	925
From consumers (includes 13 organizations)	975
From industry (includes 17 trade groups)	80
From government agencies (Federal, State, local)	15
From university and college faculty	20
From health professionals (MD, RN, and OD primarily)	10

Of the 860 comments specifically addressed to the question of whether or not MDM should be allowed to be prepared and used in other products, 355 were yes and 505 were no. Many of these comments were based on reports in the

news media rather than on readings of the proposal itself.

Of the comments based on readings of the proposal itself, consumers generally questioned the proposal, while others favored it. Comments by consumers fell into the following broad categories:

1. **Labeling.**—Concern was consistently expressed that if MDM was used, its presence should be identified in ingredients statements on product labels, so that the consumer could have knowledge needed to select or avoid such products as desired. Many of the concerns about labeling were tied to another concern, that of economics.

2. **Economics.**—Because there is a potential for the eventual use of one billion pounds of MDM yearly, consumers believed there would be a definite economic impact. They wanted savings, if any, passed on to them.

3. **Health.**—Issues related to health and safety aspects of use of MDM were of primary importance to consumers. Their concerns fell into the following categories:

a. **Bone.**—What effects would the amount of calcium permitted in MDM, the size of bone particles, and the digestibility of the calcium in bone have on calcium-related diseases and disorders such as diverticulitis?

b. **Trace elements.**—To what extent would there be problems of health and safety because of the presence or absence in bone of trace elements such as lead, fluorine, strontium-90, iron, nickel or zinc, and chemical and pesticide residues? Would any of these constituents be present in product containing MDM in amounts great enough to have toxic effects? Would any be helpful in improving nutrition?

c. **Lipids.**—Would there be changes in the amounts and kinds of fat in meat food products if they contained MDM? If so, would these changes be harmful to persons eating these meat products?

d. **Microbiological safety.**—Would meat food products containing MDM carry higher bacterial loads than meat food products without MDM? Should there be limits to the amounts of bacteria allowed in MDM?

Comments which were based on direct readings of the proposal, and which favored it, gave the following reasons:

1. The calcium contained in MDM is digestible and would be a useful addition to American diets.

2. The extra meat product so recovered would add a significant amount of high quality protein food to the world food supply.

3. Safety of the meat product recovered by this process need not be questioned because of the history of usage of mechanically deboned poultry (10–15 years) and mechanically deboned fish (20 years), and present usage of mechanically deboned red meat in approximately 40 countries throughout the world.

Industry spokesmen stated that proposed uses for MDM were too restrictive and should be expanded, both in permitted amounts and in the number of meat food products in which MDM could be used. Competition would see that if savings were realized, they would be passed on to the consumer.

Comments from industry also questioned the need for labeling other than species labeling (beef, pork, etc.) on the basis that there was no precedent for identifying the method of production in an ingredient statement, and mechanical deboning is a process resulting in a traditional ingredient. Specific labeling, according to some of these comments, would result in higher costs. Most health professionals and university faculty, on the other hand, favored either specific labeling of MDM in ingredient statements, or labeling for calcium content of final products, or both.

Comments from several consumer oriented organizations and Government agencies showed concern over whether or not use of MDM would result in adulteration, particularly if specific labeling of MDM in ingredient statements was not required.

A number of comments from industry and university faculty addressed themselves to technical aspects of the nutritional requirements for MDM (maximum contents of calcium and fat, and minimum requirements for amount and quality of protein). These comments were concerned not only with what the requirements should be, but also what measurements should be used to monitor these requirements.

Comments were also received concerning whether or not nutrition labeling should be required for products containing MDM and asking questions concerning flavor and texture of meat food products containing MDM.

THE INTERIM REGULATION

Also on April 27, 1976, in the issue of the FEDERAL REGISTER containing the proposed Redefinition of Meat, a regulation which included interim standards for MDM was published. The interim standards were to remain in effect pending final rulemaking on the proposal, unless rescinded before rulemaking was completed. The interim regulation was considered necessary in order to develop data, previously unavailable except on an experimental basis, for determining if the analytical parameters were effective in assuring nutritional quality of the products.

After the interim regulation was issued, a coalition of consumer oriented organizations and the Attorney General of Maryland took legal steps to have the interim regulation repealed. Following two court hearings, a Preliminary Injunction was issued on September 10,

1976, enjoining the Secretary from using the provisions of the interim regulation with respect to MDM. In the Court's opinion, the Department had not adequately assessed the potential health hazards of MDM in three areas:

(1) Possible gastroenterological side effects which may result from frequent ingestion of bone particles;

(2) The possibly unduly high levels of strontium-90 which may be contained in bone particles; and

(3) The possible long term effects of the fat content present in MDM on the cardiovascular systems of those Americans for whom processed meat products constitute a significant portion of their diets.

The Court further indicated that until such assessments were made, MDM was considered adulterated and an adulterant. Following the September 10 Court Order, the Department ordered discontinuation of the placement of the official mark of Federal inspection on all MDM, which in effect stopped the production and use of it.

THE SELECT PANEL AND ITS FINDINGS ON HEALTH AND SAFETY ASPECTS OF MDM

In order to respond to the questions on health and safety raised by the Court, an intensive analytical program was initiated to develop data on representative amounts of nutrients and problem substances in MDM. Samples for analysis were obtained from materials which had been commercially produced prior to the court ordered ban and had been maintained in frozen storage. The samples were analyzed in the laboratories of the Food Safety and Quality Service, using standard methods of analysis. To assure reliability of the procedures as applied to these samples, cross-check analyses for critical substances were made on some of the same samples by expert analysts in other Government laboratories.

To evaluate findings from this analytical program and pertinent information and data gathered from other sources, a panel of eminent Government scientists who are expert in a wide range of subject areas dealing with health and safety aspects of foods was convened.

Members of this group, hereafter called the Panel, were asked to respond to questions which had been raised both by the Court and in the comments on health and safety aspects of use of MDM. The summary of the Panel's conclusions and recommendations follows:

The Panel, after reviewing all pertinent data and information and the reports of the subcommittees, unanimously accepted those reports and drew the following conclusions and made the following recommendations:

A. Bone particle size as obtained with mechanical deboners currently available presents hazards to health. However, the Panel recommended that limits for maximum particle size be included in any regulation to be promulgated allowing the production of MDM.

B. A slight nutritional benefit is to be expected for most people from the calcium in MDM, especially for persons whose customary intake of calcium falls below the Recommended Dietary Allowance. The calcium

which would be added to the diet by MDM is not so great in amount as to pose a hazard to the health of most people, except for those persons who are hyper-absorbers of calcium and likely already to be under medical supervision to limit their calcium intakes.

C. The fluoride content of MDM poses no health problem for adults. Fluoride intakes of children need to be controlled more closely than intakes of adults in order to avoid mottling of teeth. Since little is known about the fluoride intake of children, caution is advised. Data on projected consumption of MDM show that intakes of fluoride from MDM would be negligible, even for children consuming much higher than average quantities of MDM with a high fluoride content. MDM in the Panel's judgment presents no problem for children. However, fluoride intake of infants is known to be high. The Panel, therefore, concluded that prudence dictates that MDM not be incorporated into baby and junior foods at present. This recommendation is based primarily on lack of information rather than evidence of a hazard and should be subject to further evaluation as data are gathered.

D. The Panel concurred with the subcommittee evaluation that, based on currently available data and relative to the magnitude of other environmental sources of lead, the amount of lead which would be provided by MDM is toxicologically insignificant for children and adults.

E. Amounts of cadmium in MDM are so small as to be not detectable by current analytical procedures, and are of no public health significance.

F. Selenium was judged not to be a health problem. There is no evidence to indicate that selenium concentrates in bone.

G. Increases in dietary intakes of strontium-90 from use of MDM would be negligible, amounting to about a one-percent increase in exposures which are already well below tolerable limits. MDM poses no health hazards in regard to strontium-90.

H. Cobalt, copper, iron, nickel, zinc, arsenic, and mercury pose no potential problems in relation to use of MDM. Consumption data indicate that MDM would probably provide about 1 percent of the expected daily intake of cobalt. Additional iron from MDM would be in the order of 2.5 percent of the total iron intake, and should be readily available to the body. Zinc content of MDM is essentially the same as zinc in hand-deboned meat, and use of MDM should not affect bioavailability of zinc from other dietary sources. Arsenic has not been found in mechanically deboned poultry, and poultry would be expected to have greater relative intakes of arsenic than red meat animals. Therefore, arsenic should present no problem in MDM. Mercury does not accumulate in bone.

I. Chlorinated hydrocarbon residues present no special problem in MDM, because if present in measurable amounts, they are found in quantities well below established tolerance or action limits.

J. Data presently available on the lipid spectrum of MDM show that it is comparable to the lipid pattern found in hand-deboned meats. However, because of concern over the general problem of excessive intakes of fat and their effect on health, the Panel recommended that limits be placed on the fat content of MDM, on the basis of good manufacturing practices, and that limits also be placed on the fat content of products in which MDM could be used.

K. Proposed standards for protein content and quality (PER) are reasonable. Efforts should be continued to find more rapid and economical methods for monitoring protein quality, to replace the cumbersome PER assay.

L. The microbiology of MDM presents no unique hazards and should not be a problem if good manufacturing practices and quality control programs are employed.

M. Tetracyclines accumulate in the bones of young animals, and a recent German study has found tetracyclines in calf bones. The amounts are such that even at the highest level found, residues in products made with MDM derived from calf bones would be within present permitted tolerance. The U.S. slaughters comparatively few calves, and it is unlikely that there will be calf MDM. Tetracyclines in older cattle and swine present no problem. Though it is apparent that the use of tetracyclines in calves is on the decline in the United States, controls should be established to assure that if MDM is prepared from calves it will not exceed established tolerances for such drugs.

N. The Panel agreed that MDM contained in food products should be so labeled in the ingredients statement, so that persons who must stringently restrict calcium intake could avoid these products. The Panel further agreed that there was no need for health or safety reasons to make nutrition labeling mandatory for products containing MDM, although nutrition labeling of all food products containing MDM, although nutrition labeling of all food products should be encouraged.

O. The Panel recommended that efforts should be made to inform and educate health and medical professionals and the general public about dietary effects of use of MDM, especially in relation to calcium fluoride.

P. The Panel recommended that further research should be encouraged on MDM when it is again produced commercially. Suggestions for research are given in several of the subcommittee reports. (End of Panel's conclusions and recommendations.)

Single copies of the complete report of the Panel may be obtained without charge from the Office of Information, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. The report is entitled, "Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume I. Final Report and Recommendations, Select Panel."

THE REVISED PROPOSAL

Because of the large number of questions of substantive concern, the widespread interest, and the court activity which were generated by the proposal and the interim regulation allowing production of MDM, it appears that several changes are needed in the proposed regulation, and that it would be highly desirable to provide an opportunity for the public to comment further on the proposed rule. Therefore, a revised proposal is being issued for standards and labeling requirements for Tissue from Ground Bone.

The new proposal contains the following provisions:

1. The product would be named "Tissue from Ground Bone". This appears to be an accurate descriptive name for the product.

2. Tissue from Ground Bone would be classified as a meat food product rather than as a class of meat. This change is indicated because of the presence in Tissue from Ground Bone of bone marrow and of minerals such as calcium and fluoride, which minerals are present in large amounts than found in the muscle and accompanying fatty tissue which have been traditionally defined as meat.

The change is further indicated by the fact that the United States District Court for the District of Columbia has held that this product is not meat as traditionally defined. However, Tissue from Ground Bone would be a meat food product, which is defined under the Federal Meat Inspection Act as, " * * * made wholly or in part from any meat or other portion of the carcass * * * "

3. The number of classes of such product has been reduced from three to one. The classes originally designated as Mechanically Deboned Meat and Mechanically Deboned Meat for Processing have been combined. This was done because a single use limitation for Tissue from Ground Bone is being proposed making separate classes unnecessary.

4. The calculation of percent of essential amino acids will be in terms of total amino acids, rather than in terms of total protein. Also, data on the essential amino acid tryptophan will be excluded in making this calculation.

The change to calculating in terms of total amino acids follows recommendations of university and industry scientists, who state that greater accuracy can be achieved by this procedure than by calculating as percent of total protein. Tryptophan is present in small and relatively constant proportions that would have little effect on the total percentage of amino acids. Also, tryptophan must be determined by a separate method from that used for the other amino acids, so deleting the requirement for its analysis would help control costs of measuring compliance.

5. A requirement has been added that size of the openings in the sieves, screens, or ports of the equipment used in processing Tissue from Ground Bone should be no greater than 0.5 mm. in diameter.

This change follows the recommendation of the Select Panel that quality control measures be instituted in order to limit particle size to those levels presently associated with good manufacturing practice.

6. The requirements for minimum protein and maximum fat for Tissue from Ground Bone would be set at 14 percent and 30 percent respectively. These limits compare with minima of 14 percent and 10 percent for protein, and maxima of 30 percent and no limit for fat proposed for Mechanically Deboned Meat and Mechanically Deboned Meat for Processing, respectively. Tissue from Ground Bone thus compares with Mechanically Deboned Meat in that it has the same minimum protein content and the same maximum fat content but, as is discussed in 9 below, the same limit on usage in finished products as did Mechanically Deboned Meat for Processing. The Panel, in its deliberations, was reluctant to approve a product that would increase the total fat composition of meat products in which it was used. We believe that the proposed limitations satisfy the concerns of the Panel, especially since large portions of the meat diet, such as frankfurters, hamburger and ground beef, and beef sausage, are limited to 30 percent fat levels.

A 14 percent protein requirement on Tissue from Ground Bone with a 30 per-

cent fat level precludes adulteration with water.

7. The provision that would allow Tissue from Ground Bone to be labeled by species only (beef, pork) rather than as a specific ingredient has been deleted. The species name would be used only in the ingredient statement and the term "Tissue from Ground Bone" would be used in conjunction with the product name.

The change to specific labeling follows the Panel's recommendation that food products containing Tissue from Ground Bone should be so labeled in the ingredient statement, so that persons who must stringently restrict calcium intakes could avoid these products. Specific labeling was also overwhelmingly desired by consumers and health professionals who commented on the original proposal.

8. Tissue from Ground Bone would not be allowed in baby (strained), junior, or toddler foods.

This change follows the recommendation of the Select Panel, which concluded that prudence dictates that Tissue from Ground Bone should not be incorporated into baby, junior, and toddler foods at present. This recommendation was based on lack of information rather than evidence of a hazard. The Panel's concern was that fluoride intakes of infants from birth to six months were known to be high, that long term data on the fluoride content of Tissue from Ground Bone are not available at present, and that the fluoride content of Tissue from Ground Bone may vary in different localities and may also depend on the age of the animal from which it is produced.

It should be noted that the Panel's concern for controlling fluoride intakes of infants was based not on a possible health hazard, but on the possibility of development of mottling of the teeth. Mottling can occur at much lower levels of fluoride intake than are required to develop fluorosis. Thus, controlling intakes of fluoride at levels which do not permit the development of mottled teeth would automatically insure that fluoride intakes stayed far below levels at which they were a health hazard.

Consumption studies reviewed by the Panel showed that projected increases in fluoride intakes from use of Tissue from Ground Bone would be negligible for all infants and children (ages 0 to 18 years), even at the top one percent level of consumption. Thus, the Panel concluded that it was not necessary to further restrict the use of Tissue from Ground Bone for reasons of safety. The Panel also indicated that the restriction on baby, junior, and toddler foods should be subject to further evaluation as data are gathered.

9. A limit of usage for Tissue from Ground Bone in any product would be set at 20 percent.

The original proposal set a use limit for Mechanically Deboned Meat for Processing of no more than 20 percent of the meat block (total of all meat, meat byproducts, poultry products and poultry meat) used in the formulation. No use limit was set for Mechanically Deboned Meat. The interim stand-

ard had stricter limits, permitting Mechanically Deboned Meat for Processing to make up no more than 15 percent, and Mechanically Deboned Meat no more than 20 percent, of the meat block of formulated products. Developmental research had showed that finished products retaining characteristic sensory qualities could be prepared with about 20 percent of the meat block as Tissue from Ground Bone, so these limitations on tissue were judged to be reasonable for purposes of data gathering. The limit is proposed to provide for caution in the introduction of this new product.

The need to proceed cautiously was emphasized by the evidence from analytical data that Tissue from Ground Bone is higher in content of fluoride and lead than is hand-deboned meat. A limitation of 20 percent Tissue from Ground Bone in the meat block was therefore built into calculations projecting the increased consumption of minerals from such tissue. The resulting consumption data were those used by the Select Panel in making its evaluation and recommendations. Safety at higher usage levels has been neither established nor disproved. Therefore, it has been concluded that permission for higher use levels would not be warranted at present.

10. Tissue from Ground Bone would not be allowed in ground beef, hamburger, fabricated steaks, barbecued meats, roast beef—parboiled and steam roasted, corned beef cuts, lima beans with ham and similar products, beef with gravy and gravy with beef, and meat pies.

The Department believes that inclusion of Tissue from Ground Bone in the above listed products would impair the basic characteristics of such products. For example, in most of these products, the consumer expects solid pieces of meat. In other cases (hamburger, ground meat, and fabricated steaks), the consistency normally expected by the consumer is significantly different than that contributed by Tissue from Ground Bone. These considerations led to a study by the Select Panel of consumption data. Its deliberations led the Department to propose the exclusion of these products. Expanding the usage of Tissue from Ground Bone to such products may require reconsiderations of the 20 percent usage level.

The proposed rule retains the following provisions from the earlier proposal:

1. The requirement for maximum calcium is set at 0.75 percent (the proposed maximum for class 7, MDM), and the minimum protein quality is set at a Protein Efficiency Ratio of 2.5 (the proposed minimum for classes 7 and 8, MDM and MDM for Processing).

Analytical data gathered after the first proposal was issued indicate that it is possible to routinely prepare Tissue from Ground Bone containing no more than 0.75 percent calcium. Furthermore, because significant and positive correlations were found between the content of calcium and the content of fluoride or lead in Tissue from Ground Bone, control of calcium may hold promise as a way of controlling content of these two potentially toxic elements. In addition,

data gathered to date indicate that when calcium content of Tissue from Ground Bone is maintained at 0.75 percent or less, the protein quality (PER) is highly likely to equal or exceed 2.5, the proposed minimum. Therefore, it is proposed that a maximum of 0.75 percent calcium in Tissue from Ground Bone shall be included in the standards for this meat food product.

It is also proposed to maintain the protein quality requirement of a minimum PER of 2.5 for Tissue from Ground Bone. This requirement was recommended by the Select Panel, along with the provisions for measuring PER discussed below in item 2. Requiring a minimum PER of 2.5 would assure a product of high protein quality, equal to the quality of the milk protein casein. In addition, data gathered since publication of the previous proposal indicated that Tissue from Ground Bone which meets this standard for PER can be routinely prepared when good manufacturing practices (especially control of calcium) are employed.

2. Use of the value of percent of essential amino acids as a measure of protein quality would be allowed as an alternate to use of the Protein Efficiency Ratio.

The Select Panel found the proposed standards for protein content and quality (PER) to be reasonable, but recommended that efforts should be continued to find more rapid and economical methods for monitoring protein quality, to replace the cumbersome PER assay. In response to these recommendations, it is proposed that the standard for protein quality should be based on the PER, and rat feeding tests should be the only recognized method of determining the PER; that following the effective date of these amendments to the regulations, an amino acid profile which had a minimum of 33 percent of the essential amino acids isoleucine, leucine, lysine, methionine, phenylalanine, threonine, and valine should be accepted in lieu of data on PER; and that after the expiration of approximately 12 to 18 months following the effective date of these amendments, a decision will be made as to the continued use of the alternate method, based on all information available to the Department, including data furnished by meat processors.

3. No standards are being set for maximum microbiological content of Tissue from Ground Bone.

In its analytical programs, the Department has found no evidence whatsoever that there is any bacterial health hazard associated with Tissue from Ground Bone when handled in keeping with good manufacturing practices. Furthermore, there is evidence, from the experience of the State of Oregon with bacterial standards for ground meat that the standards were not effective in reducing bacterial content of the ground meat, that the standards were unfair to consumers, who might be led to believe they resulted in meat with a lower bacterial content and thus improved quality, and that the cost of enforcing the standards was not justified by the benefits derived.

The Department has strict sanitary requirements, and handling practices (including times and temperature at which processed and stored) are expected to be such that product would not be abused. Federal meat inspection regulations already in effect require operators of establishments to institute appropriate control programs to assure the maintenance of their establishments and the preparation, marking, labeling, packaging and other handling of their products are strictly in accordance with sanitary and other requirements of the regulations. Inspectors are knowledgeable about perishability of meat products, sanitation, and proper handling practices. The meat inspection regulations provide ample authority for reinspection as deemed necessary using appropriate means, which may include statistically sound sampling to assure a high level of confidence in the final evaluation of the product.

The Department uses in other products, and intends to use in Tissue from Ground Bone, microbiological data as a basis for assuring that processing procedures are maintained in such a manner as to produce wholesome food. Handling practices would be monitored on a continuing basis.

4. Product failing to meet the requirements for Tissue from Ground Bone could be used for rendering.

Because of health considerations discussed above, product failing to meet the requirements for Tissue from Ground Bone because of high calcium may only be used for the production of animal fats. Until such time as standards are set for the low temperature rendered product, such product produced from Tissue from Ground Bone failing to meet the requirements for reasons other than high calcium may be used in the production of imitation products as well.

On the basis of all the foregoing, the following amendments to the Federal meat inspection regulations (9 CFR Parts 317 and 319) are proposed:

1. Section 317.2(j) would be amended by adding a new subparagraph (13) to read as follows:

§ 317.2 Labels: definitions; required features.

• • • • •

(j) (13) When any Tissue from Ground Bone described in 319.5 of this subchapter is used as an ingredient in the preparation of a meat food product the name of the finished product shall be further qualified by the phrase, "Tissue from Ground Bone Added." Examples of such label declarations are: "Pork Sausage—Tissue from Ground Bone Added"; "Frankfurter—Tissue from Ground Bone Added"; "Cooked Salami—Tissue from Ground Bone Added". Any phrase qualifying the product name shall be at least 1/2 the size of the product name. In addition, the ingredient statement shall include in proper order of predominance the tissue from ground (species) bone; e.g., Tissue from Ground Beef Bone.

• • • • •

§§ 319.2—319.4 [Reserved]

2. Sections 319.2, 319.3 and 319.4 would be reserved, and a new § 319.5 would be

added to the meat inspection regulations to read as follows:

§ 319.5 Standards for tissue from ground bone.

(a) Any tissue resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle, and subsequent straining through a screen, sieve, or port. The openings in such screens, sieves or ports shall not exceed 0.5 millimeter in diameter. The tissue resulting from the separating process shall not have a calcium content exceeding 0.75 percent; shall have a minimum protein content or not less than 14.0 percent with a minimum PER of 2.5 (except as modified in paragraph (e) (1) of this section), and a fat content of not more than 30 percent. Such tissue failing to meet the calcium requirements of this paragraph shall only be used in producing animal fats. Such tissue failing to meet any of the other requirements of this paragraph shall only be used in producing animal fats or, alternatively, may be used in the formulation of imitation products.

(b) [Reserved]
(c) [Reserved]
(d) [Reserved]

(e) (1) An essential amino acid content of at least 33 percent of the total amino acids present in Tissue from Ground Bone shall be accepted as evidence of compliance with the protein quality requirement set forth in paragraph (a) of this section. The percent of essential amino acid content is calculated as the total of the percentages of isoleucine, leucine, lysine, methionine, phenylalanine, threonine, and valine, divided by the percentage of total amino acids and multiplied by 100.

(2) A prerequisite for the production of Tissue from Ground Bone shall be a plant quality control system¹ that the Administrator finds meets the requirements of this section. Acceptance is based on the ability of the system to provide the controls and information necessary to assure that the product will meet the requirements described in § 319.5(a) and to enable establishment personnel and Program employees to monitor the system for effectiveness. As a minimum, the system shall include a written description of the methods used by the establishment to maintain the wholesomeness and uniformity of the raw ingredients used in manufacturing product, to control the blending of the raw ingredients, and to control the handling and processing of the raw ingredients and the finished product, and shall contain provisions for chemical analyses of the product to determine compliance with standards for the product. Analyses to verify basic finished product constituents of fat, protein, calcium, essential amino acid content, and protein efficiency ratio shall be performed by the operator of the establishment or its agent to assure that finished product will meet the requirements in § 319.5(a). Finished product samples shall be analyzed by a laboratory in accordance with methods prescribed in the current "Official Methods of Analysis of the Association of Official Analytical

Chemists,"³ or by other appropriate analytical procedures approved by the Administrator in each case.

3. A new § 319.6 would be added to the Federal meat inspection regulations (9 CFR 319.6) to read as follows:

§ 319.6 Limitations with respect to use of Tissue from Ground Bone.

(a) When the Tissue from Ground Bone described in § 319.5 of this Part is used as an ingredient in other meat food products, the finished product shall be labeled in accordance with § 317.2(j) (13) of this subchapter. Products required to be prepared from meat or meat products of one species may contain Tissue from Ground Bone only of the species.

(b) Tissue from Ground Bone described in § 319.5 of this Part may constitute up to 20 percent of the meat portion of any meat food product except listed in paragraph (c) of this section.

(c) Tissue from Ground Bone described in § 319.5 of this Part may not be used in baby (strained), junior or toddler foods, ground beef, hamburger, fabricated steaks (319.15 (a), (b) and (d)), barbecued meats (319.80), roast beef—parboiled and steam roasted (319.81), corned beef cuts (319.100), lima beans with ham and similar products (319.310), beef with gravy and gravy with beef (319.313), and meat pies (319.500).

4. The second sentence of § 319.14(c) would be amended to read:

§ 319.15 Miscellaneous beef products.

(c) * * * Binders or extenders, Tissue from Ground Bone used in accordance with § 319.6, and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat patty.

§ 319.100 [Amended]

5. Section 319.100 "Corned Beef" would be amended by adding the following immediately after the second sentence: "Tissue from Ground Bone may be used in accordance with § 319.6."

§ 319.105 [Amended]

6. Section 319.105 "Chopped Ham" would be amended by adding a new subsection (b) (10) to read as follows: "Tissue from Ground Bone used in accordance with § 319.6."

7. The first sentence of section 319.141 would be revised to read:

§ 319.141 Fresh pork sausage.

"Fresh Pork Sausage" is sausage prepared with fresh pork or frozen pork or both, and may contain Tissue from Ground Bone in accordance with § 319.6, but not including pork byproducts, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

8. The first sentence of § 319.142 would be revised to read:

§ 319.142 Fresh beef sausage.

"Fresh Beef Sausage" is sausage prepared with fresh beef or frozen beef, or

both, and may contain Tissue from Ground Bone used in accordance with § 319.6, but not including beef products, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

9. The first sentence of § 319.143 would be revised to read:

§ 319.143 Breakfast sausage.

"Breakfast Sausage" is sausage prepared with fresh and/or frozen meat; or fresh and/or frozen meat and meat byproducts, and may contain Tissue from Ground Bone in accordance with § 319.6, and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. * * *

10. The first sentence of § 319.144 would be revised to read:

§ 319.144 Whole hog sausage.

"Whole Hog Sausage" is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal, and may include any Tissue from Ground Bone produced from the animal and used in accordance with § 319.6, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

§ 319.145 [Amended]

11. Section 319.145(a) (1) would be amended to read:

(1) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat, and may contain Tissue from Ground Bone in accordance with § 319.6.

12. Section 319.145(a) (2) would be amended by adding the following sentence immediately after the first sentence of that subparagraph: "Tissue from Ground Bone may be used in accordance with § 319.6."

13. Section 319.145(a) (3) is amended by adding the following sentence to the end of that subparagraph: "Tissue from Ground Bone may be used in accordance with § 319.6."

§ 319.180 [Amended]

14. The sixth sentence of § 319.180(a) would be revised to read: "Such products may contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and Tissue from Ground Bone used in accordance with § 319.6."

15. The seventh sentence of § 319.180 (b) would be revised to read: "These sausage products may contain poultry products, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and may contain Tissue from Ground Bone in accordance with § 319.6."

16. The second sentence in § 319.180 (c) would be changed to read: "When such sausage products are prepared with meat from a single species of cattle, sheep, swine, or goats they shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., 'Beef Frankfur-

ter', and when such sausage products are prepared in part with Tissue from Ground Bone in accordance with § 319.6, they shall be labeled in accordance with § 317.2(j) (13) of this subchapter."

§§ 319.104, 319.182, 319.260, 319.261, 319.280, 319.281, 319.300, 319.301, 319.305, 319.306, 319.312, 319.760 [Amended]

17. The following sentence would be inserted immediately after the first sentence of each of the following sections: §§ 319.104(f) Pressed ham, spiced ham, and similar products, 319.182 Liver sausage and braunschweiger, 319.260 Luncheon meat, 319.261 Meat loaf, 319.280 Scrapple, 319.281(a) (1) Bockwurst, 319.300 Chili con carne, 319.301 Chili con carne with beans, 319.305 Tamales, 319.306 Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products, 319.312 Pork with barbecue sauce and beef with barbecue sauce, and 319.760(a) Deviled ham, deviled tongue, and similar products: "Tissue from Ground Bone may be used in accordance with § 319.6."

§§ 319.281, 319.302, 319.304, 319.307, 319.311, 319.600, 319.762 [Amended]

18. The following sentence would be added at the end of the following sections: §§ 319.281(a) (1) Bockwurst, 319.302 Hash, 319.304 Meat stews, 319.307 Spaghetti sauce with meat, 319.311 Chow mein vegetables with meat and chop suey vegetables with meat, 319.600(a) and 319.600(b) Pizza, and 319.762 Ham spread, tongue spread, and similar products: "Tissue from Ground Bone may be used in accordance with § 319.6."

19. Section 319.303 is amended by adding a new subsection (b) (9) to read:

§ 319.303 Corned beef hash.

(b) * * * (9) Tissue from Ground Bone when derived from carcasses of cattle may be used in accordance with § 319.6.

NOTE: The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on October 4, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety
and Quality Service.

[FR Doc. 77-29508 Filed 10-5-77; 8:45 am]

¹ Send approval request to the Systems Development and Sanitation Staff, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture (located at 14th and Independence Avenue SW.) Washington, DC 20250.

² Copies of this publication are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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.

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force
SPACE SHUTTLE PROGRAM,
VANDENBERG AFB

Extension of Public Review and Comment Period on Draft Environmental Impact Statement

The Council on Environmental Quality announced the availability of the Draft Environmental Impact Statement on the Space Shuttle Program, Vandenberg AFB, Calif., in the FEDERAL REGISTER, Vol. 42, No. 167—Monday, August 29, 1977, with public review and comment period to end on October 10, 1977.

In response to requests from other Agencies, the public review and comment period is extended to October 31, 1977.

For further information contact Mr. R. W. Munsie, Environmental Planning Division, HQ USAF, phone 202-695-1422.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison
Officer, Directorate of
Administration.

[FR Doc.77-29466 Filed 10-5-77;8:45 am]

[3810-70]

Office of the Secretary

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Notification of Public Hearing

Pursuant to Pub. L. 92-463 notice is hereby given of a Public Hearing to be held by the President's Commission on the Military Compensation from 1 p.m. to 5 p.m., October 19, 1977, at the Hilton Hotel, 200 South Alamo, San Antonio, Tex.

The following rules and regulations govern participation by the public at this hearing:

(1) The hearing will be open to the public.

(2) Presentation of no more than 15 minutes may be made to the Commission, provided application is made in writing by October 14, 1977. A copy of the presentation must be received by the Commission not later than one day before the hearing. Address is 666 11th St. NW., Suite 520, Washington, D.C. 20001. Telephone 202-693-1290.

(3) The local area representative of the Commission for the purposes of the public hearing is Captain V. Starkes, USAF, Randolph Air Force Base, San Antonio, Tex. Telephone 512-652-6601.

(4) The agenda of the public hearing will be determined by the Commission, based on the following factors:

a. Order of receipt of application.
b. Desire to hear from as many different groups and individuals as possible.

(5) Applicants are encouraged to offer prepared remarks of no more than 10 minutes in order to permit questioning by the Commissioners.

(6) Questions and statements from the gallery will not be accepted.

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

OCTOBER 3, 1977.

[FR Doc.77-29338 Filed 10-5-77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1405]

AMERICAN OCEANAIR EXPRESS, INC.

Order of Revocation

By letter dated August 30, 1977, Mr. Paul Donatelli, President, American Oceanair Express, Inc., 10910 La Cienega Blvd., Inglewood, Calif. 90304 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1405 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before September 28, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

American Oceanair Express, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1405 issued to American Oceanair Express, Inc. be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1405 be and is hereby revoked effective September 28, 1977.

It is further ordered, that a copy of this order be published in the FEDERAL

REGISTER and served upon American Oceanair Express, Inc.

LEROY F. FULLER,
Director, Bureau of Cer-
tification and Licensing.

[FR Doc.77-29425 Filed 10-5-77;8:45 am]

[6730-01]

PHILADELPHIA PORT CORP. AND LAVINO SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 26, 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:

Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pa. 19102.

Agreement No. T-2553-A, between the Philadelphia Port Corporation (Port) and Lavino Shipping Company (Lavino), provides for: (a) An extension of the Packer Avenue Container Terminal crane rails approximately 730 feet upriver onto the Packer Avenue Marine Terminal (a breakbulk facility which is also operated by Lavino); and (b) the demolition of transit shed A/3, which is located on the

Packer Avenue Marine Terminal. As compensation, the Port is to receive 10.36 percent annually of the capital cost of these improvements.

By Order of the Federal Maritime Commission.

Dated: October 3, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-29424 Filed 10-5-77; 8:45 am]

[4110-39]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY
AND CENTER OPERATIONS

Meeting

Notice is hereby given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on October 22-23, 1977, at the National Institute of Education, 1200 19th Street NW., Washington, D.C., in Room 823. The Panel will meet from 9 a.m. until 5 p.m. on October 22 and from 9 a.m. until 12:30 p.m. on October 23.

The Panel for the Review of Laboratory and Center Operations is established under Section 405 of the General Education Provisions Act as amended by Section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include:

(a) Preparing recommendations on initial long-range funding and program plans submitted by the 17 educational laboratories and research and development centers;

(b) Reviewing and assessing the operations of the laboratories and centers and making recommendations for the improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. The tentative agenda is as follows:

Saturday, October 22

- 9 a.m.—Convenc.
9-9:15—Approve September 11-12 minutes.
9:15-10—General business.
10-12—Discussion of the development of criteria for the review of long-range plans.
12-1:30—Lunch.
1:30-5—Resume discussion of above.

Sunday, October 23

- 9-11:30—Resume discussion of the development of criteria for the review of long-range plans.
11:30-12:30—Discussion of future meeting dates and agenda.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other items considered of interest to the Institute) may be submitted at any time and should be sent to Ms. Carolyn Breedlove at the address shown below.

In accordance with the announcement previously made, 42 FR 43131, August 26, 1977, copies of the records of all Panel proceedings can be obtained by con-

tacting Ms. Carolyn Breedlove. Minutes require approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval hereafter.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact Ms. Carolyn Breedlove whose address and telephone number are listed below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, Washington, D.C. 20208 (202-254-5680).

Dated: October 3, 1977.

CAROLYN BREEDLOVE,

Staff Director Panel for the Review of Laboratory and Center Operations.

[FR Doc.77-29504 Filed 10-5-77; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1079]

SHANNON CISCO

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

SEPTEMBER 30, 1977.

Docket or RM No.	Rule No.	Subject	Date received
RM-2944	Pl. 97	Request to relicense former holders of conditional license whose licenses have expired. Filed by Shannon Cisco, petitioner.	Sept. 20, 1977

NOTE: Oppositions to petitions for reconsideration must be filed on or before Oct. 21, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-29355 Filed 10-5-77; 8:45 am]

[3128-08]

FEDERAL ENERGY
ADMINISTRATION

MONITORING OF MIDDLE DISTILLATE
PRICES

Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Notice of public hearing.

SUMMARY: FEA proposes to continue a monitoring system for the prices of middle distillates and to establish a price level index for residential sales of No. 2 heating oil. The proposal would permit a comparison of actual prices charged for residential sales of No. 2 heating oil with the prices which FEA estimates would have prevailed under continued controls. If actual prices exceed the index price level, FEA proposes to take appropriate action.

DATES: Comments by October 21, 1977, 4:30 p.m.; Requests to speak by October 14, 1977, 4:30 p.m.

HEARING DATES

Washington Hearing: October 19, 1977, 9:30 a.m. Boston Hearing: October 20, 1977, 9:30 a.m. New York Hearing: October 17, 1977, 9:30 a.m. Chicago Hearing: October 17, 1977, 9:30 a.m.

ADDRESSES: All comments to: Executive Communications, Room 3317, Federal Energy Administration, Box PW, Washington, D.C. 20461.

REQUESTS TO SPEAK

Washington Hearing: Attn: Executive Communications, 12th and Pennsylvania

Avenue NW., Room 3317, Box PW, Washington, D.C. 20461. Boston Hearing: Federal Energy Administration, Attn: D. Novick, 150 Causeway Street, Room 700, Boston, Mass. 02114. New York Hearing: Federal Energy Administration, Attn: Eugene W. Hennessy, 26 Federal Plaza, Room 3200, New York, N.Y. 10007. Chicago Hearing: Federal Energy Administration, Attn: Charles Swank, 175 West Jackson Boulevard, Chicago, Ill. 60604.

HEARING LOCATIONS

Washington Hearing: Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Boston Hearing: John F. Kennedy Federal Building, Room 2003, Government Center, Boston, Mass. 02114. New York Hearing: Federal Building, Room 305C, 26 Federal Plaza, New York, N.Y. 10007. Chicago Hearing: Federal Building, Room 3619, 230 South Dearborne Street, Chicago, Ill. 60604.

FOR FURTHER INFORMATION CONTACT:

Ed Villade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Gerald P. Emmer (Office of Regulatory Programs), 2000 M Street NW., Room 2304, Washington, D.C. 20461 (202-254-7200).

Ben McRae (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461 (202-566-9565).

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposals.
- III. Comment Procedures.

I. BACKGROUND

A. DEREGULATION OF MIDDLE DISTILLATES

On June 15, 1976, FEA issued and submitted to the Congress two separate amendments which provided for the exemption of middle distillates from allocation and price controls. These amendments became effective July 1, 1976.

In response to concerns expressed by some members of Congress, FEA committed to take certain actions following the effectiveness of the exemption to insure that no unwarranted price increases would occur once controls were removed. FEA stated that it would adopt a system for monitoring prices of middle distillates, which would compare actual prices with projections of what prices would have been if controls had remained in effect.

In addition, FEA informed the Congress that a set-aside procedure to be administered by FEA's regional offices would be established to operate to insure that during the transitional period following removal of controls no marketer would lose its supply source without adequate time to arrange for a new supplier.

FEA's commitment with respect to price monitoring expired March 31, 1977, but the weekly monitoring system was nevertheless extended through April 30, 1977, and a monthly monitoring system has been maintained.

B. PRICE MONITORING SYSTEM ADOPTED

On September 15, 1976, FEA adopted the following price monitoring system. (41 FR 41155, September 21, 1976.)

1. *National Index Price.* In general, two separate national index prices were computed based on actual average June 1976 prices for No. 2 heating oil and No. 2-D diesel fuel, adjusted to take into account: (1) seasonal price variations of both products during 1960-1967, (2) actual increases or decreases in the prices of imported and domestic crude oil, (3) actual increases or decreases in the prices of imported middle distillates (weighted by their monthly relative volumes in 1972, the last normal import year before the embargo), (4) increases in non-product costs of refiners, as defined and limited under FEA cost passthrough regulations, and estimated increases in operating costs of resellers and retailers, and (5) a two-cent per gallon flexibility factor.

Prices for No. 1-D diesel fuel, kerosene, and other middle distillates not included in the index were periodically monitored by FEA using sales price data reported to FEA by refiners and large resellers. If price increases for such products not in the index differed significantly from price increases for products in the index, FEA undertook to investigate and take appropriate action.

2. *National Monitoring.* FEA surveyed actual average national prices for No. 2 heating oil and No. 2-D diesel fuel at the retail level (i.e., prices to all end users, including residential, commercial, and industrial), and compared these prices with the national index prices for

the corresponding period. FEA also monitored prices at the refiner and reseller levels to determine relative price changes for refiners, resellers, and retailers.

3. *Remedial Process.* If actual average national prices exceeded the national index prices, FEA undertook to hold public hearings within ten days to determine the causes and appropriate remedies for the pricing excess.

4. *Regional Index Prices and Monitoring.* FEA adopted a system of regional index prices, which were computed and monitored on essentially the same basis as the national index prices, to protect against unduly disproportionate price increases in one or more regions even though actual average national prices might not exceed the national index prices.

Actual regional price data were determined in a manner similar to that used for monitoring actual national price levels. FEA also monitored "rack" prices by state. If actual average regional retail prices exceeded the index prices for that region FEA undertook to initiate remedial action in accordance with the same procedures outlined for national index prices. Four regions were adopted: Northeast, North Central, South, and West.

5. *Two-Month Cost Lag Replaced by One-Month Lag.* Index prices were originally calculated so that the factors for increased crude oil costs, increased prices for imported middle distillates and refiners' increased nonproduct costs were included with a two-month lag, which allowed these costs to be based on actual data reported to the FEA. Thus, except to the extent that actual increases in middle distillate prices resulting from an increase in crude oil prices, import prices, or refiners' increased nonproduct costs were absorbed by a two-cent per gallon flexibility factor, the index prices assumed that refiners would absorb these increased costs for two months. However, under continued controls, FEA would have required refiners to absorb any such increase for only one month before passing it through. Because such a result was not consistent with the intent of the index value mechanism, FEA revised the index methodology effective February 1, 1977, to reduce the two-month lag to one month (42 FR 9415, February 16, 1977).

6. *North Central Regional Index Prices Exceeded by Actual Prices.* In March 1977, FEA recalculated the weekly middle distillate monitoring system figures for January to include final information received on actual prices for all sales to ultimate customers. FEA found that actual prices exceeded the index price by 0.4 of a cent in the North Central region during January. Preliminary calculations indicated that actual prices exceeded the index price in the North Central region during March. Therefore, FEA held hearings in Chicago on April 4 and April 12. On May 26, 1977, FEA announced that it would take no action with respect to the previous heating season, but issued a Further Notice of Pro-

posed Rulemaking and Public Hearing on the monitoring of middle distillate prices to consider further action, if appropriate, with respect to middle distillate prices during the following heating season.

7. *Hearings on Further Action with Regard to Middle Distillate Prices.* In the period July 11 through 15, 1977, FEA held regional hearings in the following cities: Boston, New York, Chicago, Seattle, and Atlanta. National hearings were also held in Washington, D.C., from August 2, 1977, to August 4, 1977.

II. PROPOSALS

A. COMMENTS ON FURTHER ACTION WITH RESPECT TO MIDDLE DISTILLATE PRICES

FEA received 99 oral and written comments with regard to the operation of the monitoring system during the previous heating season addressed to what action, if any, should be taken for the 1977-78 heating season. These comments encompassed a broad spectrum of viewpoints, including: Member of U.S. Congress (1); State Governments (15); Fuel Oil Dealers/Distributors (6); Major Fuel Consumer (1); Community Action/Consumer Organizations (3); Fuel Terminal Operator (1); Trade Associations (29); Major Refiners (14); Independent Refiners (6); Business Organizations (9); Other Trade Groups (2); Religious Organization (1); Truck Rental (1); Dealers (2); Small Refiners (3); and Transit Authorities (2). Most of these comments centered on retention of the monitoring system and the possible reimposition of controls on middle distillates.

The possible reimposition of controls elicited the most responses. Those who opposed reimposition of controls greatly outnumbered those who favored their reimposition. Industry spokesmen pointed out that the severe winter had caused problems with deliveries to consumers and that if middle distillates had been under controls, dealers could not have responded as quickly, as they had. These comments urged that controls would have caused disastrous conditions during the 1976-77 winter and that the reimposition of controls would in effect, have the same results in the following heating season. Consumer groups clearly favored reimposition of controls, stating that: (1) The effects of deregulation fell more heavily on low and fixed-income persons, and (2) the monitoring system adopted by FEA did not accurately reflect the situation faced by consumers and did not serve to maintain reasonable and equitable prices.

On the basis of the comments received by FEA, and based upon the data currently available, FEA has determined not to reimpose price and allocation controls on middle distillates for the coming heating season, because the supply problems of last winter would most likely have been much more severe if the supply response had been constrained by controls. Moreover, market disruptions following decontrol may have resulted, in large part, in index prices having been ex-

ceeded last winter; and because those disruptions are not likely to continue now that the market has adjusted to decontrol, FEA does not expect index prices to be exceeded this winter. Nevertheless, as is more fully discussed below, FEA will retain the option of reimposing controls in the event that index prices are exceeded this winter.

Over twice as many comments opposed continuation of the monitoring system as comments which favored its retention. Industry spokesmen stated that the monitoring system imposed stricter constraints on prices than continued controls because the index price did not include banked costs which would have been allowed for pass through under continued controls. They also contended that the index was understated due to its inability to recognize additional costs incurred last winter, such as extraordinary transportation costs and increased costs of blending No. 1 heating oil with No. 2 heating oil, and that the index provided a disincentive to the importation of middle distillates during shortages because the impact of increased import costs on the index was limited by the use of 1972 import volumes as a "cap."

Among state governments and consumer groups there was strong support for retention of the monitoring system. However, many of these comments indicated that the system did not reflect the actual market situation faced by residential consumers since the system combined sales of No. 2 heating oil for residential use and for non-residential use into one category, even though prices charged to residential customers generally exceed those charged to non-residential customers. Several comments suggested that the system could have more precisely reflected market conditions through the separate monitoring of refiners, resellers, and retailers.

Comments also indicated that the use of four regions did not accurately reflect price conditions in many sections of the country since, in some instances, these regions grouped areas which traditionally had lower prices with areas which traditionally had higher prices. Had FEA established a monitoring system on a state or FEA regional level, these comments stated that the index price would have been exceeded in many of the individual states or regions.

Consumer groups expressed concern that there was insufficient justification for the two cent flexibility factor, and that the use of a two cent factor resulted in unjustified profits for major refiners.

Some comments stated that the system of weekly updates to the monitoring system, which were based on estimates, did not provide a reliable indication of what the more accurate monthly monitoring system would disclose. These comments pointed to the month of April 1977 when the weekly indices were exceeded on a national basis by one-tenth to two-tenths of a cent, in the South Region by five-tenths to six-tenths of a cent, and in the North Central Region by 1.1 to 1.2 cents. The subsequent and more accurate monthly index was exceeded only in the North Central Region.

As a result of FEA's analysis and evaluation of these comments and on the basis of FEA's experience with the current monitoring system, FEA is proposing to continue the monitoring system for the 1977-78 heating season, but is soliciting comments on modifications to the system to correct for some of the deficiencies highlighted by the comments.

B. PRICE MONITORING PROPOSAL

1. *General.* The following monitoring system, which FEA proposes for the coming heating season, would monitor prices for residential sales of No. 2 heating oil by developing national and regional index prices, representing the average price levels which FEA estimates would have prevailed had No. 2 heating oil remained under price controls. Unlike the monitoring system used during the past heating season, the proposed system would calculate an index price level only for residential sales of No. 2 heating oil in order to provide a more accurate description of prices charged to residential consumers.

FEA does not propose to compute separate residential indices for refiners, since refiners' direct sales to consumers account for only a small portion of total residential sales. However, FEA would calculate No. 2 heating oil margins (based on survey data) for refiners as an analytical tool in determining the source of unwarranted price increases, if any.

FEA does not propose to continue computation of No. 2 diesel fuel index values, but the survey of No. 2 diesel fuel prices will continue, with FEA's Retail Motor Fuels Service Station survey replacing the Lundberg survey when it is available.

2. *Survey and Publication of Data.* Under the proposal, FEA would measure average actual prices at the retail level and calculate index prices on a monthly basis during the heating season, publishing index values and survey prices two months after the month to which they pertain. Survey prices will be adjusted by one tenths of a cent at the national level and two-tenths of a cent at the regional level to allow for statistical errors. Weekly updates to the index price would be discontinued since during the last heating season such updates were not as accurate as the monthly figures and resulted in confusion as to whether the index price had actually been exceeded.

3. *National Index Price.* In general, the national index price would be computed each month based on actual average June 1977 prices for residential sales of No. 2 heating oil. The following adjustments to the base price would be made to compute monthly national index prices:

a. Monthly changes in refiners' crude oil costs would be added to or subtracted from the base price.

b. Monthly changes in refiners' non-product costs would be added to or subtracted from the base price. FEA proposes to permit refiners to include within this category extraordinary transportation costs which refiners can substantiate. These costs should present no problem as to quantification and their inclusion might help to insure the delivery of heating oil to distant customers.

c. A "reverse tilt" factor representing the less than proportionate share of costs allocated to No. 2 heating oil would be applied to the refiners' crude oil and nonproduct costs, inasmuch as the "reverse tilt" factor would be included in the calculation of the index price for No. 2 heating oil to provide consistency between the index for No. 2 heating oil and any proposed index for gasoline which would include a "gasoline tilt" factor. FEA proposes to adopt such a reverse tilt only if gasoline is decontrolled and a monitoring system is adopted. The reverse tilt would take into account the amount of costs attributable to distillates on a volumetric basis, shifted to gasoline prices during the period that controls allowed for such a shift. Since costs attributable to middle distillates cannot be passed through to prices of gasoline as long as it remains subject to controls, FEA has calculated this factor based on data during the period when both gasoline and middle distillates were controlled. The factor also reflects the fact that such cost reallocations affected all middle distillates and not merely No. 2 heating oil.

d. Monthly changes in retailers margins would be added to or subtracted from the base price.

e. A "seasonal factor", which would simulate the normal historical seasonal pattern of prices for residential sales of No. 2 heating oil, would be applied to the sum of the base price, changes in crude oil costs, changes in refiners nonproduct costs and changes in retailers' margins.

f. Monthly changes in the cost of imported No. 2 heating oil would be added to or subtracted from the base price. FEA proposes to abandon the use of the 1972 import ratio as a cap to the magnitude of this figure since such a cap might prove a disincentive to imports of No. 2 heating oil during a severe winter. Therefore, FEA proposes to base the import adjustment on actual import prices and volumes, with a one-month lag.

A summarized form of the equation which FEA proposes to use to determine the national index price follows:

$$\text{Index price} = \text{Seasonal Factor} \times \left[\text{June 1977 Price} + \text{Distillate Reverse Tilt} \right] \times \left(\text{Change in Crude Oil Costs} + \text{Change in Refiners Nonproduct Costs} \right) + \left[\text{Change in Retailers Margin} \right] + \text{Adjustment for Imports}$$

Appendix 1 contains a more detailed explanation of the formula in equation form, for both the national index and the regional indices.

3. *Regional Monitoring System.* Regional index prices would be computed on essentially the same basis as the national index price, except that the June 1977 price and some of the adjustment factors would of course, relate to the region concerned rather than the nation.

To achieve a more valid sample of prices in the various sections of the nation, FEA proposes to implement monitoring systems for the ten FEA regions instead of the four regions used during the last heating season. FEA regions were chosen for three reasons: (1) They are the most disaggregated of standard governmental regional classifications; (2) they provide reasonable approximations to heating oil marketing areas; and (3) they facilitate the administration of the survey by the FEA regional offices.

Moreover, FEA proposes to expand the sampling universe to provide statistically valid state average prices, which would be less precise than the regional average prices, for those states with significant sales of residential heating oil. This would necessitate augmentation of the sample for those states and calculation of base residential prices. State averages would be used to respond to consumer inquiries about heating oil prices but would not be used for comparison against index values. A listing of the states for which FEA would compile average prices appears in Appendix II.

4. *Remedial Actions.* FEA proposes to consider various actions if prices exceed index levels. In this regard, FEA solicits comments on a broad range of options which might be available in the event that any such action becomes necessary.

a. *National or Regional Index Exceeded.* In the event that either the National or one or more of the Regional indices was exceeded, FEA would at the earliest possible time schedule regional and/or national hearings to determine the causes for the particular index or indices having been exceeded, and to consider appropriate remedies to correct for prices having been greater than was anticipated.

For purposes of this proceeding, FEA solicits comments as to whether FEA should schedule such hearings in response to a particular index having been exceeded for one month only, or whether FEA should continue to monitor prices in subsequent months to determine if the index having been exceeded in a particular month reflected such anomalies as not to warrant the immediate scheduling of a public hearing.

FEA proposes to retain a significant degree of flexibility with respect to its actions if a particular Regional index has been exceeded. Thus, public hearings might be scheduled only after a significant number of Regional indices had been exceeded in a particular month, depending upon the particular factors associated with the index or indices having been exceeded.

Following the receipt of comments at a public hearing, FEA could take corrective action consisting of reimposition of complete price and allocation controls for some or all regions, as well as specific actions with respect to particular firms as discussed below. FEA has preliminarily determined that unless there were a strong showing that immediate reimposition of partial or complete controls was absolutely necessary during the current heating season, such reimposition of controls would be considered for the heating season following the one in which the index was exceeded.

b. *Actions with respect to Individual Firms.* FEA solicits comments addressed to the following possible actions against individual firms. FEA proposes to conduct preliminary audits of selected refiners and retailers in order to identify those firms that appear to be contributing to the possibility of a particular index being exceeded, by increasing prices for sales of No. 2 heating oil in excess of the particular firm's actual increased costs attributable to No. 2 heating oil. To the extent that a preliminary audit has indicated that a firm might have exceeded its historical margin, FEA would conduct a comprehensive audit of the firm concerned, and would afford the firm an opportunity for a non-public hearing at which to justify increased prices for sales of No. 2 heating oil in excess of historical margins. In order to deter firms from unjustified price increases which would contribute to indices having been exceeded, FEA would on the basis of its findings of audits and hearings publish on a periodic basis a list of those firms that have unjustifiably increased prices in excess of increased costs, and are thus responsible for price excesses.

Moreover, FEA seeks to ensure that individual firms are deterred from exceeding historical margins in the belief that excessive price increases effected during a period of decontrol would be permitted to be retained following reimposition of controls. Also, FEA believes that should the reimposition of controls become necessary, it would be inequitable to require remedial actions of firms that did not contribute to pricing excesses. Accordingly, should reimposition of controls become necessary, FEA would require firms that increased prices to levels that reflect more than actual increased costs to make corresponding adjustments to prices subsequent to the reimposition of controls to reflect revenues received during the period of decontrol in excess of actual increased costs.

5. *Request for specific comments.* While comment is solicited on any aspect of this Notice, comments are particularly sought with respect to the following:

Several refiners expressed the opinion that calculation of the price index should reflect the cost of blending No. 1 heating oil with No. 2 heating oil. However, it appears that this practice occurs only in a few areas of the nation and only in very limited circum-

stances. FEA invites further comments on this practice, and any data which might show the actual extent of this practice and its effects on the price of No. 2 heating oil, so that FEA can determine whether to propose the inclusion of a factor in the price index formula to reflect such blending.

FEA has analyzed and evaluated the two cent flexibility factor used under the current monitoring system and has concluded that two cents represented a fair figure to account for the pricing changes that were anticipated following the deregulation of middle distillates. However, FEA believes that the readjustments to an unregulated market that were associated with deregulation of middle distillates should by this time be fully accounted for and not likely to continue to occur. June 1977 prices represent, on a nation wide basis, a full utilization of the two cent factor, and should serve for the future as a fair indication of target prices for residential sales of No. 2 heating oil. Therefore, the proposed price index would not include any flexibility factor. FEA invites further comments on whether the price index should include a flexibility factor and if so, the appropriate value for such a factor. It should be noted in this regard that although this proposal is to use June 1977 as the base month for the index price, it may be necessary to use August 1977 if the necessary forms for collection of June data are not approved for use prior to the implementation of the proposed monitor system. Comments on whether there would be any significant difference resulting from the use of August rather than June as the base month are therefore requested.

III. COMMENT PROCEDURES

Interested persons are invited to participate in this matter by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box PW, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposal for Monitoring Middle Distillate Prices." Fifteen copies should be submitted. All comments received by October 21, 1977, before 4:30 p.m., e.s.t., will be considered by FEA before final action is taken in this matter.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The times and places for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearing.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an

interest in this matter, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 14, for regional hearings and October 17 for the national hearing. Each person selected to be heard will be so notified by FEA before 4:30 p.m., October 14, 1977, for regional hearings and by October 17 for the National hearing. Each person must submit 100 copies of his or her statement to the address given above for requests to speak, for the National hearing, before 4:30 p.m., October 18, 1977. Persons scheduled to speak at regional hearings must bring 100 copies of his or her statement to the hearing.

FEA reserves the right to select the persons to be heard at the public hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing, which will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing. Such questions must be submitted to the address indicated above for requests to speak, before 4:30 p.m., October 17, 1977, for the National hearing. Questions to be asked at regional hearings should be brought to the hearing. Any person who wishes to ask a question at the hearing

may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be re-

tained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., September 30, 1977.

Eric J. Fygi,
Acting General Counsel.

APPENDIX I

The general format of the formula is as follows:

$$\text{Index price} = \text{Seasonal Factor} \times \left[\begin{array}{l} \text{June 1977} \\ \text{Price} \end{array} + \begin{array}{l} \text{Distillate} \\ \text{Reverse} \\ \text{Tilt} \end{array} \right]$$

$$\times \left(\begin{array}{l} \text{Change} \\ \text{in} \\ \text{Crude Oil} \\ \text{Costs} \end{array} + \begin{array}{l} \text{Change in} \\ \text{Refiners} \\ \text{Nonproduct} \\ \text{Costs} \end{array} \right) + \left(\begin{array}{l} \text{Change} \\ \text{in} \\ \text{Retailers} \\ \text{Margin} \end{array} \right) + \begin{array}{l} \text{Adjustment} \\ \text{for} \\ \text{Imports} \end{array}$$

The specific calculations for the middle distillate index prices are detailed below:

a. National index price for residential heating oil sales.

$$P_h^t = S^t \left\{ P_h^a + K_h [(C^{t-1} - C^b) + \frac{(N^{t-1} - N^b)}{V^{t-1}}] + d \left(\frac{W^{t-1}}{W^b} - 1 \right) M \right\}$$

$$+ [R^{t-1} (I_f^{t-1} - I_f^b) + \Delta R^{t-1} (I_f^b - I_d^b)]$$

b. Regional index price for residential heating oil sales.

$$P_{hr}^t = S^t \left\{ P_{hr}^a + K_h [(C^{t-1} - C^b) + \frac{(N^{t-1} - N^b)}{V^{t-1}}] + d_x \left(\frac{W^{t-1}}{W^b} - 1 \right) M_r \right\}$$

$$+ [R^{t-1} (I_{rf}^{t-1} - I_{rf}^b) + \Delta R^{t-1} (I_{rf}^b - I_{rd}^b)]$$

Where:

P_h^t = predetermined price for sales of No. 2 heating oil to residential users nationwide during month t.

P_h^a = weighted average price for No. 2 heating oil sold nationwide to residential users during June 1977, determined by a statistically valid sample of sellers of No. 2 heating oil to residential users.

- P_{hr}^t = predetermined price for sales of No. 2 heating oil to residential users in region r during month t.
- P_{hr}^a = weighted average price for No. 2 heating oil sold to residential users in region r during June 1977, determined by a statistically valid sample of sellers of No. 2 heating oil to residential users.
- S^t = Multiplicative seasonal adjustment factor for heating oil. Seasonal factor derived from Bureau of Labor Statistics No. 2 heating oil consumer price index for the period 1960 through 1967.
- C^{t-1} = unit crude oil costs in month t-1 reported to FEA on FEA Form P-110-M-1.
- C^b = unit crude oil costs in May 1977.
- N^{t-1} = nonproduct costs for refiners during the month t-1 reported to the FEA on Form P-302-M-2. These costs represent the amount of nonproduct costs that refiners are permitted to pass through under current pricing regulations, plus extraordinary transportation costs that can be substantiated.
- N^b = nonproduct costs for refiners in May 1977.
- V^{t-1} = total volume of sales of refined products in month t-1 derived from refining operations. Total derived from refined product volumes reported to the FEA on Form P-302-M-1, or Form P-302-M-2 when available, adjusted for import volumes.
- d = percentage of No. 2 heating oil sales to residential users accounted for by nonrefiners nationally, estimated from No. 2 heating oil sales data reported to the FEA.
- d_r = percentage of No. 2 heating oil sales to residential users accounted for by nonrefiners in region r estimated from No. 2 heating oil sales data reported to the FEA.
- W^{t-1} = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for the month t-1.
- W^b = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for August 1977.

- M = gross margin in cents per gallon for sales to residential users nationwide by nonrefiners for the month June 1977 estimated from FEA's No. 2 Heating Oil Monitoring System.
- M_r = gross margin in cents per gallon for sales to residential users by nonrefiners selling No. 2 heating oil in region r for the month June 1977 estimated from FEA's No. 2 Heating Oil Monitoring System.
- K_h = heating oil tilt factor to measure the less than proportionate allocation of costs to No. 2 heating oil measured on the basis of costs and wholesale prices over the period July 1975 to June 1977 (preliminary estimate = .983).
- I_f^{t-1} = the imported price of distillates for the nation in month t-1, obtained from the Monthly Petroleum Product Price Report (Form P-302-M-1), or Form P-302-M-2 when available.
- R^{t-1} = fraction of total sales of distillates nationwide accounted for by imports during time period t-1, obtained from FEA's Monthly Petroleum Product Price Report (FEA Form P-302-M-1), or Form P-302-M-2 when available.
- R^{t-1} = change in the above fraction nationwide from May 1977 to time period t-1.
- I_f^b = price of distillates imported nationally in May 1977.
- I_d^b = wholesale price for domestic sales of distillates nationwide during May 1977.
- I_r^{t-1} = the imported price of distillates for region r in month t-1, obtained from the Monthly Petroleum Product Price Report (Form P-302-M-1), or Form P-302-M-2 when available.
- P_r^{t-1} = fraction of total sales of distillates in region r accounted for by imports during time period t-1, obtained from FEA's Monthly Petroleum Product Price Report (FEA Form P-302-M-1), or Form P-302-M-2 when available.
- R_r^{t-1} = change in the above fraction from May 1977 to time period t-1 in region r.

i_{rf}^b = price of distillates imported into region r in May 1977.

i_{rd}^b = wholesale price for domestic sales of distillates in region r during May 1977.

Superscripts used in the formulae refer to time periods as follows:

- a refers to June 1977.
- b refers to May 1977.
- t refers to the month for which the index is being computed.
- t-1 refers to the month one month before the month for which the index is being computed.

Subscripts used in the formulae refer to the following:

- d refers to domestic middle distillates.
- f refers to imported middle distillates.
- h refers to No. 2 heating oil.
- r refers to a particular region.

[FR Doc.77-29302 Filed 10-3-77;8:45 am]

[3128-01]

PRIVACY ACT OF 1974

Proposed New Systems of Records

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed New Systems of Records.

SUMMARY: Notice is hereby given that the Federal Energy Administration (FEA) is proposing to add to its existing and previously proposed systems of records, as published on September 30, 1977 (42 FR 53480), two additional systems to be designated as "FEA-24, Strategic Petroleum Reserve Personnel List" and "FEA-25, Low-Income Weatherization Program Home Report Records." In accordance with 5 U.S.C. 552a(o), Office of Management and Budget (OMB) Circular No. A-108 and the transmittal memoranda thereto, a report on these systems of records has been filed, concurrent with this publication, with the Acting Director of the Office of Management and Budget, the Speaker of the House of Representatives, the President of the Senate, and the Privacy Protection Study Commission.

Written comments will be received with respect to these proposals; however, it is the intent of FEA to operate the proposed systems of records at the expiration of the advance notice period if no comments to the contrary are received.

DATES: Comments by November 7, 1977, 4:30 p.m.

ADDRESS: Written comments to: Executive Communications, Room 3317, Federal Energy Administration, Box PU, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

John Treanor, Privacy Act Officer, Room 2121, 12th and Pennsylvania

Avenue NW., Washington, D.C. 20461 (202-566-9840).

William D. Luck, Office of General Counsel, Room 6144, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9296).

SUPPLEMENTARY INFORMATION:

I. Narrative Statement for FEA-24, as required by the Privacy Act of 1974 and OMB Circular No. A-108: A. Purposes; B. Authority; C. Potential consequences on individual privacy; and D. Safeguards against unauthorized access.

II. Narrative Statement for FEA-25, as required by the Privacy Act of 1974 and OMB Circular No. A-108: A. Purposes; B. Authority; C. Potential consequences on individual privacy; and D. Safeguards against unauthorized access.

III. Comment procedures: Narrative statements as required by the Privacy Act of 1974 and OMB Circular No. A-108.

I. FEA-24, Strategic Petroleum Reserve Emergency Personnel List.

A. *Purposes.* The information contained in this system is used as a reference for the telephone numbers of persons involved with the operation of the Strategic Petroleum Reserve Program. The establishment of this system is a necessary precaution to guard against an emergency situation during which the appropriate FEA personnel or contractors or other Government personnel could not be contacted.

B. *Authority.* The authority for the maintenance of this system is as listed in the proposed system notice. This system is established under the authority vested in the FEA Administrator contained in: (i) Section 153 of the Energy Policy and Conservation Act (Pub. L. 94-163) to exercise authority over the establishment, management and maintenance of the United States' Strategic Petroleum Reserve; and (ii) section 7(c) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) to promulgate such

rules, regulations, and procedures as may be necessary to carry out his functions; as well as (iii) his authority under 5 U.S.C. 301 to prescribe regulations for the performance of FEA business and for the custody, use, and preservation of FEA records, papers, and property.

No change to existing rules is required for this proposed new system.

C. *Potential consequences on individual privacy.* FEA does not deem that the maintenance of this system will have any substantial effect on the privacy and other personal or property rights of individuals. No information is retained in the system other than that which is given voluntarily to the agency by the subject individuals. The use of the system is limited to those requiring the information contained therein for official purposes. With FEA's stringent access controls and the limited use of the records contained in this system, the operation of the system will have minimal effect on an individual's privacy and other personal or property rights.

Because this system is designed to facilitate the internal administrative operations of the agency, its operation will have no effect on the preservation of the constitutional principle of federalism and separation of power.

D. *Safeguards against unauthorized access.* The risk of unauthorized access has been minimized by locating this system in lockable containers within rooms secured when authorized users or the system managers are not present. Control over these facilities is given only to the system manager and those qualifying for access under the routine uses listed in the proposed system notices.

Distribution of the list will be made to the FEA personnel, contractors, and other Government agency personnel involved with the operation of the Strategic Petroleum Reserve Program. Each such person receiving a copy of the list will be instructed to take care that the information be appropriately safeguarded and that disclosure to unauthorized persons is strictly prohibited.

The lower risk alternative of maintaining the system in locked cabinets within secured rooms and not distributing copies of the list was considered. However, the presence of responsible FEA personnel in the system manager's office was considered to be sufficient to prevent unauthorized access to the system at that location. Additionally, the alternative of making distribution to authorized personnel and cautioning them against further disclosure was considered preferable to keeping the list only at the system manager's office, since the more restrictive alternative is far less likely to enable rapid contact with affected personnel during the emergency situations for which the list is maintained.

II. FEA-25, Low-Income Weatherization Program Home Report Records.

A. *Purpose.* In section 411 of the Energy Conservation and Production Act (Pub. L. 94-385) (ECPA), Congress made the following findings:

(1) dwellings owned or occupied by low-income persons frequently are inadequately insulated;

(2) low-income persons, particularly elderly and handicapped low-income persons, can least afford to make the modifications necessary to provide for adequate insulation in such dwellings and to otherwise reduce residential energy use;

(3) weatherization of such dwellings would lower utility expenses for such low-income owners or occupants as well as save thousands of barrels per day of needed fuel; and

(4) States, through community action agencies established under the Economic Opportunity Act of 1964 and units of general purpose local government, should be encouraged, with Federal financial and technical assistance, to develop and support coordinated weatherization programs designed to ameliorate the adverse effects of high energy costs on such low-income persons, to supplement other Federal programs serving such persons, and to conserve energy.

As a result, the ECPA directs the Administrator of the Federal Energy Administration (FEA) to develop and conduct a weatherization program. In developing and conducting this program, the Administrator is authorized to make grants to States. Such grants shall be made for the purpose of providing financial assistance with regard to projects designed to provide for the weatherization of dwelling units, particularly those where elderly or handicapped low-income persons reside, in which the head of the household is a low-income person.

The FEA Office of Conservation and Environment, through the Office of Weatherization Assistance, is implementing the described weatherization program. On April 1, 1977, draft regulations for the program were published (42 Fed. Reg. 17470) and on June 1, 1977 the final regulations were adopted (42 Fed. Reg. 27899). These regulations are located at 10 CFR, Part 440. Pursuant to 10 CFR 440.12, States were to submit grant applications to FEA within 90 days of the publication of the final rule and by August 31, 1977, all States had submitted such applications.

Under criteria contained in the regulations the FEA determines whether and to what extent to award a grant to a State making application therefor. The grant is made to a State by the appropriate FEA Regional Administrator whose Region contains the State making application for funds. The State then in turn makes subgrants of the funds received to one or more local Community Action Agencies (CAA). CAAs are private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, which are authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

The CAAs, through various "out-reach" services (e.g. by referral from other local service organizations or welfare agencies), discover eligible candidates for weatherization assistance. Information is collected from each individ-

ual weatherization candidate on a "Building weatherization Report." The categories of information collected are listed in the proposed system notices, as are the purposes and routine uses of the information. After determining the work to be done on a dwelling the CAA is responsible for performing the requisite repairs and certifying that the work was in fact done.

Additionally, the CAA's will maintain copies of a "Fuel Information Release Form." This form is a waiver form to authorize the individual's utility company(ies) to disclose to the CAA historical data on fuel consumption and also costs for the individual's dwelling. The purpose of this form is to ensure compliance with the requirement of section 421 of the Energy Conservation and Production Act, 42 U.S.C. 6801 et seq. That section requires an annual report to Congress regarding the weatherization assistance program, including the results of periodic evaluations and monitoring activities. In order to assure the effective provision of weatherization assistance, it is necessary to compile accurate historical data on both fuel costs and fuel quantity before and after weatherization repairs. The "Fuel Information Release Form" is designed to accomplish this objective. It should be stressed that the form is voluntary and that weatherization assistance will not be denied any person who declines to make the authorization sought in this form.

B. Authority. The specific authority for the maintenance of the Building Weatherization Reports is in section 416 and 417 of the ECPA. Additionally, the FEA Administrator has general authority by section 7(c) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), to promulgate such rules, regulations and procedures as may be necessary to carry out his functions.

The Building Weatherization Reports are required by the FEA to be maintained by the CAA's as indicated in the proposed system notice and as authorized by section 417 of the ECPA. No change to existing rules is required for this proposed new system. The FEA is a routine user of the records, to enable the agency to discharge the statutory obligation in sections 416 and 417 of the ECPA that it monitor and evaluate the effectiveness of the weatherization program.

C. Potential consequences on individual privacy and D. Safeguards against unauthorized access. FEA does not deem that the maintenance of this system will have a substantially negative effect on the privacy and other personal property rights of individuals. No information is retained in the system other than that which is given voluntarily to the CAA's by the subject individuals and persons performing repair work. Without this information, the programmatic purpose of better weatherizing the dwelling units of low-income persons could not be achieved. As a result of the maintenance of these records, the homes of eligible individuals are improved and their fuel

bills should be reduced. These are clearly positive effects. And, with the FEA's insistence that each subgrantee CAA maintain records in accordance with the provisions of the Privacy Act of 1974 and that diligence be exercised in controlling access to the records and that only authorized persons be allowed to use the data, the operation of this system should have a minimal negative effect on an individual's privacy and other personal or property rights. Moreover, given the grant application and award structure of 10 C.F.R. Part 440, under which monies are distributed to the various states and the sub-grantee CAA's, and the legal requirement of the ECPA that the FEA monitor the effectiveness of the weatherization program, the operation of this system of records will not affect the constitutional principle of federalism and separation of power.

III. Comment, Procedures. As provided by section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views, or arguments related to these proposals to Executive Communications, Federal Energy Administration, Box PU, Washington, D.C. 20461. Hand-carried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Privacy Act System of Records" and include the appropriate system number(s). Fifteen copies should be submitted. All comments received on or before November 7, 1977, will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday, except on legal public holidays. These comments and all other relevant information, will be considered by FEA before the proposed systems are adopted in their final form.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

It is the intent of the Federal Energy Administration to operate the systems of records as proposed at the expiration of the advance notice period if no comments to the contrary are received.

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

(Privacy Act of 1974, Pub. L. 93-579; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; Energy Conservation and Production Act, Pub. L. 94-385, as amended; Executive Order 11790, 39 F.R. 23185.)

In consideration of the foregoing, the adoption of the two systems of records set forth below is proposed.

Issued in Washington, D.C. September 30, 1977.

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

FEA-24

System name:

Strategic Petroleum Reserve Emergency Personnel List.

Security classification:

Unclassified.

System location:

Strategic Petroleum Reserve Office, Federal Energy Administration, 1726 M Street NW., Washington, D.C. 20036.

Categories of individuals covered by the system.

Individuals (a) employed by FEA and by other Federal agencies and Departments, and (b) FEA contractors, who are involved in the operation of the Strategic Petroleum Reserve Program.

Categories of records in the system:

Name, address, and business and home telephone numbers.

Authority for maintenance of the system:

5 U.S.C. 301; Federal Energy Administration Act of 1974, as amended; Energy Policy and Conservation Act, as amended; Executive Order 11790.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Distribution of the list will be made to the FEA personnel, contractors, and other Government agency personnel involved with the operation of the Strategic Petroleum Reserve Program. The information will be used in order to enable contact with appropriate personnel in the event of a program emergency.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Name.

Safeguards:

Records are located in a lockable metal file cabinet with access limited to those whose official duties require access.

Retention and disposal:

Records are revised when appropriate, at which point the older records are destroyed.

System manager(s) and address:

Associate Assistant Administrator for Operations, Strategic Petroleum Reserve, 1726 M Street NW., Washington, D.C. 20036.

Notification procedure:

Requests by an individual to determine if a system of records contains

information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Record access procedures:

Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)).

Contesting records procedures:

Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)).

Record source categories:

The subject individual.

Systems exempted from certain provisions of the Act:

None.

FEA-25

System name:

Low income Weatherization Program Home Report Records.

Security classification:

Unclassified.

System location:

For each State participating in this program, the records will be located in the Community Action Agency designated by the State to implement the program. A list of participating States and Community Action Agencies is available from the Director, Office of Weatherization Assistance, Office of Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461.

Categories of individuals covered by the system:

All persons eligible for weatherization assistance participating in Federal Energy Administration-sponsored weatherization programs.

Categories of records in the system:

Information about weatherization program participants, including name, address, annual income, whether participant receives public assistance, whether the participant owns or rents, and number of elderly, handicapped, native American, migrants and total members in a participant's household; information about the characteristics of a participant's dwelling, including fuel use data; before and after information about improvements to the dwelling to be undertaken in connection with the program and information about the costs of such improvements; information about the hours and source of labor involved in making the improvements.

Authority for maintenance of the system:

Federal Energy Administration Act of 1974; sections 416 and 417 of the Energy Conservation and Production Act; Executive Order 11790.

Routines uses of records maintained in the system, including categories of users and the purpose of such uses:

The participating community action agencies will use the records maintained for the following purposes: determination of whether and which improvements should be undertaken; determination of correlation of the demographic and building characteristics to the quantity, quality and cost of the work undertaken; enable the Federal Energy Administration to monitor the effectiveness of the program.

The Federal Energy Administration will use the records for the following purposes: assure the effective provision of weatherization assistance for the dwelling units of low-income persons; carry out periodic evaluations of the program.

Also, the routine uses listed in Appendix B to the most recent annual republication of FEA's systems of records, 42 FR 53480 (September 30, 1977).

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper records.

Retrievability:

Name.

Safeguards:

The contracts with the Community Action Agencies stipulate that the Community Action Agencies will exercise all diligence in controlling access to the records maintained under this program and that only authorized members of the Community Action Agency and other routine users will be allowed to use the data. All personnel that handle or process the data are to be instructed and cautioned as to the confidentiality of the data and its proper disposition.

Retention and disposal:

Records will be retained for three years or until the completion of the low-income weatherization program.

System manager(s) and address:

For each State participating in the program, the system manager will be the head of the Community Action Agency designated by the State to implement the program. A list of participating States and Community Action Agencies is available from the Director, Office of Weatherization Assistance, Office of Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461.

Notification procedure:

Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Act Reg-

ulations (10 CFR 206.2, 40 FR 45610 (October 10, 1975)). The requests will in turn be forwarded to the appropriate participating Community Action Agency maintaining the complete record pertaining to the individual.

Record access procedures:

Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating Community Action Agency maintaining the complete record pertaining to the individual.

Contesting record procedures:

Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating Community Action Agency the complete record pertaining to the individual.

Record source categories:

The individual who is the subject of the record persons who will evaluate the need for repairs and those who will perform work undertaken in connection with the program.

Systems exempted from certain provisions of the Act:

None.

[FR Doc.29310 Filed 10-5-77;11:01 am]

[6320-01]

CIVIL AERONAUTICS BOARD INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)

Order

SEPTEMBER 23, 1977.

[Order No. 77-9-114; Docket No. 29123, Agreement C.A.B. 26895, R-1 and R-2; Agreement C.A.B. 26896, R-1 through R-3; Docket No. 30332, Agreement C.A.B. 26897, R-1 through R-5]

Issued under delegated authority.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fares, cargo rates, and currency matters.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolution of the Traffic Conferences of the International Air Transport Association (IATA). Agreement 26895 was adopted at the 76th meeting of the TC2 Passenger Traffic Conference held in Geneva during Sep-

tember 1977; Agreements C.A.B. 26896 and C.A.B. 26897 were adopted by mail vote.

The agreements would amend the currency adjustment factors for application with passenger fares and cargo rates from Portugal to points worldwide, in order to relate local currency selling fares and rates more closely to fluctuating foreign exchange values. The agreements have application in air transportation as defined by the Act, insofar as

they affect either fares and rates to/from U.S. points or fares and rates which are combinable with fares and rates to/from U.S. points, and will be approved.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have direct application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement	IATA No.	Title	Application
CAB 26896:			
R-1.....	022g	Adjustment Factors for Sales of Passenger Air Transportation (amending).	1/2 (North Atlantic). Do.
R-2.....	022h	do.	do.
CAB 26897:			
R-2.....	022dd	Adjustment Factors for Sales of Cargo Air Transportation (amending).	2/3 1/2 3/4.
R-3.....	022gg	do.	1/2 (North Atlantic). Do.
R-4.....	022hh	do.	do.

2. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement	IATA No.	Title	Application
CAB 26895:			
R-1.....	022a	TC2 (within Europe) Adjustment Factors for Sales of Passenger Air Transportation (amending).	2.
R-2.....	022b	TC2 (except within Europe) Adjustment Factors for Sales of Passenger Air Transportation (amending).	2.
CAB 26896:			
R-3.....	022i	Adjustment Factors for Sales of Passenger Air Transportation (amending).	1/2 (South Atlantic).
CAB 26897:			
R-1.....	022aa	Adjustment Factors for Sales of Cargo Air Transportation (amending).	2 (Europe/Africa/Middle East).
R-5.....	022ii	Adjustment Factors for Sales of Cargo Air Transportation (amending).	1/2 (South Atlantic).

Accordingly, it is ordered, That:

Agreements C.A.B. 26895, C.A.B. 26896, and C.A.B. 26897, set forth in finding paragraphs 1 and 2 above, are approved.

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 upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29436 Filed 10-5-77;8:45 am]

[6320-01]

[Order No. 77-9-115; Docket No. 29123, Agreement C.A.B. 26898]

INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)

Order

SEPTEMBER 23, 1977.

Issued under delegated authority.
Agreement adopted by the Joint Traffic Conferences of the International Air

Transport Association relating to passenger fare matters.

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). The agreement was adopted at a meeting on Resolution 015 held August 23-25, 1977, in New York and has been assigned the above C.A.B. agreement number.

The agreement amends North Atlantic proportional fares used to construct through international fares between U.S. interior points and points in Europe/Middle East/Africa. The changes are occasioned by the recently granted two percent increase in U.S. domestic fares and as such will be approved. However, note "L" of the agreement sets forth special proportional fares for use with the super-APEX fares recently disapproved by the Board in Order 77-9-55, September 16, 1977, and will be disapproved.

Pursuant to authority duly delegated by the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolution, incorporated in Agreement C.A.B. 26898 as indicated, is adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to all conditions previously imposed by the Board:

Agreement	IATA No.	Title	Application
CAB 26898	015	North American Proportional Fares—North Atlantic (amending) (except sec. 1, note "L").	1/2.

2. It is found that the following resolution, incorporated in Agreement C.A.B. 26898 as indicated, is adverse to the public interest and in violation of the Act:

Agreement	IATA No.	Title	Application
CAB 26898	015	North American Proportional Fares—North Atlantic (amending) (sec. 1, note "L").	

Accordingly, it is ordered, That:

1. That portion of Agreement C.A.B. 26898 set forth in finding paragraph one is approved, subject, where applicable, to conditions previously imposed by the Board; and

2. That portion of Agreement C.A.B. 26898 set forth in finding paragraph two above is disapproved.

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 upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29437 Filed 10-5-77;8:45 am]

[6320-01]

[Order No. 77-9-116, Docket No. 30332, Agreement C.A.B. 26887]

INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)

Order

SEPTEMBER 23, 1977.

Issued under delegated authority.

Agreement adopted by Traffic Conference 2 of the International Air Transport Association relating to cargo rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the resolution governing cargo rates between Ireland and the United Kingdom. In general, the unit load device (ULD) charges between Dublin and London would be

amended to enable the carriers serving this market to rate their services at comparable levels. The agreement would also extend the ULD program to Cork/Shannon, on the one hand, and various U.K. provincial points, on the other hand, by establishing ULD charges between these points; these rates represent reductions from otherwise applicable freight-all-kinds rates. The agreement has indirect application in air transportation insofar as the rates established are combinable with rates to/from United States points, and it will be approved.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 200 (Mail 166) 004], incorporated in Agreement C.A.B. 26887 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 26887 is approved.

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 upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29438 Filed 10-5-77;8:45 am]

[6320-01]

[Order 77-9-127; Docket 27813, Agreement CAB 26291; Docket 29123, Agreements CAB 26157-R through R3 and 26260-R17; Agreement CAB 26096]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action; Agency Matters

Issued under delegated authority September 27, 1977.

There have been filed, pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended (the Act), and Part 261 of the Board's Economic Regulations,

certain agreements among the members of the International Air Transport Association (IATA) to establish or amend certain IATA resolutions on agency matters. The resolutions were adopted by the

Composite Passenger Traffic Conference held in Miami on September 2-15, 1976, or by mail vote.

The agreements are identified as follows:

Agreement	IATA resolution designator No.	Title of IATA resolution affected
CAB:		
26096	100 (mail 51) 860a	Payment of Interline Commission (new).
	300 (mail 51) 860a	
26157-R1	174/810a (U.S.A. only) II	Passenger Sales Agency Rules (U.S.A. only) (amending).
26157-R2	174/810a (except U.S.A.)	Passenger Sales Agency Rules (except U.S.A.) (amending).
	270/810a	
	350/810a	
26157-R3	174/820a	Passenger Sales Agency Agreement (amending).
	270/820a	
	350/820a	
26260-R17	174/831	Interline Agreements with Non-IATA Carriers (amending).
	270/831	
	350/831	
26291	100 (mail 78) 815	Industry Incentive Scheme for Approved Passenger Sales Agents (amending).
	200 (mail 78) 815	
	300 (mail 78) 815	

In Order 75-12-141, December 29, 1975, the Board deferred action on Agreements CAB 25606-R1 through R4.¹ In Order 76-7-56, July 16, 1976, it refused to grant interim approval of the agreements and instituted an investigation into the principal issue raised by the agreements, viz, whether or not the establishment of a uniform commission rate payable to agents for the sale of international air transportation is adverse to the public interest. In Order 77-8-14, August 3, 1977, the Board denied a request by National Airlines, Inc. (National) for interim approval of the agreements. In doing so, it found that the apparent effects of the current open commission rate situation do not warrant a reversal of the Board's earlier determination not to grant interim approval.

Upon review of agreements subsequently filed by IATA for Board approval, it appears that the agreements listed above relate in a substantive manner to

¹ The agreements at issue are CAB 25606, R1 through R4, which, respectively, establish or amend IATA Resolutions 002z, 016d, 815 and 860. Resolutions 002z and 815 establish a uniform commission rate of 8 percent (with a few exceptions). An additional commission of 3 percent is provided for sales of inclusive tours. An additional 4 percent incentive commission is paid to agents who increase their industry sales by 10 percent in a given year. Resolution 860 establishes commissions on interline sales. Resolution 016d undertakes a conference study of tour and travel organizers. The texts of the agreements are reproduced in the Appendix to Order 75-12-141. See also, Order 76-3-83.

² Agreements CAB 26096, 26157-R1 through R3, 26260-R17, and 26291, respectively, provide that the commission rates schedule established by Agreement CAB 25606-R1 be applicable in certain localities within TC1 and TC3; further amend that commission rate schedule and amend the IATA Sales Agency Rules and Sales Agency Agreement to reflect those changes; modify the resolution governing interline agreements with non-IATA carriers to reflect the provisions of Agreements 25606-R1 and R3; and delay introduction of the industry incentive scheme in Lebanon.

issues which ultimately will be determined by the investigation being conducted in Docket 28672.² In denying National's motion for interim approval of Agreements 25606-R1 through R3, the Board found that there had been no concrete showing that the public interest had been adversely affected by the open commission rate situation. With respect to the agreements listed above, IATA has presented no new supporting argument which would suggest a decision different from that reached by the Board in Order 75-12-121 and reiterated in Order 77-8-14.

Therefore, pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.3, it has been decided to defer action on these agreements, pending completion of the investigation of the IATA commission rate structure. Upon completion of the investigation, the agreements will be considered on their merits.

Accordingly, it is ordered, That: 1. Action on Agreements CAB 26096, 26157-R1 through R3, 26260-R17, and 26291 be deferred; and

2. This order shall be served on IATA and its U.S. member air carriers, the Air Traffic Conference of America and its member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, the International Airfreight Agents Association, the Travel Agents' Legal Action Committee, Unitours, Inc., and the United States Department of Justice and Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's Economic Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-29439 Filed 10-5-77; 8:45 am]

[6320-01]

[Docket No. 30682]

INVESTIGATION OF PAN AMERICAN'S
WASHINGTON/BALTIMORE/CHICAGO
SERVICE, ROUTES 117 AND 130

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 1, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on July 26, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 3, 1977.

RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc. 77-29435 Filed 10-5-77; 8:45 am]

[6320-01]

[Order 77-9-133; Docket 30226]

KODIAK-WESTERN ALASKA AIRLINES,
INC.

Order To Show Cause; Subsidy Mail Pay
Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1977.

On August 29, 1977, Kodiak-Western Alaska Airlines, Inc. (Kodiak-Western) filed a second amendment to its petition for increased subsidy filed December 16, 1976. In the amendment, Kodiak-Western requests a further increase in its subsidy mail rate. The carrier projects a need of \$571,931 for the year ending December 31, 1977, to cover its expected operating losses and to pay its net interest expense.

The Board granted Kodiak-Western a temporary increase in annual subsidy from \$129,509 to \$188,277 in the spring of 1977.¹ The increase was based on the carrier's cash-flow crisis and its need for immediate relief to meet current obligations. In the order proposing the new temporary rate, the Board noted that the carrier expected its financial situation to improve by summer and that if the improvement failed to materialize, a full investigation of Kodiak-Western's operations might be instituted.²

It is evident from data contained in Form 41 reports and in Amendment Two to its subsidy petition that Kodiak-Western's condition has deteriorated rather than improved. Consequently, temporary emergency action is again

¹ Order 77-4-9, April 4, 1977.

² Order 77-3-136, March 23, 1977.

needed in order to maintain service levels during the fall and winter months and to provide the Board and the carrier with time to explore possible long-term solutions to Kodiak-Western's chronic problems.

Based on our analysis of pertinent reported financial and operating data, we tentatively conclude that the temporary subsidy rate (expressed in annual amounts) for Kodiak-Western's scheduled service should be increased from \$188,277 to \$500,235 as indicated in Appendix A.² We also tentatively conclude that the new rate should be effective from October 1, 1977, through March 31, 1978, and the rate will then automatically revert to \$188,277 annually; or, a new rate will be established based on conditions existing then and on prospects for the future.

In the interim, the carrier is directed to examine all aspects of its operations to determine what rationalization, restructuring, and retrenchment can be undertaken which might produce a long-range solution to its financial difficulties. Among the areas we expect Kodiak-Western to consider in this evaluation are:

1. Modification or restructuring of the carrier's operating authority including the withdrawal of services at points where alternative services would be provided by other carriers;
2. Retrenchment in the levels of service provided at any of the points served;
3. Disposal of equipment which is not absolutely essential to the carrier's operations; and
4. Rationalization of Kodiak-Western's rate structures and levels.

If the carrier cannot develop by January 16, 1978, a reasonable and workable plan for continuing services to the Kodiak and Bristol Bay areas of Alaska at subsidy costs closer to the levels historically needed by the carrier to operate its system, the Board will be compelled to institute an investigation aimed at finding alternative ways of providing air services to these areas.

We, therefore, find it reasonable and in the public interest to provide Kodiak-Western with a temporary subsidy rate of \$500,235 annually for the period October 1, 1977, through March 31, 1978.

On the basis of the foregoing, we tentatively find and conclude that the fair and reasonable temporary rate of compensation to be paid to Kodiak-Western Alaska Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefore, and the subsidy-eligible services connected therewith between the points between which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity, is the sum of (a) the service mail rates as heretofore and hereafter established for the carrier by order of the Board, and (b) subsidy as follows: For each calendar month on and after October 1, 1977, in which miles des-

ignated by the Postmaster General for the transportation of mail are flown, an amount determined by multiplying the appropriate rates stated in Appendix B by the scheduled subsidy-eligible aircraft-miles flown during the month, or by the appropriate monthly base aircraft-miles, whichever is lower.

The scheduled revenue aircraft-miles flown shall be computed on the basis of the direct airport-to-airport mileage⁴ between the points actually served on each revenue trip operated over Kodiak-Western's authorized subsidy-eligible routes pursuant to its flight schedules filed with the Board, including all revenue trips operated as extra sections.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 406, and the regulations promulgated in 14 CFR 302,

It is ordered, That: 1. Kodiak-Western Alaska Airlines, Inc., be directed to show cause why the Board should not fix, determine, and publish the aforesaid rate as the fair and reasonable temporary rate of compensation to be paid Kodiak-Western for the transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith, over the carrier's subsidy-eligible system pending the fixing of a final rate in the instant proceeding;

2. Kodiak-Western Alaska Airlines, Inc., be further directed to examine all aspects of its operations and to submit a plan for restructuring its operations to the Board no later than January 16, 1978;

3. Further procedures with respect to the temporary rate proposed here shall be in accordance with the Board's Rules of Practice, particularly Rule 302, et seq., and, if there is any objection to the rate specified here, notice must be filed within eight days, and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of service of this order;

4. If notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days, after service of this order, or, if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified here;

5. If notice of objection and answer are filed presenting issues for hearing, issues regarding the establishment of these fair and reasonable rates shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR, § 302.307;

6. This proceeding shall remain open pending entry of an order fixing final rates retroactive to such date as the Board may determine, which final rates may be lower or higher than the temporary rates fixed here; and

7. This order shall be served upon all parties to this proceeding.

⁴ 14 CFR 247.1.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.⁵

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-29440 Filed 10-5-77;8:45 am]

[6325-01]

COMMISSION ON CIVIL RIGHTS MAINE ADVISORY COMMITTEE

Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10 p.m. on October 27, 1977, Maine Teachers Association, 25 Community Drive, Augusta, Maine.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss the transition from SACs to RACs.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 3, 1977.

JOHN I. BINKLEY,
Advisory Committee Management
Officer.

[FR Doc.77-29448 Filed 10-5-77;8:45 am]

[6325-01]

WYOMING ADVISORY COMMITTEE

Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) of the Commission will convene at 12:30 p.m. and will end at 2:30 p.m. on October 29, 1977, in the Natrona Public Library, Durbin and 2nd Streets, Casper, Wyoming 82601.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss agenda for consultation on civil rights to be held on November 11-12 in Cheyenne.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 3, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-29449 Filed 10-5-77;8:45 am]

⁵ All Members concurred.

² Appendices A and B filed as part of the original document.

[6740-02]

FEDERAL POWER COMMISSION

[Project No. 618]

ALABAMA POWER CO.**Application for Approval of Change in Land Rights**

SEPTEMBER 29, 1977.

Public notice is hereby given that an application was filed on April 26, 1976, and amended on November 11, 1976, under the Federal Power Act, 16 U.S.C. 791a-825r, by Alabama Power Co. (Applicant) (Correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291) for Commission approval of a change in land rights at Project No. 618, known as the Jordan Dam Project. Project No. 618 is located on the Coosa River in Elmore, Chilton, and Coosa Counties, Ala.

Applicant seeks Commission approval of the conveyance to the Wallsboro-Santuck Water and Fire Protection Authority of an easement over project lands for the purpose of installing and maintaining a water distribution system in Sections 6, 8, 9, 10, 14, 15, and 16 T. 19 N., R. 18 E., Elmore County, Ala. The proposed distribution system would include 7.27 miles of 3-inch-diameter plastic pipeline and 0.92 mile of 8-inch-diameter plastic pipeline. The lines would be laid a minimum of 30 inches below the ground surface. The proposed system would serve approximately 500 families, and would replace existing lake water systems and individual wells, drawing water instead from the City of Montgomery, Alabama's 20 mgd water treatment plant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 7, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29380 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. E-9605]

BLACK HILLS POWER & LIGHT**Application**

SEPTEMBER 29, 1977.

Take notice that on September 22, 1977, Black Hills Power & Light Co. (Ap-

plicant) filed an application for authority, pursuant to section 203 of the Federal Power Act, to sell certain electric facilities to the City of Gillette, Wyo.

Applicant is incorporated under the laws of the State of South Dakota with its principal business office at Rapid City, S. Dak., and is engaged in the electric utility business in the States of Wyoming, Montana, and South Dakota.

Any person desiring to be heard or to make any protest with reference to the application, should on or before October 11, 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. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29381 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. RP76-135]

CITIES SERVICE GAS CO.**Filing of Settlement Agreement**

SEPTEMBER 30, 1977.

Take notice that on September 13, 1977, Cities Service Gas Co. (Cities Service) tendered for filing a Stipulation and Agreement proposed in settlement of this general rate proceeding. Cities Service states that the stipulation and agreement, if approved by the Commission, will resolve all issues in the proceeding except for the propriety of a rate design modification proposed by the Commission Staff.

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 October 14, 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.77-29403 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.**Compliance Filing**

SEPTEMBER 29, 1977.

Take notice that Connecticut Light & Power Co. (CL&P) on September 19, 1977, tendered for filing a revised summary cost of service and tariff sheets.

CL&P states that this filing is in compliance with the Commission's findings and orders contained in Opinion No. 761, issued April 28, 1976, as modified by Opinion No. 761-A, issued July 20, 1977.

Any person desiring to protect said filing should file a petition to protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before October 12, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29382 Filed 10-5-77;8:45 am]

[6740-02]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY**Application for Approval of Change in Land Rights**

SEPTEMBER 29, 1977.

Public notice is hereby given that an application was filed on May 16, 1977, under the Federal Power Act, 16 U.S.C. 791a-825r, by Grand River Dam Authority (Applicant) (Correspondence to: Mr. Robert W. Sullivan, Jr., General Counsel, Grand River Dam Authority, Administrative Headquarters, Drawer G, Vinita, Okla. 74301) for Commission approval of a change in land rights at Project No. 1494, located on the Grand River in Mayes, Craig, Delaware, and Ottawa Counties, Okla., and McDonald County, Mo.

Applicant seeks Commission approval of the sale of a 0.4677-acre triangular tract of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T. 24 N., R. 23 E., Delaware County, Okla. The land would be sold to a development company for possible housing construction.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 7, 1977, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29383 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. RI77-128]

HERBERT S. WOODS & ASSOCIATES**Petition for Special Relief**

SEPTEMBER 29, 1977.

Take notice that on August 29, 1977, Herbert S. Woods & Associates (Woods), P.O. Box 1367, El Dorado, Ark., requested, pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76) a special relief rate of \$2/Mcf for sales of gas to Natural Gas Pipe Line Co. of America (Natural) from the J. L. Swiney No. 1 Well, Jack County, Ark.

Woods states that it will cost \$133,000 to recondition the well in order to economically recover the remaining 200,000 Mcf of reserves. Woods avers that during the past 20 years of production, expenses exceeded revenues resulting in a negative cash flow. Woods says that he has received a net revenue for his gas of 12.6 cents/Mcf over the last 20 years.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29384 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. ES77-61]

IOWA ELECTRIC LIGHT & POWER CO.**Application**

SEPTEMBER 29, 1977.

Take notice that on September 23, 1977, the Iowa Electric Light and Power Co. (Applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding \$25,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The First Mortgage Bonds which are to mature December 1, 2007, will be issued on approximately December 7, 1977 under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1,

1940, as heretofore amended and supplemented by forty-five supplemental indentures and as to be further supplemented by a forty-sixth supplemental indenture to be dated December 1, 1977 between the Applicant and the First National Bank of Chicago, as Trustee. The rate of interest to be paid by the Applicant will be determined by competitive bidding in accordance with the Commission's regulations under the Federal Power Act.

The purpose for which the said securities are to be issued is for the Applicant's continuing construction program and for the repayment of commercial paper anticipated to be outstanding at the time the Bonds are sold.

Any person desiring to be heard or to make protest with reference to this Application should on or before October 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions of protest in accordance with 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29385 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. RI77-133]

JESSE FRANKLIN ROSETT**Petition For Special Relief**

SEPTEMBER 30, 1977.

Take notice that on September 15, 1977, Jesse Franklin Rosett (Petitioner), 715 Edgemont Street, Shreveport, La. 71106, filed in Docket No. RI77-133 a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner seeks to collect a rate in excess of the established applicable ceiling rate for the sale of natural gas to United Gas Pipe Line Co. from the T. A. Glass No. 1 and M. A. Blackwell No. 1 wells located in the Cotton Valley Field, Webster Parish, La. Petitioner states that production from the subject wells is presently shut down due to a complete breakdown in the compressor and engine. In order to restore production, Petitioner states that it will be necessary to repair the present compressor or to purchase or rent a new compressor.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 21, 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 Com-

mission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29407 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.**Application**

SEPTEMBER 29, 1977.

Take notice that on September 26, 1977, Kansas City Power & Light Co. (Applicant) filed a seventh supplemental application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to \$100,000,000 principal amount of short-term, unsecured promissory notes to be outstanding at any one time, of which aggregate amount a maximum of \$45,000,000 may be in the form of commercial paper, said notes to be issued not later than December 31, 1978, with maturities not later than December 31, 1979. By prior supplemental order issued November 26, 1976, the Commission authorized Applicant to issue prior to December 31, 1977, up to \$75,000,000 short-term promissory notes to be outstanding at any one time, of which aggregate amount up to \$36,000,000 could be in the form of commercial paper, with final maturities not later than December 31, 1978.

Applicant is incorporated under the laws of the State of Missouri and its principal business office at Kansas City, Missouri, and authorized to do business in the State of Kansas.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect at the time of issuance; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The Applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application to this Commission, at any time from time to time prior to December 31, 1978, each of such notes to have a maturity date of not later than December 31, 1979.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1979. The authorization to issue up to \$100,000,000 of said short-term, unsecured promissory notes will allow the Applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to the application should, on or before October 19, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29385 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. ES77-60]

LOUISVILLE GAS AND ELECTRIC CO.
(KENTUCKY)

Application

SEPTEMBER 29, 1977.

Take notice that on September 21, 1977, Louisville Gas and Electric Co. (Applicant) of Louisville, Ky., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, to trust companies, and to commercial paper dealers in amounts not exceeding in the aggregate \$80,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the two year period ending December 31, 1979, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes to be issued as trust demand notes (master notes) to commercial banks and trust companies will be issued on various days during the period ending December 31, 1979, but no Note will mature more than nine months after date of issue. The interest rate on master notes will be dependent upon the money market conditions prevailing during the life of the Note.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1979, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of

the sale of electric and gas service, (2) the dollar amount of Applicant's inventory of fuel and gas stored underground, and (3) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding month.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1978-1979 construction program. Applicant estimates that construction expenditures for the years ending December 31, 1978 and 1979 will total about \$67,400,000 and \$89,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 14, 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). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29387 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. ER77-613]

LOUISVILLE GAS AND ELECTRIC CO.

Proposed Tariff Change

SEPTEMBER 30, 1977.

Take notice that Louisville Gas and Electric Co. (Louisville) on September 26, 1977, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Big Rivers Electric Corp. (Big Rivers) designated FPC Rate Schedule No. 27. Louisville indicates that the proposed changes would increase revenues from jurisdictional sales and service by \$288,500 based on the 12 months ended August 31, 1977.

Louisville states that the purpose of this filing is to increase the demand charge for short term power as set forth on Service Schedule C from 45c per kilowatt per week to 60c per kilowatt per week. Louisville states that this proposed revision reflects a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Louisville requests that the Commission establish an effective date of October 30, 1977, for the changes proposed in this filing.

Louisville indicates that copies of the filing were served upon Big Rivers and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 October 13, 1977. Protests will be considered by the Commission in deter-

mining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29406 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. RI77-126]

MAURICE L. BROWN CO.

Petition for Special Relief

SEPTEMBER 29, 1977.

Take notice that on September 6, 1977 The Maurice L. Brown Co. (Petitioner), 9229 Ward Parkway, Kansas City, Oklahoma 64114, filed a petition for special relief pursuant to § 2.76 of the Commission Statements of General Policy and Interpretations (18 C.F.R. 2.76). Petitioner seeks to collect a rate of \$1.9403 per Mcf for the sale of natural gas to United Gas Pipeline Company from the Ruby Russell Gas Unit No. 1, Bethany Field, Harrison County, Texas. Petitioner states that unless the requested increase is granted, further production would be uneconomical.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29388 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. RI77-130]

MAURICE L. BROWN CO.

Petition For Special Relief

SEPTEMBER 29, 1977.

Take notice that on September 9, 1977, The Maurice L. Brown Co. (Petitioner), 9229 Ward Parkway, Kansas City, Mo. 64114, filed a petition for special relief in Docket No. RI77-130 pursuant to § 2.76 of the Commission's Rules of Practice and Procedure.

Petitioner states that the current rate of 81.66 cents per Mcf for gas sold to United Gas Pipeline Company from Newton-Whiteside Gas Unit No. 1, Harrison County, Tex. is no longer economical, and therefore requests an increase

in this rate to \$2.33 per Mcf. Petitioner does not propose that any additional work be done on the Newton-Whiteside gas Unit No. 1.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29402 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. RI77-125]

MAURICE L. BROWN CO.
Petition For Special Relief

SEPTEMBER 30, 1977.

Take notice that on September 1, 1977, The Maurice L. Brown Company (Petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed in Docket No. RI77-125 a petition for special relief pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76). Petitioner seeks authorization for the working interest owner to collect an increase in rate from 27.29 cents per Mcf to \$1.5879 per Mcf for the sale of natural gas to Northern Natural Gas Company from the Strackeljohn Gas Unit No. 1 Well located in Finney County, Kans. Petitioner states that current production from the well is uneconomical at current prices.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29404 Filed 10-5-77; 8:45 am]

¹ The petition states that Leslie Oil and Gas Co. owns a 100% working interest in the subject well.

[6740-02]

[Docket No. RI77-124]

MAURICE L. BROWN CO.
Petition For Special Relief

SEPTEMBER 30, 1977.

Take notice that on September 1, 1977, the Maurice L. Brown Co. (Petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed in Docket No. RI77-124, a petition for special relief pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner seeks to collect a rate of 184.69 cents per Mcf for the sale of natural gas to United Gas Pipe Line Co. from the Sneed Gas Unit No. 1 and Sneed Gas Unit No. 2 Wells located in the Bethany Field, Harrison County, Tex. Petitioner indicates that the proposed rate increase is necessary in order for Petitioner to continue economic operations so that it may maintain its oil and gas leases pending future development.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29405 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. RP73-43 (PGA77-3)]

MID LOUISIANA GAS CO.
Informal Conference

SEPTEMBER 30, 1977.

Take notice that an informal conference in the above-captioned proceeding will be held on October 6, 1977, at 10 a.m., e.s.t., at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. The conference is being convened by the Commission's staff pursuant to Ordering Paragraph (B) of the Commission's order in Docket No. RP73-43 (PGA77-3) issued September 21, 1977.

Customers and other interested persons will be permitted to attend, but if such persons have not been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss all issues arising out of Mid Louisiana Gas Co.'s filing in the instant docket, to make and accept offers of settlement with respect to such

issues, and to make commitments concerning procedural matters antecedent to a full evidentiary hearing should such hearing be required.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29409 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. E-9604]

MINNESOTA POWER & LIGHT CO.
Filing

SEPTEMBER 28, 1977.

Take notice that Minnesota Power & Light Co. (MP&L) on September 12, 1977, tendered for filing an application for an order pursuant to section 203 of the Federal Power Act authorizing the sale by MP&L of certain facilities to United Power Association, a Minnesota Corporation, and United States Steel Corp., a Delaware Corporation.

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 October 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29374 Filed 10-5-77; 8:45 am]

[6740-02]

[Docket No. ER76-830]

MISSISSIPPI POWER & LIGHT CO.
Compliance Filing

SEPTEMBER 29, 1977.

Take notice that Mississippi Power & Light Co. (Mississippi) on September 14, 1977, tendered for filing an Agreement for Purchase of Power, dated April 23, 1976, and a Supplemental Operating Agreement dated July 12, 1962. Mississippi states that this filing is made in compliance with the Commission order issued August 3, 1977, in the above-noted docket.

Any person desiring to protest said filing should file a petition to protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before October 11, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.77-29390 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. CP77-624]

MONTANA-DAKOTA UTILITIES CO.

Application

SEPTEMBER 29, 1977.

Take notice that on September 20, 1977, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP77-624 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas receipt and appurtenant facilities which are necessary in order to allow Applicant to take into its system significant quantities of gas that it would purchase from the Montana Power Co. (Montana Power), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(a) A 6-inch valve assembly and appurtenant facilities at a point on each loop of Applicant's Elk Basin to Billings transmission lines (two 12-inch lines) at a point in the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 18, T8S, R23E, near Belfry, Carbon County, Mont., where existing facilities of Applicant and Montana Power cross, and including:

(b) A 12-inch check valve at each valve assembly designed to prevent any of the gas purchased from Montana Power from physically leaving the State of Montana.

Applicant states that the proposed facilities would provide an interconnection of its transmission line with Montana Power's transmission line for purposes of receiving the gas to be delivered from Montana Power, and that the facilities would be capable of receiving up to 11,000 Mcf of natural gas per day.

Measurement would be performed by Montana Power, it is said. Applicant states that the check valve assemblies which it is also seeking authorization to install and operate are for purposes of confining the gas purchased from Montana Power to consumption solely within the State of Montana.

It is stated that by means of the proposed facilities, Applicant intends to purchase from Montana Power over the period October 1, 1977, through February 28, 1983, a quantity of gas up to approximately 13,750,000 Mcf, and that this quantity of gas would be made available by Montana Power from Canadian supplies which would be excess to Montana Power's market requirements over approximately the next five years. It is further stated that Montana Power is currently confronted with an excess

supply situation, and that it is obliged by take-or-pay contracts to purchase large volumes of Canadian gas, but because of the recent and drastic loss of its industrial loads it can no longer make use of all of the Canadian gas which it is obliged to take. This over-supply situation is expected to last for approximately five years, it is said.

Applicant, on the other hand, is currently in curtailment, is seeking every available source of gas supply with which to augment the natural gas supplies available to its customers, it is said. Consequently, the application shows that Applicant and Montana Power have entered into an agreement for the sale and purchase of natural gas dated August 2, 1977, which agreement provides that during the period October 1, 1977 through February 28, 1983, Montana Power would sell and Applicant would purchase up to approximately 13.75 Bcf as follows:

	Billion cubic feet
March 1 through November 30 of each year	2.5
December 1 through the last day of February in the following year	25

It is stated that during the period October 1, 1977, through November 30, 1977, the amount of gas that is to be made available would be .55 Bcf, and that the maximum amount to be delivered on any one day would be 11,000 Mcf. It is further stated that during the March through November periods the minimum to be delivered on any one day would be 6,000 Mcf, and deliveries would be considered as firm. During the December through February period there would be no minimum delivery obligation, and all deliveries would be on a best efforts basis only, it is indicated.

It is stated that the price which Applicant would pay for the gas is to be the sum of the following elements: (a) the Canadian border price per million Btu plus (b) 4.267 percent of the Canadian border price as the cost of fuel necessary to deliver the subject gas into Applicant's pipeline system plus (c) a delivery charge of 11.6 cents per Mcf. The 11.6 cent per Mcf delivery charge would be increased by one cent per Mcf at the beginning of each contract year thereafter, it is said. Applicant states that initially this formula produces a rate of \$2.454 per Mcf delivered.

Applicant indicates that the cost of the facilities is estimated to be \$10,000, which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any

person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMS,
Secretary.

[FR Doc.77-29389 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-612]

MONTAUP ELECTRIC CO.

Tariff Filing

SEPTEMBER 30, 1977.

Take notice that Montaup Electric Company (Montaup), on September 23, 1977, tendered for filing a service agreement providing for Montaup's transmission of a power purchase of the Middleborough (Massachusetts) Municipal Gas and Electric Department, pursuant to Montaup's generally applicable transmission tariff. According to Montaup, this service commenced on September 1, 1977 and will terminate on October 31, 1977.

Montaup requests waiver of the Commission's notice requirements to allow an effective date of September 1, 1977 for this service.

Montaup states that copies of the filing were served upon Middleborough Municipal Gas and Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 12, 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 Commis-

sion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29408 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-607]

NEW ENGLAND POWER POOL
Filing of Interconnection Agreement

SEPTEMBER 29, 1977.

Take notice that on September 21, 1977, the New England Power Pool (NEPOOL) filed an Interconnection Agreement between NEPOOL and the New York Power Pool, dated as of April 4, 1977. NEPOOL indicates that certificates of concurrence were filed on behalf of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

NEPOOL states that the Interconnection Agreement provides for emergency and economy reserve and energy interchanges between NEPOOL and the New York Power Pool. NEPOOL further states that the Interconnection Agreement also provides for each of the pools to facilitate purchase and sale transactions which one pool may have with remote systems and with which the other pool is interconnected.

The parties have requested that the Commission waive its notice requirements and permit the Interconnection Agreement to become effective as of April 4, 1977, the date upon which the New York Power Pool first became operative.

Any person desiring to be heard or to make any protest with reference to the Interconnection Agreement should on or before October 11, 1977, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29391 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-610]

NORTHERN STATES POWER CO.
Interconnection and Interchange Agreement and Supplement No. 1

SEPTEMBER 28, 1977.

Take notice that Northern States Power Company (NSPC), on September 22, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 16, 1977, with the City of Melrose, N. Dak.

NSPC indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. NSPC further indicates that Supplement No. 1 provides for the delivery of the City's Bureau allocation.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29375 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-608]

NORTHERN STATES POWER CO.
Interconnection and Interchange Agreement

SEPTEMBER 28, 1977.

Take notice that Northern States Power Company (NSPC), on September 22, 1977, tendered for filing an Interconnection and Interchange Agreement, dated September 14, 1977, with the City of Janesville, N. Dak.

NSPC states that the Interconnection and Interchange Agreement includes service schedules, which provide for transactions between the parties, similar to the service schedules contained in the Mid-Continent Area Power Pool Agreement.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29376 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-609]

NORTHERN STATES POWER CO.
Interconnection and Interchange Agreement and Supplement No. 1

SEPTEMBER 28, 1977.

Take notice that Northern States Power Company (NSPC), on September 22, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 16, 1977, with the City of Fairfax, N. Dak.

NSPC indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. NSPC further indicates that Supplement No. 1 provides for the delivery of the City's Bureau allocation.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29377 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-596]

NORTHERN STATES POWER CO.**Municipal Resale and Transmission Service Agreement**

SEPTEMBER 28, 1977.

Take notice that Northern States Power Company (Northern States), on September 20, 1977, tendered for filing a Municipal Resale and Transmission Service Agreement, dated September 12, 1977, with the City of Sioux Falls.

Northern States indicates that the Agreement provides for Northern States to furnish Sioux Falls' requirements in excess of Bureau of Reclamation power and energy as Load Pattern Power. Northern States further indicates that the Agreement changes the wheeling rate from a flat monthly charge to \$2.70 per KW per year. Northern States requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29378 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER 77-604]

NORTHERN STATES POWER CO.**Interconnection and Interchange Agreement**

SEPTEMBER 29, 1977.

Take notice that Northern States Power Company (NSPC), on September 21, 1977, tendered for filing an Interconnection and Interchange Agreement, dated September 16, 1977 with the City of Lake Crystal, N. Dak.

NSPC indicates that the Interconnection and Interchange Agreement includes service schedules, which provide for transactions between the parties, similar to the service schedules contained in the Mid-Continent Area Power Pool Agreement.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10

of the Commission's rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 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 with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29393 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-602]

NORTHERN STATES POWER CO.**Interconnection and Interchange Agreement and Supplement No. 1**

SEPTEMBER 29, 1977.

Take notice that Northern States Power Company (NSPC), on September 21, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 12, 1977, with the City of Kenyon.

NSPC indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. NSPC further indicates that Supplement No. 1, provides for Northern States to supply the City's requirements in excess of 1669 KW as Load Pattern Power.

NSPC requests an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29394 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-616]

NORTHERN STATES POWER CO.**Transmission Service Agreement**

SEPTEMBER 29, 1977.

Take notice that Northern States Power Company (NSPC), on September 26, 1977, tendered for filing a Transmis-

sion Service Agreement, dated September 20, 1977, with the State of South Dakota.

NSPC states that the Agreement changes the wheeling rate from 2.3 mills per KWH to \$2.70 per KW per year.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29395 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-603]

NORTHERN STATES POWER CO.**Interconnection and Interchange Agreement**

SEPTEMBER 29, 1977.

Take notice that Northern States Power Company (NSPC), on September 21, 1977, tendered for filing an Interconnection and Interchange Agreement, dated September 16, 1977, with the City of Glencoe, North Dakota.

NSPC indicates that the Interconnection and Interchange Agreement includes service schedules, which provide for transactions between the parties, similar to the service schedule contained in the Mid-Continent Area Power Pool Agreement.

NSPC requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29396 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. CP75-340]

NORTHWEST PIPELINE CORP.**Petition to Amend**

SEPTEMBER 29, 1977.

Take notice that on September 21, 1977, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-340 a petition to amend the Commission's order of February 17, 1977 (57 FPC ----), as amended, May 9, 1977 (57 FPC ----) issued in the instant docket pursuant to Section 3 of the Natural Gas Act so as to provide for the continued importation of additional volumes of natural gas through October 31, 1978 at the Kingsgate, British Columbia import point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of February 17, 1977, as amended May 7, 1977, in the instant docket, Petitioner was granted authorization to continue the importation of an additional 125,000 Mcf of natural gas on peak days and up to 30,000 Mcf of natural gas on an average day basis at Kingsgate through a period ending October 31, 1977. Petitioner states that the additional volumes of natural gas are made available to Westcoast Transmission Company Limited (Westcoast) by Alberta and Southern Gas Company Limited (A&S) on a best efforts limited term basis, and that Pacific Gas Transmission Company (PGT) receives the volumes at Kingsgate and transports such volumes for delivery to Northwest at two existing points of interconnection between the facilities of PGT and Petitioner in the vicinity of Stansfield, Oregon and Spokane, Washington.

Petitioner requests authorization to continue the importation of additional volumes of natural gas to be purchased from Westcoast at the Kingsgate import point through October 31, 1978. Petitioner further requests that such volumes authorized to be imported at the Canadian Government's established border price of \$2.16 (United States) per Mcf.

It is indicated that Petitioner, in an effort to retain this supplemental supply of natural gas has entered into a new amendment to an agreement and consent with Westcoast dated August 1, 1977. It is further indicated that pursuant to such agreement Petitioner consented to Westcoast entering into an agreement dated August 1, 1977 with A&S. The agreement between Westcoast and A&S provides that A&S is willing and able to sell gas to Westcoast for resale to Petitioner, during the period November 1, 1977 to October 31, 1978 subject to A&S's existing sales contract obligations, it is said. Petitioner indicates that the quantity of natural gas that A&S would have available would be the quantity which A&S would have available after A&S has complied with its existing sales

contract obligations and would be dependent upon the volume of natural gas that PGT in its sole discretion is able to accept in its transmission system each day in excess of those volumes of natural gas necessary to meet its existing sales and transportation obligations. It is further indicated that Petitioner and PGT have entered into a letter agreement executed July 15, 1977 regarding the transportation of such excess volumes of natural gas, and that Petitioner has agreed to pay PGT for the volumes transported in accordance with the cost of service and cost allocation procedures contained in Rate Schedule I-1 of PGT's FPC Gas Tariff Original Volume No. 1.

The volumes of natural gas to be made available by A&S to Westcoast would not exceed 30,000 Mcf on an average day and 125,000 Mcf on a peak day, it is stated. It is indicated that the rate to be paid Westcoast for such volumes of natural gas would be the rate prescribed by the National Energy Board (NEB) of Canada for all gas exported pursuant to Westcoast's export license GL-41, which price is \$2.16 per Mcf.

Petitioner indicates that no new or additional facilities are required to effectuate the continued importation proposed herein as the existing transmission and border facilities of PGT would be utilized in the importation of the A&S volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29392 Filed 10-5-77;8:45 am]

[6740-02]

[Project No. 2370]

PENNSYLVANIA ELECTRIC CO.**Meeting**

SEPTEMBER 29, 1977.

Public notice is hereby given that a meeting will be held on October 13, 1977, at 10 a.m. at the Federal Power Commission in Room 8402, 825 North Capitol Street, Washington, D.C., respecting a proposed revision of the application for approval of revised Exhibit R (recreational use plan) for the Deep Creek Project, FPC No. 2370, filed by Pennsylvania

Electric Co. All parties have been notified of the meeting.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29434 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. CI77-700]

PIONEER GAS PRODUCTS CO.**Notice of Applications For Certificates, Abandonment of Service and Petitions To Amend Certificates¹**

SEPTEMBER 29, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make 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.

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 all applications in which not petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
A 0177-700.... 7-20-77	Pioneer Gas Products Co., P.O. Box 511, Amarillo, Tex. 79105.	Lone Star Gas Co., a division of ENERCH Corp. (certain acreage in Bryan and Marshall Counties, Okla.)	\$1.46	14.73

Filing code: A—Initial service
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[FR Doc.77-29345 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. RP77-137-1]

**SOUTH GEORGIA NATURAL GAS CO.
(GREAT SOUTHERN PAPER CO.)**

Petition For Extraordinary Relief From Curtailment and Reclassification of Requirements

SEPTEMBER 29, 1977.

Take notice that on September 13, 1977, Great Southern Paper Co. (Great Southern) filed a petition pursuant to § 1.7(b) of the Commission's Rules of Practice and Procedure and § 2.78(b) of the Commission's General Policy and Interpretations for extraordinary relief from the operation of the curtailment plan of South Georgia Natural Gas Co. (South Georgia). Specifically, Great Southern requests the Commission to (1) direct that an average daily volume of 545 Mcf of natural gas required for ignition service and flame stability in two coal-fired boilers, two recovery boilers and two lime kilns employed at Great Southern's plant in Cedar Springs, Georgia be classified as a Priority 2 requirement under South Georgia's Index of Requirements, and (2) require South Georgia to deliver up to 3,000 Mcf of natural gas per day for nonboiler fuel use in Great Southern's lime kilns as a Priority 7 load.

Great Southern states in its petition that South Georgia is the sole supplier of natural gas to Great Southern's paper mill located in Cedar Springs, Georgia, and that Great Southern has been subjected to increasing levels of curtailment since 1974. Great Southern anticipates almost total curtailment of its supplies in the upcoming winter heating season.

Great Southern alleges that reclassification is warranted to correct an erroneous priority classification resulting from South Georgia's adherence to the firm-interruptible distinction in its curtailment plan and from the aggregation of all of Great Southern's requirements for purposes of classification under South Georgia's Index of Requirements in disregard of the various end-uses of natural gas at the Cedar Springs mill. Under the operation of South Georgia's curtailment plan, all of Great Southern's minimum average daily requirements of 3,545 Mcf of natural gas per day, which are currently purchased on an interruptible basis from South Georgia, are placed in

South Georgia's curtailment priority 8. Great Southern contends that the different uses of natural gas in its paper mill operations should be categorized separately according to end-use within South Georgia's curtailment priorities.

According to the petition, only LP-gas can be used as an alternate fuel in Great Southern's present igniter systems, and Great Southern's allocation of propane from its supplier, Union Texas Petroleum, is not adequate to meet its requirements during periods of curtailment. Although No. 6 fuel oil can be substituted for natural gas in the lime kilns designed originally to use natural gas, Great Southern claims that use of such alternate fuel reduces both efficiency and the quality of the product, considerations not relevant in determining a fuel for the generation of steam in boilers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition which was filed with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29398 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. RI77-131]

SOUTH STATES OIL & GAS CO.

Petition for Special Relief From Refund Obligation

SEPTEMBER 29, 1977.

Take notice that on September 9, 1977, South States Oil and Gas Company (South States), Milan Building, San Antonio, Tex. 78205 filed a petition for special relief from refund obligation in Docket No. RI77-131 pursuant

to Section 1.7(a) of the Commission's Rules of Practice and Procedure and Section 154.109 of the Commission's Regulations.

Specifically, South States seeks special relief from the \$155,000.00 refund obligation imposed by the Commission for sales of gas made by South States to Tennessee Gas Pipe Line Co. (Tennessee) between 1961 and 1968 from wells located in the Texas Gulf Coast Area. South States alleges that its actual production, marketing and gathering expenses exceed the revenues derived from the sale of gas from the subject leases and that payment of the refunds and interest would result in the dissolution of this natural gas company.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29397 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-615]

SOUTHERN INDIANA GAS & ELECTRIC CO.

Cancellations

SEPTEMBER 29, 1977.

Take notice that Southern Indiana Gas & Electric Co. (Company) on September 26, 1966, tendered for filing notices of cancellation of the following rate schedules, involving Company and the parties listed. The Company requests waiver of the Commission's notice requirements to allow for the cancellations to become effective as of the dates listed:

Rate schedule	Party	Proposed effective date
FPC No.:		
10.....	Dubois Rural Electric Co-operative, Inc. (Dubois)	Oct. 30, 1970
11.....	Dubois.....	July 31, 1972
12.....	Southern Indiana Rural Electric Co-operative, Inc. (Southern Rural)	Aug. 31, 1972
13.....	Southern Rural.....	Do
14.....	do.....	Do
15.....	do.....	Do
16.....	do.....	Do
18.....	do.....	Do
19.....	do.....	Do

The Company states that copies of this filing have been forwarded to Dubois and Southern Rural.

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 October 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29399 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. CP77-616]

TEXAS GAS TRANSMISSION CORP.

Application

SEPTEMBER 28, 1977.

Take notice that on September 12, 1977, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky. 42301, filed an application, in Docket No. CP77-616, pursuant to Section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction of:

Approximately 20.4 miles of 20-inch pipeline and appurtenant facilities extending from the Houston Oil & Minerals Corp. platform in the Vermilion Area, Block 50, Offshore Louisiana (Block 50), to the southern terminus of Applicant's 20-inch Maurice-North Freshwater Bayou pipeline, as more fully described in the application.

The facilities proposed by Applicant are to provide a connection between the reserves to be produced in the Block 50 area.

Applicant shows that the total estimated cost of the proposed facilities is \$15,284,600. Applicant states that the additional volumes to be made available to Applicant from the block to be connected will help to reduce the level of future curtailments.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 11, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29379 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. ER77-614]

UNION ELECTRIC CO.

Proposed Tariff and Rate Schedule Changes

SEPTEMBER 29, 1977.

Take notice that Union Electric Co. (Union) on September 26, 1977, tendered for filing proposed changes in its FPC Electric Service Tariffs Nos. W-2, 88 and 49. Union indicates that the proposed changes would increase revenues from jurisdictional sales and service by \$14,976,000 based on the twelve-month period ending September 30, 1978. Union further indicates that in addition, the proposed changes in the W-2 Tariff also modify the form of rate, power factor requirements, billing and payment provisions, and add provisions regarding load reduction as well as other minor modifications.

Union states that its proposed increase in rates is due to the increased costs of construction, capital, wages, property and payroll taxes and other similar increases in costs, and Union contends that the rate increases are necessary in order to provide a fair return to Union and its investors and at the same time generate sufficient cash to insure Union's ability to continue to provide adequate and reliable service.

According to Union, copies of the filing were served upon Union's jurisdictional customers and the Missouri Public Service Commission and Iowa State Commerce Commission.

Union requests that the changes proposed in this filing become effective as of October 26, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 October 12, 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 desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29400 Filed 10-5-77;8:45 am]

[6740-02]

[Docket No. RI77-121]

WALTER E. BAILY

Petition for Special Relief

SEPTEMBER 29, 1977.

Take notice that on August 29, 1977, Walter E. Baily (Baily), Box 548, Seminole, Okla., filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Baily seeks authorization to charge \$1.50/Mcf for the sale of gas from his well in Wood County, Okla., to Cities Service Gas Co. Baily states that the gas is presently shut-in because it can't deliver against Cities Service's line pressure and as a result the well has loaded up with salt water. Baily estimates there are 150,000 Mcf of remaining recoverable reserves in the well. Baily currently is authorized a 31 cents/Mcf rate. He states that his proposed reconditioning will cost \$55,000.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-29401 Filed 10-5-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

LANDMARK BANCSHARES CORP.

Order Approving Acquisition of Bank

Landmark Bancshares Corp., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Fidelity Bank and Trust Co., Creve Coeur, Mo. ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twelfth largest banking organization in Missouri, controls three banks with total deposits of approximately \$222.4 million, representing 1.2 percent of total deposits in commercial banks in the State.¹ Acquisition of Bank (deposits of approximately \$13.4 million) would increase Applicant's share of commercial bank deposits in Missouri by less than .1 of one percent and would have no appreciable effect on concentration of banking resources in the State.

Bank ranks 66th out of 81 banking organizations in the relevant banking market² and holds .1 of one percent of the total commercial bank deposits in the market. Applicant's three banking subsidiaries are all located in the St. Louis market and control in the aggregate 2.6 percent of market deposits, making Applicant the ninth largest banking organization in the market. Upon consummation of the proposed acquisition, Applicant's share of commercial bank deposits would increase to 2.7 percent and Applicant would become the eighth largest banking organization in the market. The Board does not view such effects as being particularly serious in light of the competitive banking structure in the St. Louis market. Thirteen of the twenty largest banking organizations in Missouri are represented in the market and nine of those organizations are among the ten largest banking organizations in the market. In addition, although Applicant's rank in the market will improve as a result of the proposed acquisition, Applicant's share of market deposits would not increase significantly. While consummation of the proposal would reduce the number of independent banking organizations in the St. Louis market, that effect is not regarded as important in view of the fact that a large number of independent banking organizations would remain competing in the market. In light of the above and other facts of record, the Board concludes that the proposed acquisition would have only slightly adverse effects on competition and, in light of the considerations discussed below, the Board does not view such effects as being so serious as to require denial of this proposal.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the proposal.

As a result of its affiliation with Applicant, Bank would be able to offer additional services to its customers, including automatic telephone fund transfers and direct deposit of payroll and social security funds. In addition, Applicant intends to lower the charges on certain of Bank's services. These considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and, in the Board's judgment, are sufficient to outweigh any slight adverse competitive effects that might result from consummation of the proposal. It is the Board's judgment that approval of the application would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,³
effective September 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 77-29348 Filed 10-5-77; 8:45 am]

[6210-01]

SIERRA PETROLEUM CO., INC., K&B PRODUCERS, INC.

Order Approving Acquisition of Shares of a Bank Holding Company

Sierra Petroleum Co., Inc., Wichita, Kans. ("Sierra"), a bank holding company by virtue of its ownership of 87.2 percent of the voting shares of United American Bank & Trust Co., Wichita, Kans. ("United Bank"), and K&B Producers, Inc., Wichita, Kans. ("K&B"), a bank holding company by virtue of its ownership of 95.8 percent of the voting shares of Allen County State Bank, Iola, Kans. ("Allen Bank"), have applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) for each to acquire 24.9 percent of the voting shares of Twin Lakes Financial Corp., Wichita, Kans. ("Twin Lake"), a proposed bank holding company with respect to Twin Lakes State Bank, Wichita, Kans. ("Twin Lakes Bank").⁴

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of

the Act.⁵ The time for filing comments and views has expired, and the applications and all comments and views received have been considered by the Board in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Twin Lakes Bank (\$28.4 million in deposits) ranks 84th among 616 commercial banks in Kansas and controls 0.3 percent of the total commercial bank deposits in the State.⁶ Twin Lakes Bank is the 14th largest of 28 commercial banks in the Wichita banking market (the relevant market) and controls approximately 1.9 percent of the total deposits held by commercial banks in that market.⁷ Sierra's subsidiary bank, United Bank (\$29.9 million in deposits), controls 2 percent of the total deposits held by commercial banks in the relevant market and is the eighth largest commercial bank in that market. K&B's subsidiary bank Allen Bank (\$30.7 million in deposits), is located in Iola, Kans., over 100 miles east of Wichita, in a separate banking market. United Bank and Twin Lakes Bank are located in the same banking market, along with a third commercial bank⁸ also controlled by the principals of Sierra and K&B; thus, consummation of the proposals would result in some elimination of existing competition. However, it appears that the proposed transactions will not have a significant adverse competitive effects due to the relative size of these banking organizations in the Wichita market (in the aggregate they control only 5.75 percent of the total deposits in commercial banks in the market, and together would rank as the fifth largest organization therein), the number of remaining banking alter-

¹ Pursuant to the Supreme Court's holding in *Whitney National Bank of Jefferson Parish v. Bank of New Orleans and Trust Co.*, 379 U.S. 411, (1965), the Board may not approve an application by a bank holding company if Board approval of the proposal contemplated by such application would result in the violation of a valid State law. Kansas law prohibits the formation of multi-bank holding companies. The relevant statute generally defines a bank holding company as any company that directly or indirectly owns, controls, or holds with power to vote, 25 percent or more of the voting shares of each of two or more banks; or controls in any manner the election of a majority of the directors of each of two or more banks (K.S.A. § 9-504). Notice of the subject proposals has been given to the Kansas Banking Commissioner, as required by § 3(b) of the Bank Holding Company Act (12 U.S.C. 1842(b)). The Banking Commissioner has indicated that consummation of the proposals, which involve the direct acquisition by Sierra and K&B of 24.9 percent each of the voting shares of Twin Lakes, would not contravene the provisions of Kansas law.

² All banking data are as of December 31, 1976, and reflect bank holding company formations and acquisitions approved as of July 31, 1977.

³ The relevant market is the Wichita banking market, approximated by Sedgewick County, Kans.

⁴ Wichita State Bank, Wichita, Kans. (\$28.5 million in deposits) controls 1.9 percent of total commercial bank deposits and ranks 13th in the relevant banking market.

⁵ Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

⁶ In a related action, the Board approved today an application by Twin Lakes to become a bank holding company through the acquisition of 98.9 percent of the voting shares of Twin Lakes Bank.

¹ Banking data are as of December 31, 1976.

² The relevant banking market is approximated by the city of St. Louis, St. Louis County, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

natives in the market, and the common ownership ties between the three institutions. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposals would not have any significant adverse competitive effects in any relevant area.

The financial and managerial resources and future prospects of Sierra and its subsidiary bank and K&B and its subsidiary bank are considered satisfactory and consistent with approval. The acquisition of Twin Lakes' shares by Sierra and K&B will not adversely affect the overall financial conditions of Sierra, United Bank, K&B, Allen Bank, or Twin Lakes Bank. To the contrary, the proposals would have the effect of enabling Twin Lakes to reduce the debt incurred in connection with the acquisition of Twin Lakes Banks. Considerations relating to the convenience and needs of the communities to be served also appear to be consistent with approval of the applications. It is the Board's judgment that the proposed transactions would be consistent with the public interest, and that the applications to acquire shares of Twin Lakes should be approved.⁶

Based upon the foregoing and other considerations reflected in the record,⁷ the applications are approved for the reasons summarized above. The transactions to acquire shares of Twin Lakes shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,⁸ effective September 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-29349 Filed 10-5-77;8:45 am]

⁶In connection with its consideration of the subject proposals, the Board has by letters of today's date notified both Sierra and K&B that, upon consummation of the proposals, the Board has determined, on the basis of the record, that Sierra and K&B would be capable of exercising a "controlling influence" over the management or policies of Twin Lakes within the meaning of section 2 (a) (2) (C) of the Act. Accordingly, upon consummation of the proposals, Sierra and K&B are required to report Twin Lakes, as well as its subsidiaries, as subsidiaries of Sierra and K&B and to comply with the applicable provisions of the Act with respect to such subsidiaries. Sierra and K&B have waived the requirement of notice and opportunity for a hearing provided in the statute, and this determination becomes final upon consummation of the proposals.

⁷Dissenting statements of Governor Coldwell filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

⁸Voting for this action: Governors Wallich, Jackson, Partee, and Lilly. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governor Gardner.

[6210-01]

SUN BANK OF OCALA, SUN BANK OF SOUTH OCALA

Order Approving Application for Merger of Banks

Sun Bank of Ocala, Ocala, Fla. ("Applicant Bank") has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the merger of Applicant Bank with the Sun Bank of South Ocala, Ocala, Fla. ("Other Bank"), under the charter and title of Applicant Bank. Incident to the proposed merger, the existing office of Other Bank would become a branch office of the resulting bank.

Both banks involved are wholly owned subsidiaries (except for Directors' qualifying shares) of Sun Banks of Florida, Inc., Orlando, Fla., a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841, et seq.).

As required by the Bank Merger Act, notice of the proposed transactions in a form approved by the Board was published, and reports on competitive factors from the U.S. Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation were requested. The Board has considered the applications and all comments and reports received in the light of the factors set forth in the Bank Merger Act.

Applicant Bank holds deposits of \$61 million and is the largest of seven banks (including Other Bank), in the market.¹ Other Bank holds deposits of \$18 million and is the fifth largest bank in the market. Applicant Bank and Other Bank together hold 36.5 percent of market deposits.

Since the banks are both wholly owned subsidiaries of the same bank holding company, and have been since 1972, the proposed transaction is essentially a corporate reorganization and would have no effect on competition. Nor does it appear that approval will have any adverse effects on any other banks in the market. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

This is essentially a corporate reorganization, and the Board finds the financial condition and managerial resources of the institutions involved as being satisfactory and consistent with approval of the application.

It is contemplated that the present office of Other Bank will be converted into a branch office of Applicant Bank, incident to and subject to approval of this application, and it is anticipated that the merger will result in more efficient operation of the two banks.

Applicant proposes no new services in connection with the merger. Concurrently, Applicant Bank has received approval to expand a "cast facility" into a full branch and to establish yet another branch. Accordingly, convenience and needs considerations are consistent with approval. It is the Board's judgment

¹Unless otherwise noted, all banking and deposit data are as of March 31, 1977. Market data are as of December 31, 1976.

that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record and for the reasons summarized above, the application to merge and, incident thereto, to establish a branch, is approved.

The transactions shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,⁹ effective September 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc.77-29350 Filed 10-5-77;8:45 am]

[6210-01]

TENNESSEE HOMESTEAD CO.

Retention of Bank Shares

Tennessee Homestead Co., Ogden, Utah, 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 retain 0.47 percent of the voting shares of Bank of Utah, Ogden, Utah, which would result in the ownership of 46.72 percent of the voting shares of that bank. 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 San Francisco. 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 October 28, 1977.

Board of Governors of the Federal Reserve System, September 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc.77-29351 Filed 10-5-77;8:45 am]

[6210-01]

TWIN LAKES FINANCIAL CORP.

Order Approving Formation of Bank Holding Company

Twin Lakes Financial Corp., Wichita, Kans., 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)) of formation of a bank holding company through acquisition of 98.9 percent of the voting shares of Twin Lakes State Bank, Wichita, Kans. ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b)

⁹Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly formed corporation organized under the laws of Kansas for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (\$28.4 million in deposits) ranks 84th among the 616 commercial banks in Kansas and controls 0.3 percent of the total commercial bank deposits in the State.¹ Bank is the 14th largest of 28 commercial banks in the Wichita banking market (the relevant market) and controls approximately 1.9 percent of the total deposits held by commercial banks in that market.² In addition to Bank, there are two other banks in the Wichita banking market affiliated with Applicant's principals.³ Applicant's principals also are affiliated with a bank in Iola, Kans., Allen County State Bank (\$30.7 million in deposits), which is located over 100 miles east of Wichita, in a separate banking market. It appears that the proposal would result in some elimination of existing competition; however, on the basis of all the facts of record, including the relative size of the affiliated banking organizations in the Wichita market (in the aggregate they control 5.75 percent of total market deposits and together would rank as the fifth largest banking organization therein), the number of banking alternatives remaining in the market, the fact that consummation of the proposal would not alter the competitive relationship between Bank and the two other affiliated banks in the Wichita market, and the proposed transactions is essentially a reorganization of existing ownership interests, the Board concludes that consummation of this proposal would not have any significant adverse effects upon either existing or potential competition within the relevant market.

Applicant proposes to sell 24.9 percent of its voting shares to Sierra Petroleum Co., Inc., Wichita, Kans., and 24.9 percent of its voting shares to K&B Producers, Inc., Wichita, Kans.⁴ As a result, Applicant will receive additional funding which it appears will allow Applicant to have the necessary financial resources available to service its debt without im-

¹ All banking data are as of December 31, 1976, and reflect bank holding company formations and acquisitions approved as of July 31, 1977.

² The Wichita banking market is approximated by Sedgwick County, Kans.

³ Wichita State Bank (\$28.5 million in deposits) and United American Bank & Trust Co. (\$29.9 million in deposits), with 1.9 and 2.0 percent, respectively, of the total commercial bank deposits in the Wichita banking market.

⁴ Applicant's principals are also controlling shareholders in Sierra Petroleum Co. Inc. and K&B Producers, Inc., registered bank holding companies by virtue of their control, respectively, of United American Bank & Trust Co. and Allen County State Bank.

pairing the financial condition of Bank.⁵ In addition, as part of this proposal, Bank's capital will be increased. Accordingly, the financial and managerial resources and future prospects of Applicant and Bank are considered to be satisfactory and consistent with approval of the application.

Although there will be no immediate changes in the operations or services of Bank as a result of this proposal, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Based upon the foregoing and other considerations reflected in the record, it is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record,⁶ the application is approved for the reasons summarized above. The acquisition of Bank shall not be made: (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,⁷ effective September 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR. Doc. 77-29352 Filed 10-5-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2398]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

SEPTEMBER 28, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 2398 on October 24, 1974, amended on February 17, 1976, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA
T. 17 N., R. 11 E.,
Sec. 30, Lot 5;
Sec. 31, Lot 44 (Mineral Survey C-10);
Sec. 32, Lot 44 (Mineral Survey C-10).

⁵ In a related action, the Board today approved the applications by Sierra Petroleum Co., Inc., Wichita, Kans., and K&B Producers, Inc., Wichita, Kans., to acquire 24.9 percent each of the voting shares of Applicant.

⁶ Dissenting Statement of Governor Coldwell filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Kansas City.

⁷ Voting for this action: Governors Wallich, Jackson, Partee, and Lilly. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governor Gardner.

The area described aggregates 104.13 acres in Nevada County, California.

The applicant desires the land be added to the Tahoe National Forest in order to promote the efficient management of land and to effect national resource conservation in the area.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on October 29, 1975, page 50293, FR Doc. 75-28975, and on March 23, 1976, page 12072, FR Doc. 76-8173.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before November 7, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 7, 1977.

The proposed withdrawal temporarily segregates the lands from any form of disposal or appropriation under the public land laws. The proposed action, when consummated, will transfer jurisdiction to national forest status, subject to all laws and regulations applicable to national forest lands. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section Branch of
Lands and Minerals Operations.

[FR Doc. 77-29358 Filed 10-5-77; 8:45 am]

[4310-84]

(NM 31719)

NEW MEXICO

Application

SEPTEMBER 29, 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 one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 31 N., R. 6 W.,
Sec. 36, W½NE¼.

This pipeline will convey natural gas across 0.281 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
*Acting Chief, Branch
of Lands and Minerals Operations.*

[FR Doc.77-29359 Filed 10-5-77;8:45 am]

[4310-84]

[NM 31694]

NEW MEXICO

Application

SEPTEMBER 29, 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), Phillips Petroleum Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. Mex.

T. 14 S., R. 28 E.,
Sec. 8 SW¼SE¼;
Sec. 17 N½NE¼.

This pipeline will convey natural gas across 0.350 of a mile of public land in Chaves County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-29360 Filed 10-5-77;8:45 am]

[4310-84]

[NM 31724]

NEW MEXICO

Application

SEPTEMBER 29, 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), Cities Service Oil Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. Mex.

T. 17 S., R. 27 E.,
Sec. 35, SE¼SW¼.

This pipeline will convey natural gas across 0.08 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 82201.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-29361 Filed xx-xx-77;8:45 am]

[4310-84]

[NM 31741 and 31742]

NEW MEXICO

Applications

SEPTEMBER 29, 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 Co. has applied for three 4½-inch natural gas pipelines, with above-ground related facilities rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. Mex.

T. 24 S., R. 24 E.,
Sec. 4, NE¼SW¼ and N½SE¼.

These pipelines will convey natural gas across 0.427 miles of public land in Eddy County, 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 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-29362 Filed 10-5-77;8:45 am]

[4310-84]

[NM 31683, 31685, 31688, 31690, 31691, and 31698]

NEW MEXICO

Applications

SEPTEMBER 29, 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 Co. has ap-

plied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. Mex.

T. 29 N., R. 8 W.,
Sec. 7, SE¼SE¼;
Sec. 17, SW¼NE¼, N½SE¼ and SE¼SE¼;
Sec. 18, N½NE¼, NE¼NW¼ and E¼SE¼.
T. 29 N., R. 9 W.,
Sec. 8, NW¼SE¼.
T. 25 N., R. 11 W.,
Sec. 26, N½SW¼;
Sec. 27, NE¼SE¼.

These pipelines will convey natural gas across 1.917 miles of public lands in San Juan County, 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.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-29363 Filed 10-5-77;8:45 am]

[4310-84]

[NM 31674]

NEW MEXICO

Application

SEPTEMBER 27, 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 Co. has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. Mex.

T. 26 S., R. 37 E.,
Sec. 13, SE¼SE¼.

This pipeline will convey natural gas across 0.298 of a mile of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and
Minerals Operations.*

[FR Doc.77-29364 Filed 10-5-77;8:45 am]

[4310-84]

OREGON AND WASHINGTON

Filing of Amended Protraction Diagrams

SEPTEMBER 29, 1977.

Notice is hereby given that effective November 4, 1977, the following amended

protraction diagrams, approved September 12, 1977 are officially filed of record in the Oregon State Office, Bureau of Land Management, Portland, Ore. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

OREGON AMENDED PROTRACTION DIAGRAM

WILLAMETTE MERIDIAN

Unit 35:

T. 27 S., R. 7 E.,
Sec. 4 to 9 inclusive;
Sec. 10 W $\frac{1}{2}$;
Sec. 15 W $\frac{1}{2}$;
Sec. 16 to 19 inclusive;
Sec. 20 N $\frac{1}{2}$, SW $\frac{1}{4}$.

WASHINGTON AMENDED PROTRACTION
DIAGRAMS

Unit 1:

T. 32 N., R. 13 E.,
Secs. 1, 12, 13, 24, 25, 36.
T. 32 N., R. 14 E.,
Secs. 7 to 36 inclusive.

Unit 5:

T. 9 N., R. 9 E.,
Secs. 1 to 36 inclusive.
T. 9 N., R. 10 E.,
Secs. 1 to 36 inclusive.

Copies of these diagrams are for sale at the Oregon State Office, Bureau of Land Management, 729 N. E. Oregon, Portland, Ore. 97232.

SHIRLEY M. VESSELLA,
*Acting Chief, Branch of
Records and Data Management.*

[FR Doc. 77-29322 Filed 10-5-77; 8:45 am]

[4310-84]

[Wyoming 61091]

WYOMING

Application

SEPTEMBER 27, 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 Western Oil Transportation Co., Inc., of Casper, Wyo. filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ " pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 44 N., R. 77 W.,
Sec. 21, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$.

The pipeline will transport crude oil within T. 44 N. R. 77 W., Johnson 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, 951 Union Building, Casper, Wyo. 82601.

WILLIAM S. GILMER,
*Acting Chief, Branch of Lands
and Minerals Operations.*

[FR Doc. 77-29324 Filed 10-5-77; 8:45 am]

[4310-55]

Fish and Wildlife Service

ALASKA

Application for Pipeline Right-of-Way

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by Pub. L. 93-153 approved November 16, 1973, (87 Stat. 576), Alaska Pipeline Company has applied for a thirty (30) foot wide permanent pipeline right-of-way across the following lands:

Kenai National Moose Range within an existing electric transmission line right-of-way located generally seven (7) miles north-east of Kenai, Alaska, more specifically Sections 7, 16, 17, 18, 21, 28 and 33, T 6 N, R 10 W and Sections 1, 2 and 12, T 6 N, R 11 W, Seward Meridian.

The 8-inch pipeline will convey natural gas across eight (8) miles of the Kenai National Moose Range, Kenai Peninsula Borough, Alaska.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their comments to the Refuge Manager, Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

GORDON W. WATSON,
*Area Director, United States
Fish and Wildlife Service.*

[FR Doc. 77-29323 Filed 10-5-77; 8:45 am]

[4310-09]

Office of the Secretary

[INT Des 77-33]

NEW MELONES 230-kV ELECTRICAL
TRANSMISSION LINE, CENTRAL VAL-
LEY PROJECT, CALIF.

Availability of Draft Environmental
Statement

Pursuant to section 102(2) c of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed development of an electrical transmission system for transmission of about 420 million kWh annually. The 23-mile line is to be constructed by the Pacific Gas & Electric Co. to transmit the output of the New Melones Powerplant to the Bureau of Reclamation's Tracy Switchyard near Tracy, Calif.

The environmental statement concerns the effects of the construction and operation of the transmission line. Written comments may be submitted to the Regional Director (address below) within 45 days of the date of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

Division of Engineering support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, Calif. 95825, telephone 916-484-4792.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: October 3, 1977.

LARRY E. MEIEROTTO,
*Deputy Assistant Secretary
of the Interior.*

[FR Doc. 77-29423 Filed 10-5-77; 8:45 am]

[7020-02]

INTERNATIONAL TRADE
COMMISSION

MALLEABLE CAST-IRON PIPE AND
FITTINGS

[Inv. TA-201-26]

Report to the President

SEPTEMBER 29, 1977.

To the President:

In accordance with section 201(d) (1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission herein reports the results of an investigation relating to malleable cast-iron pipe and tube fittings.

The investigation (Inv. No. TA-201-26) was undertaken to determine whether cast-iron pipe and tube fittings, malleable, provided for in items 610.70, 610.71, and 610.74 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

The Commission instituted the investigation, under the authority of section 201(b) (1) of the Trade Act, on April 13, 1977, following receipt on March 29, 1977, of a petition for import relief under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) filed by the American Pipe Fittings Association, representing the eight domestic producers of malleable cast-iron pipe and tube fittings.

The Commission held a public hearing on this matter in Washington, D.C., on June 21, 1977.

Notice of the institution of the investigation and time and place of the hearing was published in the FEDERAL REGISTER of April 19, 1977 (42 FR 20355).

The information for this report was obtained from field work and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's question-

naires, from information presented at the public hearings, from briefs submitted by interested parties, and from the Commission's files.

A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.¹

DETERMINATION OF THE COMMISSION

On the basis of the investigation, the Commission unanimously determines that cast-iron pipe and tube fittings, malleable, provided for in items 610.70, 610.71, and 610.74 of the TSUS, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

VIEWS OF THE COMMISSION

On March 29, 1977, the American Pipe Fittings Association petitioned the United States International Trade Commission for import relief under section 201 of the Trade Act of 1974. The Commission instituted an investigation on April 13, 1977, to determine whether cast-iron pipe and tube fittings, malleable, provided for in items 610.70, 610.71, and 610.74 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported article.

Section 201(b)(1) of the Trade Act requires that each of the following conditions must be satisfied before an affirmative determination can be made:

(1) Imports of an article into the United States are increasing (either actually or relative to domestic production);

(2) The domestic industry producing an article like or directly competitive with the imported article is being seriously injured, or threatened with serious injury; and

(3) Increased imports are a substantial cause (i.e., an important cause and not less than any other cause) of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

DETERMINATION

On the basis of information obtained in the present investigation, we have determined that malleable cast-iron pipe and tube fittings are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

THE DOMESTIC INDUSTRY

We have determined that the domestic industry in the present investigation consists of facilities in the United States de-

voted to the production of malleable cast-iron pipe and tube fittings (hereinafter referred to as the domestic industry). There are eight firms operating such facilities.

NO SERIOUS INJURY OR THE THREAT THEREOF CAUSED BY IMPORTS

Section 201(b)(2) of the Trade Act outlines certain guidelines which the Commission is to take into account in determining whether serious injury, or the threat thereof, exists. In determining whether serious injury exists, the Commission is directed by the Trade Act to take into account all economic factors which it considers relevant, including the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or under employment within the industry. When evaluated in light of the foregoing, imports of malleable cast-iron pipe and tube fittings are not causing serious injury to the domestic industry within the meaning of the act.

Information obtained in this investigation establishes that the domestic industry supplied about 85 percent of domestic consumption of malleable cast-iron pipe and tube fittings in 1976. This is about the same percentage supplied by the domestic industry in 1972 and only slightly below the 1972-76 average of approximately 88 percent.

The net sales of the domestic industry in 1976 were the highest in the last five years, with the exception of 1974, a recession year. Responses to the Commission's questionnaire show that although the ratio of net operating profit to net sales declined between 1972 and 1975, it increased from 1975 to 1976, when imports were increasing. Moreover, if the poor financial performance of a domestic producer that experienced a five-month strike in 1976 is excluded from the aggregate industry profit-and-loss data, the domestic industry projected an even stronger profit image, recording a higher average profit ratio than that reported for all fabricated metal products producers in 1976.

The recent domestic financial picture is complemented by domestic price trends for the articles covered in this investigation. For the period 1972 through the first quarter of 1977, trends indicate that domestic prices have nearly doubled.

During 1972-76 no firms left the domestic industry, and the only plant closing was temporary and due to a strike. During the same period, there was a rise in the production capacity of the domestic industry. The increase in capacity is the result of new more efficient equipment being installed by a number of the members of the domestic industry. Capacity utilization has declined from the high level reached in 1973; however, the decline occurred in part because the increase in capacity noted above took place during a concurrent slump in demand which began in 1974.

Information obtained during the investigation shows that although there

was some reduction in employment in 1975 and 1976, employment increased during January-April 1977. The decline in employment in 1975 and 1976 reflected the reduced consumption during those years while the industry's productivity reached an all-time high in 1976.

In determining whether there is a threat of serious injury, the Commission is directed to take into account all economic factors it considers relevant, including a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment. An evaluation of the information obtained in the Commission's investigation does not support a finding of threat of serious injury. Sales of domestic malleable cast-iron pipe and tube fittings increased 9.3 percent from 1975 to 1976. As noted earlier, profit also climbed in that period. Production rose by 4.6 percent in the same period. Inventories were at a five-year low at the end of 1976 having declined by over 11 percent from 1972 levels. In addition, new construction activity, to which the production of malleable cast-iron pipe and tube fittings is closely related, appears to be maintaining its upward trend.

CONCLUSION

From the foregoing, we have determined that malleable cast-iron pipe and tube fittings are not being imported in such increased quantities as to be a substantial cause of serious injury or the threat thereof to the domestic industry.

By order of the Commission.

Issued: October 3, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-29441 Filed 10-5-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

UNITED STATES v. NATIONAL BLANK BOOK CO.

Proposed Consent Decree in Action to Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 59.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. National Blank Book Company*, Civil Action No. 77-585-C, will be lodged with the District Court for the District of Massachusetts that will require the Company to bring its discharges into compliance with its previously issued NPDES permit by October 1, 1977 or to pay a \$1,000 a day penalty for failing to do so. The decree also compels the Company to pay a \$10,000 civil penalty for failing to meet the effluent limitations set forth in its previously issued NPDES permit.

The Department of Justice will receive written comments relating to the proposed judgment on or before November 2, 1977. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "United States v. Na-

¹ Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

tional Blank Book Company," D.J. Ref. No. 90-5-1-1-712.

The proposed consent decree may be examined at the office of the United States Attorney, 1107 John W. McCormack Post Office and Courthouse, Boston, Mass. 02109; at the Region I Office of the Environmental Protection Agency, Enforcement Division, J. F. Kennedy Federal Building, Boston, Mass. 02203; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2630, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

JAMES W. MOORMAN,
Assistant Attorney, General
Land and Natural Resources Division.

[PR Doc.77-29325 Filed 10-5-77;8:45 am]

[4510-30]

NATIONAL COMMISSION FOR MANPOWER POLICY

FIELD REVIEW ON NET EMPLOYMENT EFFECTS OF PUBLIC SERVICE EMPLOYMENT

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will conduct a field review on the net employment effects of the public service employment (PSE) program on November 10 and November 11, 1977. The reviews will be held at the Hilton Airport Inn, No. 1 International Plaza, Nashville, Tennessee. On November 10, the review will be held in the Stratosphere Room and on November 11, the review will be held in the Room. The reviews will commence at 9 a.m. and conclude at 4 p.m. on both days.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs. The Emergency Jobs Programs Extension Act of 1976 directs the Commission to study and report to Congress on the net employment effects of PSE programs under Title II and Title VI of the Comprehensive Employment and Training Act.

The purpose of the review is to elicit the views of those at the state and local level (in and out of government) on the effects and effectiveness of the public service employment program. Among the issues to be addressed are:

1. What goals and objectives are developed by state and local governments for the PSE programs? How are these goals developed so that they are supportive of national goals; provide needed public services; and are supportive of other public services?

2. To what extent has PSE resulted in an increase in the provision of services by state or local governments? Has PSE been instrumental in maintaining the level of services where they would have otherwise been curtailed due to revenue reductions, increased costs or other factors? What types of services are being provided through the PSE programs? What types of agencies (e.g., public safety, sanitation, education) received PSE jobs? If the PSE program were reduced or phased out, to what extent would these services also be reduced or terminated?

3. To what extent has PSE resulted in an increase in the services provided by nonprofit community organizations? How has this changed as a result of the requirements of the Emergency Jobs Program Extension Act of 1976? What types of services are being provided by community organizations with the employment provided by PSE?

4. What is the ability of state and local governments to absorb additional PSE jobs? To what extent can this be expanded by increased utilization of nonprofit community organizations? What has been the experience in implementing and increasing the PSE programs to date? What are the constraints to further increasing the size of the program?

5. What effect has the presence of the PSE program had on the personnel practices of state and local governments? Have changes been made to provide PSE employees with improved access to regular (i.e., non-PSE) jobs? Has the PSE program resulted in any changes in the composition of the regular employment of the employing jurisdiction in terms of race, sex, education, experience, or other characteristics? Can PSE be used as a means of training the hard-to-employ and then obtaining access for them to permanent, unsubsidized employment?

6. What should be the areas of concern in consideration of phasing out or phasing down the current PSE programs? What areas should be considered if the target populations or mode of operation of the current programs are to be modified? To what extent and how do changes in the scale, mode of operation, target population and/or continuity of the program affect the delivery of needed public services?

Members of the general public or other interested individuals may attend the Commission field reviews. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting

permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of fact and views and shall not include any question of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the field review at the Commission's headquarters located at 1523 K Street NW., Room 300, Washington, D.C.

Signed at Washington, D.C., this 27th day of September 1977.

ISABEL V. SAWHILL,
Director, National Commission
for Manpower Policy.

[PR Doc.77-29154 Filed 10-5-77;8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION SUBCOMMITTEE ON ECOLOGICAL SCIENCES OF THE ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting;

Name: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.

Date and time: October 26 and 27, 1977, 8:30 a.m. to 5 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Wayne T. Swank, Program Director, Ecosystem Studies Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5854.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the ecological sciences.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSP, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

OCTOBER 3, 1977.

[FR Doc.77-29447 Filed 10-5-77;8:45 am]

[7555-01]

SUBCOMMITTEE ON REGULATORY BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR & MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: October 24, 25 and 26, 1977—9 a.m. to 6 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Betty M. Twarog, Program Director, Regulatory Biology Program, Room 333, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4298.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSP, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

OCTOBER 3, 1977.

[FR Doc.77-29446 Filed 10-5-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 4 OF THE SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting

In accordance with the purposes of Section 29 and 182b. of the Atomic En-

ergy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 4 of the ACRS Subcommittee on Reactor Safety Research will hold an open meeting on October 25, 1977 in Room 1162, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to review the NRC sponsored research on advanced reactor technology.

The agenda for the subject meeting shall be as follows:

TUESDAY, OCTOBER 25, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore their preliminary opinions regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and with representatives of other organizations participating in research on advanced reactor technology.

At the conclusion of these sessions, the Working Group may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily

reproducible copy addressed to Dr. Richard P. Savio, ACRS, NRC, Washington, D.C. 20555. Comments postmarked no later than October 18, 1977 will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 24, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1394, Attn: Dr. Richard P. Savio) between 8:15 a.m. and 5 p.m. EDT.

(d) Questions may be asked only by members of the Working Group, its consultants, and the Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc. being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after November 1, 1977 and January 25, 1978, respectively, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Date October 4, 1977.

JOHN C. HOYLE,
*Advisory Committee,
Management Officer.*

[FR Doc.77-29857 Filed 10-5-77;9:51 am]

[7590-01]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the li-

), which revised Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) (the Facility) located in Pope County, Arkansas. The amendment was effective as of August 26, 1977.

The amendment revised the Technical Specifications for the facility to authorize operation with the total hydrogen purge system inoperable for a period up to 30 days. An emergency technical specification change, authorizing the requested change, had been issued by letter dated August 26, 1977 and authorized by telephone call that same day. This action supersedes that change.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice was not required since these actions do not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1977, (2) change authorization letter dated August 26, 1977, (3) Amendment No. 27 to License No. DPR-51 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Ark. 72801. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 22nd day of September, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 77-29068 Filed 10-5-77; 8:45 am]

[7590-01]

[Docket No. PRM-71-5]

CHEM-NUCLEAR SYSTEMS, INC.

Filing of Petition for Rule Making

Notice is hereby given that John L. West, Esquire, by letter dated September 14, 1977, has filed with the Nuclear Regulatory Commission a petition for rule-

making on behalf of ChemNuclear Systems, Inc., to amend the Commission's regulation "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," 10 CFR Part 71.

The petitioner requests the Commission to amend 10 CFR 71.12 General license for shipment in DOT specification containers, in packages approved for use by another person, and in packages approved by a foreign national competent authority.

Paragraph 71.12(b) of 10 CFR Part 71 states that the person using a package pursuant to the general license of paragraph 71.12(b) shall have " * * * a copy of the specific license, certificate of compliance, or other approval authorizing use of the package and all documents referred to in the license, certificate, or other approval, as applicable". Generally "all documents referred to in the license" would include the safety analysis report and blueprints of the particular container or package.

The petitioner considers that some of the information contained in the safety analysis report and blueprints is proprietary and, for competitive reasons, the petitioner wishes to limit the furnishing of this information to instances where such information is necessary and where adequate safeguards can be imposed. The petitioner contends that the license or certificate issued by the NRC clearly defines the specific conditions for use of a particular container or package and users of the container or package have no need for the safety analysis report and blueprints.

The petitioner states further that:

The needs of the users for safety information can be met thoroughly by the specific procedures developed by the owner of the container or package and filed with the NRC in accordance with the provisions of Appendix E to 10 CFR 71. These procedures are to be furnished to the user as a prerequisite to the requested exemption. We therefore respectfully request that the Commission provide for an exemption from the requirements for furnishing the safety analysis report and blueprints of the particular container or package from 10 CFR Part 71 to the extent that: (1) a user of the NRC approved container or package is named a user, (2) the named user is supplied with a copy of the license or certificate, and (3) the named user is provided with specific procedures which have been developed by the owner of the container or package and filed with the NRC in accordance with the provisions of Appendix E to 10 CFR 71.

A copy of the petition for rule making is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 5, 1977.

Dated at Washington, D.C. this 3rd day of October 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-29463 Filed 10-5-77; 8:45 am]

[7590-01]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.
Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-25 issued to Commonwealth Edison Company (the licensee) for operation of Dresden Station Unit No. 3 (the facility) located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated August 17, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 17, 1977, (2) Amendment No. 29 to License No. DPR-25 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty St., Morris, Ill. 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of September, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 77-29231 Filed 10-5-77; 8:45 am]

[7590-01]

[Docket No. 50-265]

**COMMONWEALTH EDISON CO. AND
IOWA-ILLINOIS GAS AND ELECTRIC CO.**
Issuance of Amendment to Facility
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) (the licensee), for operation of Quad Cities Unit No. 2 (the facility) located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated August 17, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission had made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 17, 1977, (2) Amendment No. 39 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Ill. 60265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of September, 1977.

For the Nuclear Regulatory Commission,

DON K. DAVIS,
*Acting Chief, Operating Reactors
Branch No. 2, Division
of Operating Reactors.*

[PR Doc.77-29232 Filed 10-5-77;8:45 am]

[7590-01]

[Docket No. 50-286]

**CONSOLIDATED EDISON CO. OF NEW
YORK, INC., AND POWER AUTHORITY
OF THE STATE OF NEW YORK**

Issuance of Amendment to Facility
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-64, issued to Consolidated Edison Co. of New York, Inc., and the Power Authority of the State of New York (the licensees), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, N.Y. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to clarify the surveillance interval applicable for refueling outage tests and to make surveillance interval requirements for testing of containment isolation valves consistent with Appendix J, 10 CFR Part 50.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment transmitted by letter dated August 15, 1977, (2) Amendment No. 7 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 26th day of September 1977.

For the Nuclear Regulatory Commission,

MORTON B. FAIRTILE,
*Acting Chief, Operating Reactors
Branch No. 4, Division
of Operating Reactors.*

[PR Doc.77-29371 Filed 10-5-77;8:45 am]

[7590-01]

[Docket Nos. STN 50-568, 50-569]

NEW ENGLAND POWER COMPANY, ET AL.
(NEP-1 AND NEP-2)

Notice and Order Regarding Second
Special Prehearing Conference

SEPTEMBER 28, 1977.

By its Order entered on September 15, 1977, the Licensing Board ruled upon all pending petitions for leave to intervene, and identified 51 admissible issues or contentions which have been pleaded by one or more parties. This proceeding is now ripe for the commencement of discovery in relation to those identified issues, and to that end an appropriate discovery schedule should be developed.

A motion to consolidate was filed on September 20, 1977 by Intervenor New England Council for Economic Development, Blackstone Valley Chamber of Commerce, Greater Providence Chamber of Commerce, and Labor and Management Plan for Economic Development (LAMP) together with those intervenors already consolidated with LAMP. This motion is in accordance with the desire of the Board to encourage consolidation in order to expedite discovery and the presentation of evidence, and the motion is granted.

Please Take Notice that a Second Special Prehearing Conference pursuant to the provisions of § 2.751a of the Commission's Rules of Practice (10 CFR 2.751a), will be held at 9 a.m. on November 15, 1977 at the Cranston Hilton Inn Ballroom, Route 1-A, Cranston, Rhode Island. All parties and counsel are requested to be prepared to advise the Board regarding their recommendations for a firm discovery schedule related to the issues in this proceeding. All parties are also requested to consider the further consolidation of issues and parties in the interest of orderly and expeditious procedure. Written stipulations to accomplish these ends will be given consideration.

Members of the public are invited to attend this conference. However, the conference will be limited to the purpose specified in this notice. No evidence or testimony will be received, and there will not be an opportunity to present statements by persons who have made applications for permission to make limited appearances. Such applications will be ruled on by the Board at the evidentiary hearing to be held at a later date, notice of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland this 28th day of September 1977.

It is ordered.

The Atomic Safety and Licensing Board,

EMMETH A. LUEBKE,
Member.

OSCAR H. PARIS,
Member.

MARSHALL E. MILLER,
Chairman.

[PR Doc.77-29230 Filed 10-5-77;8:45 am]

[7590-01]

[Docket No. 50-338]

VIRGINIA ELECTRIC AND POWER CO.,
NORTH ANNA POWER STATION, UNIT
NO. 1Order Extending Construction Completion
Date

Virginia Electric & Power Company is the holder of Construction Permits No. CPPR-77 and CPPR-78 issued by the Atomic Energy Commission¹ on February 19, 1971, for the construction of the North Anna Power Station, Units 1 and 2, presently under construction at the Company's site in Louisa County, Virginia. By letter, dated July 28, 1977, the company filed a request for an extension of the latest construction completion date for Unit No. 1 from September 1, 1977 to December 31, 1977, because construction has been delayed due to (1) the completion of hot functional testing which necessitated repairs to the three reactor coolant loop cold leg isolation valves, replacement to the reactor coolant pump motor, completion of repairs to service water reservoir spray headers, addition of residual heat removal and refueling pool purification systems and modifications to the steam generator support heating system, (2) completion of tie-ins for the bearing cooling system modifications were determined to be required prior to fuel loading, (3) structural steel nonconformities were identified in the Unit No. 1 main steam valve house and repairs completed, (4) conduit color separation deficiencies in the reactor containment cubicles were identified and corrective activity is continuing, (5) inspection, evaluation and repair program related to Category I piping systems in connection with an identified hanger base plate flexibility problem, and (6) modification to the main feedwater recirculation piping and reactor containment cubicle structural steel and ventilation seals.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation, dated September 28, 1977.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the local public document rooms established for the North Anna facility in the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901 and County Administrator's Office, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093.

It is hereby ordered, That the latest completion date for CPPR-77 be ex-

¹ Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

tended from September 1, 1977 to December 31, 1977.

For the Nuclear Regulatory Commission.

Date of issuance: September 28, 1977.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of
Project Management.

[FR Doc.77-29227 Filed 10-5-77;8:45 am]

[7590-01]

[Docket No. 50-282]

NORTHERN STATES POWER CO.

Granting of Relief From ASME Section XI
Inservice Inspection (Testing) Require-
ments

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Northern States Power Company. The relief relates to the inservice inspection (testing) program for the Prairie Island Nuclear Generating Plant Unit No. 1 located in Goodhue County, Minnesota. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of permitting alternate inservice testing and inspection methods in certain cases where the Section XI inservice inspection requirements have been found to be impractical by the licensee.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated March 1, 1977, and the April 7, 1977 supplement, (2) the Commission's letters to the licensee dated April 28, 1976 and July 20, 1977.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nichollet Mall, Minneapolis, Minnesota 55401. A copy of

item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of September, 1977.

For the nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors
Branch No. 2, Division of
Operating Reactors.

[FR Doc.77-29069 Filed 10-5-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION
ISSUANCESAvailability of Semiannual Hardbound
Volume

The Nuclear Regulatory Commission has issued Volume 4 of the Nuclear Regulatory Commission Issuances, covering the period July 1, 1976, to December 31, 1976. This publication is a semiannual compilation of adjudicatory decisions and other issuances of the Commission, the Atomic Safety and Licensing Appeal Boards, and the Atomic Safety and Licensing Boards.

A copy of Volume 4 is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. This publication, designated Nuclear Regulatory Commission Issuances, Volume 4, Opinions and Decisions, July 1, 1976, to December 31, 1976, may also be purchased at a cost of \$8.75 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The GPO stock number is 052-010-00496-4.

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

For the Nuclear Regulatory Commission.

JOSEPH M. FELTON,
Director, Division of Rules and
Records, Office of Adminis-
tration.

[FR Doc.77-29462 Filed 10-5-77;8:45 am]

[7590-01]

[Docket Nos. 50-354; 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.
AND ATLANTIC CITY ELECTRIC CO.;
(HOPE CREEK GENERATING STATION,
UNITS 1 AND 2)

Order

Joint Interveners' September 22, 1977, "Motion for Setting Hearing Schedule" is hereby denied. The further evidentiary hearing directed to be held by ALAB-429 will commence on Tuesday, November 1, 1977, at 9:30 a.m., at the Salem County Courthouse (Courtroom No. 3), 92 Market Street, Salem, N.J. The hearing will continue, if necessary, at the Salem County Courthouse through Friday, November 4, 1977.

The parties shall make their submissions as follows:

(a) October 11, 1977, filing of direct testimony by Applicants and Staff;

(b) October 25, 1977, filing of direct testimony by Joint Interveners;

(c) November 16, 1977, filing by all parties of their proposed findings of fact and conclusions of law;

(d) November 23, 1977, filing of reply proposed findings and conclusions.

So ordered.

The Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 27th day of September 1977.

EDWARD LUTON,
Chairman.

[FR Doc. 77-29070 Filed 10-5-77; 8:45 am]

[7590-01]

REGULATORY GUIDE

Withdrawal

Regulatory Guide 1.66, "Nondestructive Examination of Tubular Products," is being withdrawn. It was issued in October 1973 to supplement the examination specified in Section III of the ASME Code for tubular products intended for use in safety-related systems. Since that time, all important regulatory positions of the guide have been incorporated in the ASME Code, and the guide is no longer needed.

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable and approved codes and standards, or when changing methods and techniques have made them obsolete.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 26th day of September 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office
of Standards Development.

[FR Doc. 77-29072 Filed 10-5-77; 8:45 am]

[7590-01]

SHIRLEY BASIN URANIUM MILL, UTAH INTERNATIONAL, INC. (LUCKY MC URANIUM CORP.)

[Docket No. 40-6022]

Negative Declaration Regarding Renewal of License No. SUA-442

The Nuclear Regulatory Commission (the Commission) is considering the renewal of Source Material License SUA-442 for the continued operation of the Shirley Basin uranium mill at Shirley Basin, Wyoming.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of license SUA-442. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this renewal action is not warranted because there will be no significant increase of environmental impact attributable to the proposed action other than which has already been predicted and described in the Commission's Final Environmental Statement and the Environmental Impact Appraisal for Utah International, Inc., Uranium Mill published in December 1974 and March 1976, respectively. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Silver Spring, Maryland, this 29th day of September, 1977.

For the Nuclear Regulatory Commission.

W. T. CROW,
Fuel Processing and Fabrication
Branch, Division of Fuel
Cycle and Material Safety.

[FR Doc. 77-29229 Filed 10-5-77; 8:45 am]

[7590-01]

[Docket No. 50-563; 50-554]

TENNESSEE VALLEY AUTHORITY; (PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2)

Order

The evidentiary hearing on health and safety matters will be held on Tuesday, October 25, at 9 a.m., at the Nuclear Regulatory Commission's Public Hearing Room, Fifth Floor, 4350 East-West Highway, Bethesda, Md. If necessary, the hearing will continue on Wednesday, October 26, 1977, at the NRC Public Hearing Room (Room No. 155), in the Willste Building, 7915 Eastern Avenue, Silver Spring, Md. The hearing on October 26 will begin at 2 p.m.

So ordered.

Dated at Bethesda, Maryland this 27th day of September 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc. 77-29071 Filed 10-5-77; 8:45 am]

[7590-01]

[Docket No. 50-338]

VIRGINIA ELECTRIC AND POWER CO.

Negative Declaration Supporting Order Relating to the Extension of Dates for Completion of Construction North Anna Power Station Unit No. 1 (CPR-77)

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Order relating to the construction permit for the North Anna Power Station, Unit 1 (CPR-77) located in Louisa County, Virginia, issued to Virginia Electric and Power Company. The Order would au-

thorize the extension for four months of the date for completion of construction of Unit No. 1.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal for the Order and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for North Anna Power Station, Units Nos. 1, 2, 3 and 4, published in April 1973 and the addendum to the Final Environmental Statement published in November 1976.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Board of Supervisors, Louisa County Courthouse, Louisa, Va. 23093 and Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 28th day of September 1977.

For the Nuclear Regulatory Commission.

WILLIAM H. REGAN,
Chief, Environmental Projects
Branch No. 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 77-29228 Filed 10-5-77; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-40]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report NTSB-RAR-77-6.—The National Transportation Safety Board on September 29 released its narrative report of the head-on collision of two Norfolk & Western Railway Company freight trains last October 19 at New Haven, Ind.

The Safety Board's investigation revealed that each train was traveling at about 10 mph when the westbound freight and eastbound yard train collided on the single track main line. The freight train's front brakeman was killed and four crewmembers were injured when the caboose, coupled immediately behind the locomotive, jackknifed and was crushed between the locomotive and following cars. Estimated damages were \$168,400.

Probable cause of the accident was determined by the Safety Board to be the failure of the westbound train's crewmembers to couple the airbrake hoses

between the fifth and sixth cars from the rear, and to test the brakes as required by company rules and the Federal Power Brake Law of 1958.

As a result of its investigation, the Safety Board on August 19 recommended that Norfolk & Western establish policy and procedures to insure that all trains are operated in compliance with company rules and the Federal power brake regulations (Recommendation R-77-25). (See 42 FR 42935, August 25, 1977.)

Aviation Safety Recommendations A-77-63 through 67.—Board investigation into the crash last April 4 of Southern Airways, Inc., Flight 242, a DC-9-31, at New Hope, Ga., resulted in issuance last week to the Federal Aviation Administration of five new safety recommendations.

Investigation disclosed that Flight 242 had entered a relatively small precipitation area classified by the National Weather Service (NWS) as intense, or level-5; the intense area was part of a considerably larger area of lesser intensities. By the time the flight had left this small intense area, the level had risen to a level-6, the highest level currently used by NWS. The Board believes that had this intense area been identified adequately and in real-time to both the pilot and controller, the flightpath of Flight 242 might have differed from that actually flown.

After penetrating the area of severe thunderstorms, the aircraft crashed as its crew attempted an emergency landing on a highway; 70 persons died and 24 persons were injured.

The Safety Board believes that the NWS six-level scale—based on the strength of the received radar signal which has been related to precipitation intensity and thus to thunderstorm intensity—should be adopted and promoted as a standard of description of thunderstorm intensity. This would be of use with severe weather forecasts, ground observations, and pilot reports and would provide pilots with a clearer picture of potential and actual thunderstorm activity. Pilots could also benefit by the use of this standard if used as a reference for the capability of their present-day airborne radar.

To encourage FAA's early implementation of the results of various severe weather-related research projects and to foster the more timely transmission of vital weather information to the cockpit, the Safety Board on September 27 recommended that FAA—

Expedite the development and implementation of an aviation weather subsystem for both en route and terminal area environments, which is capable of providing a real-time display of either precipitation or turbulence, or both and which includes a multiple-intensity classification scheme; transmit this information to pilots either via the controller as a safety advisory or via an electronic data link. (A-77-63)

Establish a standard scale of thunderstorm intensity based on the NWS' six-level scale and promote its widespread use as a common language to describe thunderstorm precipitation intensity; also, indoctrinate pilots and air traffic control personnel in the use of this system. (A-77-64)

Investigation of the Southern Airways accident also disclosed two problems involving the dissemination and use of meteorological information which the Safety Board believes warrant corrective action.

One primary method of alerting pilots to potential severe weather is by issuance of SIGMET's (Significant Meteorological Information), now transmitted over navigation aid (NAVAID) radio frequencies upon receipt and at 15-minute intervals for the first hour and at 30-minute intervals for the remainder of the effective period of the advisory. Air traffic controllers notify pilots of SIGMET's. NAVAID transmissions are live broadcasts, occasionally interrupted, delayed, or missed if other work required of the flight service specialists takes precedence. The time interval between broadcasts is such that, at jet speeds, a flight may cross a SIGMET area between transmissions and miss the opportunity of being advised of severe weather within the area.

In view of the severity of the weather phenomena described in SIGMET's and the shortcomings of current procedures for relaying them to pilots, the Safety Board believes that each SIGMET should be transmitted more often in order to make the advisory immediately available to the pilot. One method might involve the repetitive transmission of a recorded SIGMET at more frequent intervals than are currently prescribed.

The Severe Thunderstorm Watch Bulletin or Tornado Watch Bulletin (WW), issued by the Severe Local Storms Unit of the National Severe Storms Forecast Center, delineates area of potentially severe weather. These watches are transmitted on teletype by FAA through the Weather Message Switching Center. Testimony at the Safety Board hearing into the Southern Airways accident indicates that WW's are not made automatically available on circuits used by air traffic control facilities, because they are transmitted for the entire Nation simultaneously and cost of communications time for receipt of WW's and man-hours to sort them was judged prohibitive.

The Safety Board believes that information in the WW's is vital to aviation safety and should be made available to controllers and relayed to flightcrews. The Board also believes that improved availability could be achieved by coding the watch bulletins based on geographic applicability; watch bulletins transmitted to any one air traffic control facility would apply to that facility's area of responsibility.

Accordingly, the Safety Board on September 28 recommended that FAA—

Transmit SIGMET's more frequently on NAVAID's so that pilots can receive more timely information about hazardous weather. (A-77-65)

Code, according to geographic applicability, Severe Thunderstorm Watch Bulletins and Tornado Watch Bulletins issued by the National Severe Storms Forecast Center so that they may be transmitted to appropriate air traffic control facilities by the FAA Weather Message Switching Center; thus, air traffic control facilities can relay the earliest

warning of severe weather to flightcrews. (A-77-66)

Further in connection with the Southern Airways accident, investigation indicated that following failure of both engines and as the flight descended through 7,000 feet, the crew requested " * * * a vector to the nearest place." The Atlanta Approach Controller told the flight to turn right, issued a vector for Dobbins Air Force Base, and advised the flight that it was 20 miles west of Dobbins. Before this turn instruction was issued, the aircraft was 6 miles from Cornelius Moore Airport and headed in that direction. The airport has a published instrument approach procedure. Investigation revealed that the airport was not included on the video map of the radar display and that the Atlanta Approach Controller and his Handoff Controller did not know that the Cornelius Moore Airport existed.

The Board recognizes that although Cornelius Moore Airport may not have been suitable for a DC-9 type aircraft in this situation, had that airport been depicted on the radar display of Atlanta Approach Control, the Board believes that it would have been available for immediate consideration by the controllers. Also, in an emergency situation involving a smaller aircraft, the depiction of similar adjacent airports would provide controllers greater latitude in assessing their options and facilitate coordination with adjacent facilities.

Since a portion of adjacent airspace is normally displayed on a facility's radar scope, the Board believes that the video mapping for this adjacent airspace should then contain the same airport information as the adjacent facility, thus increasing the air traffic controller's capability to assist aircraft during emergencies. Specifically, those airports outside a facility's boundary, but within the area in which handoffs normally are accomplished, should be included on the video display.

In view of the above, the Safety Board also on September 28 recommended that FAA—

Require that each air traffic control facility depict on the map portion of its radar displays, those airports immediately outside of that facility's jurisdiction to the extent that adjacent facilities depict those airports on their displays. (A-77-67)

Each of the above five safety recommendations resulting from the Southern Airways accident investigation is designated "Class II, Priority Followup."

Pipeline Safety Recommendations P-77-24 through 26.—Three recommendations, resulting from the Safety Board's investigation of the May 25, 1977, natural gas explosion in Greenwich, Conn., were issued by the Board on September 27.

The explosion and fire destroyed three buildings and heavily damaged another building. Ten persons required medical treatment for injuries caused by the accident. Before the accident, a Connecticut Natural Gas Corporation crew had installed a 3-inch insulating tapping sleeve, but the crew was not aware that the 3-

inch pipe they exposed was not the gas main itself but actually was a sleeve containing a 2-inch gas main. When the crew cut through the 3-inch sleeve with a drilling machine, the 2-inch carrier pipe was also cut. This allowed natural gas at 30-psig to fill the annular space between the 3-inch sleeve and the 2-inch pipe and to escape from the unsealed ends of the sleeve, 11 feet away. The gas migrated through the soil and cracks in the stone foundation of the building, 5½ feet from the severed gas main. The gas was ignited by an unknown source.

The Safety Board notes that the gas company is aware of its incomplete records and has begun a 3-year program to verify and update those records. However, because of the potential for another accident of this type, the Board believes that a 3-year program is too long for a record update. Accordingly, on September 27, the Board recommended that the Connecticut Natural Gas Corporation—

Expedite the updating of its gas piping records as soon as possible to eliminate uncertainties on future system maintenance work. (P-77-24)

Instruct its crews to ascertain positively by all possible means the type and size of existing gas line facilities before working on them. (P-77-25)

In a separate letter, also issued September 27, the Safety Board recommended that the American Gas Association—

Advise its member companies of the circumstances of this accident and urge them to keep accurate records of facilities and to instruct maintenance crews in the importance of verifying these facilities before working on them. (P-77-26)

Each of the above recommendations is designated "Class II, Priority Followup."

Response from the United States Coast Guard to Marine Safety Recommendation M-76-14.—Letter of September 20 is in answer to one of nine recommendations issued by the Safety Board following investigation of the sinking of the SS SILVER DOVE on April 2, 1973, in the Pacific Ocean. (See 41 FR 53874, December 9, 1976.)

The recommendation asked Coast Guard to develop, with assistance of the Portland Cement Association, guidelines for the use of cement for making watertight temporary repairs aboard ship and inspection of such repairs, and to issue such guidelines in a Navigation and Vessel Inspection Circular.

Coast Guard reports that field testing programs, to evaluate the effectiveness of various types of compounds for making temporary repairs to unmanned barges operating on inland waters, have been implemented by the Commander, Second Coast Guard District, and the Commander, Eighth Coast Guard District. The programs will be in effect for approximately one year. Coast Guard will further respond to recommendation M-76-14 after evaluating results of the field testing programs which are outlined in two attachments to Coast Guard's letter; these attachments are titled CCGD2 In-

struction 16711.1 of August 18, 1977, and CCGD8 Instruction 16711.1 of August 5, 1977.

Response from Alyeska Pipeline Service Company to Pipeline Safety Recommendations P-77-21 through 23.—Letter dated September 16 reports on action to implement the recommendations issued by the Safety Board on September 9 during investigation into the explosion and fire which occurred July 8, 1977, at Alyeska's Pump Station No. 8 on the Trans-Alaska pipeline. (See 42 FR 46425, September 15, 1977.)

In answer to P-77-21, which recommended installation of a control in the pump room to shut down the pumps from that location, Alyeska reports installation in early July of a study of possible changes in pump control locations and plans to install an "emergency stop" button positioned locally for each pump. These control buttons will actually be an extension of the button in the control room and will initiate the same logic so that a safe shutdown of each pump can be accomplished. Alyeska's study further includes all booster pumps and the Pump Station 5 injection pumps, as well as the mainline pumps recommended by the Safety Board. Alyeska has started installing additional wiring and controls and expects to have the mainline pump controls completed by mid-October; the remainder will be completed sequentially.

Recommendation P-77-22 asked Alyeska to install a control in the pump room to operate the pump valves from that location at any time. Alyeska considers that the intent of the recommendation has been met by "a logic change that now has the mainline pump suction and discharge valves normally closed when the pump is shutdown and not running." According to Alyeska, this change, in conjunction with changes for local control of pump shutdown, now provides local closing of these valves via the pump shutdown and precludes the possibility of action from a remote location causing either valve to reopen if the pump is not running. "The operator would now have to put the control in 'local' and then go to the valve location and manually hold-in the 'open' button to open the valve; the 'close' button is on the same control box to enable immediate response in the event of inadvertent or accidental opening." Alyeska stated.

With reference to P-77-23, which asked Alyeska to install a closed circuit-type video camera in the pump room and turbine room to allow the pump station control center to monitor visually all activities at these locations. Alyeska reports that design work is essentially complete and they plan to install the first camera by mid-October. The video system will consist of two cameras covering opposite ends of the pump room; one camera will have remote control for "pan, tilt and zoom." A third camera will cover the pump room sump, and cameras four and five will cover the manifold building. Stations with scraper

trap or launcher will have an additional camera, and a similar provision will be made for stations have topping units. Alyeska states that the control room will have two monitor screens, one on steady for any selected camera and the other will rotate through all cameras.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and recommendation responses received, during the week preceding publication of the notice in the FEDERAL REGISTER. The accident report and the safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge while limited supplies last. Copies of the full text of the response letters may be obtained at a cost of \$4.00 for service and 10c per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20584.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 3, 1977.

[FR Doc.77-29422 Filed 10-5-77; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962, (78 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government hospitals.

Effective Oct. 1, 1977
and thereafter

DOD VA HEW

	DOD	VA	HEW
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	\$206	\$138	\$142
Psychiatric care		84	
Nursing home care		60	
Outpatient medical and dental treatment: Per outpatient visit	20	41	29

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

For the period beginning October 1, 1977, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on June 29, 1976, (41 FR 18802).

Dated: September 28, 1977.

JAMES T. MCINTYRE, JR.,
Acting Director, Office
of Management and Budget.

[FR Doc.77-29367 Filed 10-5-77;8:45 am]

[4710-01]

DEPARTMENT OF STATE
SHIPPING COORDINATING COMMITTEE
Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8 a.m. on Wednesday, November 16, 1977, in Rooms 8236 and 8238 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare for the intersessional meetings of the Intergovernmental Maritime Consultative Organization (IMCO) Ad Hoc Group on Mobile Offshore Drilling Units and the IMCO Ad Hoc Group on Machinery and Electrical Installations regarding the development of a Code for the Construction and Equipment of Mobile Offshore Drilling Units. The intersessional meetings will be held in London during the week of November 28 and December 2, 1977. The work of the Code will include consideration of a draft Assembly Resolution, Preamble, General Provisions, Fire Protection, Lifting Devices, Helicopter Facilities, and Electrical Installations, and the Form of Certificate. The meeting will also include the consideration of requirements for Offshore Supply Vessels for preparation of a paper for the 18th Session of the IMCO Subcommittee on Ship Design and Equipment.

Requests for further information on the meeting should be directed to CAPT J. W. Klime, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,

Shipping Coordinating Committee.

SEPTEMBER 26, 1977.

[FR Doc.77-29319 Filed 10-5-77;8:45 am]

[4710-01]

SHIPPING COORDINATING COMMITTEE

[CM-7/115]

Meeting

The Ad-hoc Working Group on Nuclear Ships of the Working Group on Design and Equipment, part of the Subcommittee on Safety of Life at Sea of the Shipping Coordinating Committee, will conduct open meetings on Wednesday and Thursday, October 26 and 27, 1977 at 9:30 a.m. Both meetings will be held in room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meetings is to discuss Chapters 3, 4, and 6 of the proposed Code of Safety for Nuclear Merchant Ships of the Intergovernmental Maritime Consultative Organization (IMCO) with regard to comments received from participating governments.

Requests for further information on the meetings should be directed to CDR John Deck III, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,

Shipping Coordinating Committee.

SEPTEMBER 28, 1977.

[FR Doc.77-29320 Filed 10-5-77;8:45 am]

[4910-14]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[CGD 77-177]

EQUIPMENT, CONSTRUCTION, AND
MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during

the period from June 30, 1977, to July 20, 1977 (List No. 14-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING
APPARATUS, AND SUPPLIED-AIR
RESPIRATORS FOR MERCHANT VESSELS

Approval No. 160.011/31/0, M-S-A chemox one-half hour self-contained oxygen-generating breathing apparatus, with or without quick start cartridge, Bureau of Mines Approval No. 13D-13, dwg. No. A-84600, Rev. 11, dated January 26, 1965, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa. 15208, effective July 19, 1977. (It is an extension of Approval No. 160.011/31/0, dated May 2, 1972.)

Approval No. 160.011/33/0, M-S-A chemox one-hour self-contained oxygen-generating breathing apparatus, Bureau of Mines Approval No. 1307, dwg. No. A87500, Rev. 8, dated August 3, 1966, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa. 15208, effective July 19, 1977. (It is an extension of Approval No. 160.011/33/0, dated May 2, 1972.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/118/0, Type 55G-MK IV lifeboat winch; limited to mechanical components only and for a maximum working load of 11,000 lbs. pull at the drums (5,500 lbs. per fall); identified by general arrangement drawing WI-F-025, dated February 23, 1977, and drawing list, dated February 23, 1977, trackway-mounted winch, manufactured by Marine Safety Equipment Corp., foot of Wyckoff Road, Farmingdale, N.J. 07727, effective June 30, 1977.

LADDERS, EMBARKATION-DEBARKATION
(FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/47/0, Type I, embarkation-debarkation ladder, rope suspension, wooden ears and rungs, identified by dwg. No. 160.017-1(b) of U.S.C.G. Specification 160.017, manufactured by A. L. Don Co., foot of Dock Street, Matawan, N.J. 07747, effective July 19, 1977. (It is an extension of Approval No. 160.017/47/0, dated September 29, 1972.)

LIFE FLOATS FOR MERCHANT VESSELS

Approval No. 160.027/73/0, 6.16' x 3.66' (6' x 9" body section) peripheral-body type life float fibrous glass reinforced plastic (FRP) shell with unicellular polyethylene core, 12-person capacity, identified by dwg. No. 9012/5/72, dated May 25, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977. (It is an extension of Approval No. 160.027/73/0, dated September 29, 1972.)

Approval No. 160.027/74/0, 4.16' x 3.0' (8' x 8" body section) peripheral-body type life float, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 6-person capacity, identified by dwg. No. 9006/5/72, dated May 25, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977. (It is an extension of Approval No. 160.027/74/0, dated September 27, 1972.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/210/0. Type GPD-80 gravity pivot davit; approved for a maximum working load of 16,000 lbs. per set (8,000 lbs. per arm) using 2-part falls; identified by general arrangement drawing D1-F-309, revision B, dated January 12, 1977, and drawing list, Revision A, dated June 15, 1977, manufactured by Marine Safety Equipment Corp., foot of Wyckoff Road, Farmingdale, N.J. 07727, effective June 30, 1977. (It supersedes Approval No. 160.032/210/, dated February 10, 1977, to show minor revisions.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/100/0, 24-inch, Model No. A-24, coated unicellular plastic foam ring life buoy, manufactured in accordance with U.S.C.G. Specification Subpart 160.050 and Approval No. 160.050/89/ revision number in effect on date of manufacture, Type IV PFD, manufactured by the Massalite Co., Box 214, Winnetka, Ill. 60093, for Billy Pugh Co., Inc., P.O. Box 802, Corpus Christi, Tex. 78403, effective July 1, 1977.

Approval No. 160.050/101/0, 30-inch, Model No. A-30, coated unicellular plastic foam ring life buoy, manufactured in accordance with U.S.C.G. Specification Subpart 160.050 and Approval No. 160.050/89/ revision number in effect on date of manufacture, Type IV PFD, manufactured by the Massalite Co., Box 214, Winnetka, Ill. 60093, for Billy Pugh Co., Inc., P.O. Box 802, Corpus Christi, Tex. 78403, effective July 1, 1977.

MARINE BUOYANT DEVICE

Approval No. 160.064/1165/0, adult small, Model No. BV-Y, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III PFD, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977.

Approval No. 160.064/1166/0, adult small, Model No. BV-S, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III PFD, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977.

Approval No. 160.064/1167/0, adult medium, Model BV-M, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III PFD, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977.

Approval No. 160.064/1168/0, adult large, Model No. BV-L, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III PFD, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977.

Approval No. 160.064/1280/0, child large, Model No. 750, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Co., Inc., 25 Brighton Avenue, Passaic, N.J. 07055, effective July 1, 1977.

Approval No. 160.064/1281/0, child medium, Model No. 750, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Co., Inc., 25 Brighton Avenue, Passaic, N.J. 07055, effective July 1, 1977.

Approval No. 160.064/1282/0, child small, Model No. 750, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 266, Type III PFD, manufactured by Swan Products Co., Inc., 25 Brighton Avenue, Passaic, N.J. 07055, effective July 1, 1977.

Approval No. 160.064/1299/0, adult X-large, Model No. BV-XL, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 7, Type III PFD, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 19, 1977.

Approval No. 160.064/1300/0, adult small, Model Nos. 5113, 5123, or 5133, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable Type II characteristics, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1301/0, adult medium, Model Nos. 5114, 5124, or 5134, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable Type II characteristics, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1302/0, adult large, Model Nos. 5116, 5126, or 5136, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable Type II characteristics, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1303/0, adult medium, Model Nos. 5214, 5224, or 5234, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable Type II characteristics, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1304/0, adult large, Model Nos. 5216, 5226, or 5236, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable Type II characteristics, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1305/0, youth, Model Nos. 5213, 5223, or 5233, cloth covered unicellular plastic foam "Marine Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD with additional inflatable bladder, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective July 1, 1977.

Approval No. 160.064/1308/0, adult small, Model No. 1661, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1309/0, adult medium, Model No. 1661, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1310/0, adult large, Model No. 1661, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/

MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1311/0, adult X-large, Model No. 1661, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1312/0, adult medium, Model No. 1662, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1313/0, adult large, Model No. 1662, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1314/0, adult small, Model No. 101, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1315/0, adult medium, Model No. 101, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1316/0, adult large, Model No. 101, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1317/0, adult X-large, Model No. 101, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1318/0, adult medium, Model No. 202, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

Approval No. 160.064/1319/0, adult large, Model No. 202, cloth covered unicellular plastic foam "Float Coat," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 269, Type III PFD, manufactured by Mustang Sportswear, Ltd., 540 Beatty Street, Vancouver, B.C. V6B2L3, effective July 20, 1977.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/13/1, Type No. 2240, multiple relief valve assembly for hot water heating boilers, two (2) No. 240-1 inch-30 relief valves mounted on common base, maximum set pressure 30 p.s.i., combined relieving capacity of 1,820,000 BTU/Hr., base inlet size 2" nominal pipe diameter, relief valves were formerly 230-30, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Ill. 60618, effective July 20, 1977. (It is an extension of Approval No. 162.013/13/1, dated August 14, 1972, and minor changes.)

Approval No. 162.013/14/1, Type No. 3240, multiple relief valve assembly for hot water heating boilers, three (3) No. 240-1 inch-30 relief valves mounted on common base, maximum set pressure 30 p.s.i., combined relieving capacity 2,730,000 BTU/Hr., base inlet size 2" nominal pipe diameter, relief valves were formerly 230-30, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Ill. 60618, effective July 20, 1977. (It is an extension of Approval No. 162.013/14/1, dated August 14, 1972, and minor changes.)

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/118/1, Waukesha Bearings Type HS-M venting valve with cast iron or bronze valve body and flame screen body as indicated for groups A, B, and C on dwg. C-991-308, Rev. C pressure setting from 1 to 3 p.s.i.g. and vacuum settings from 0.5 to 1 p.s.i.g. vacuum are acceptable, sizes, 4", 6", 8", and 10", flame screen body and valve body must be bolted together, use of a spool piece or other separation is not permitted, manufactured by Waukesha Bearings Corp., P.O. Box 798, Waukesha, Wis. 53186, effective July 20, 1977. (It supersedes Approval No. 162.017/118/0, dated December 17, 1976, to show addition of new materials of construction.)

Dated: September 28, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Merchant Marine Safety.

[PER Doc. 77-29572 Filed 10-5-77; 8:45 am]

[4910-14]

[CGD 77-178]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and mis-

cellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from July 20, 1977 to August 2, 1977 (List No. 15-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/11/0, Type JF lifeboat sea anchor, U.S.C.G. dwg. No. MMI-562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Samuel Passman Co., 2776 Atlantic Avenue, Brooklyn, N.Y. 11207, effective July 27, 1977. (It is an extension of Approval No. 160.019/11/0 dated June 5, 1972.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/202/0, Type 26-16 gravity davit, approved for a working load of 16,000 lbs. per set (8,000 lbs. per arm) using 2-part falls; identified by general arrangement drawing D1-E-292, revision A dated May 25, 1977, and drawing list dated July 5, 1977, manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, N.J. 07727, effective August 1, 1977.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/64/0, Rottmer type releasing gear, approved for maximum working load of 25,100 pounds per hook, identified by disengaging apparatus drawing No. 502-111, Revision B, dated March 3, 1977, and disengaging apparatus master drawing list CA5000-111, Revision B, dated April 22, 1977, manufactured by Whittaker Corp., Survival Systems Division, 5159 Baltimore Drive, La Mesa, Calif. 92041, effective August 1, 1977. (It supersedes Approval No. 160.033/64/0 dated January 12, 1977, revised to show new drawing list incorporating minor changes.)

Approval No. 160.033/65/1, Rottmer type releasing gear, approved for maxi-

mum working load of 7,860 pounds per hook, apparatus is Welin Size 299 releasing gear, approval No. 160.033/28/7, modified in accordance with Viking Marine Co., Ltd., drawing 8EL-135 dated September 17, 1976, 8EL-136 dated September 16, 1976, and 8EL-137 dated September 16, 1976, alternate hook: Lane drawing R-146, size 0-1-C2 release gear, Approval No. 160.033/51/0, satisfactory for use with Watercraft "MRD" type cradle davit system, as well as vertical lifting davit systems, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective August 1, 1977. (It supersedes Approval No. 160.033/65/0 dated November 22, 1976 to show alternate hook.)

MARINE BUOYANT DEVICE

Approval No. 160.064/1240/0, child medium, Model No. 1001, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 N. Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1241/0, adult universal (woman's), Model No. 1002, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1242/0, adult small, Model No. 1003, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1243/0, adult medium, Model No. 1004, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1244/0, adult large, Model No. 1005, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1245/0, adult X-large, Model No. 1006, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278,

Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective July 27, 1977.

Approval No. 160.064/1347/0, adult x-small, Model No. 101, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

Approval No. 160.064/1348/0, adult small, Model No. 102, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

Approval No. 160.064/1349/0, adult medium, Model No. 103, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

Approval No. 160.064/1350/0, adult large, Model No. 104, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

Approval No. 160.064/1351/0, adult X-large, Model No. 105, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

Approval No. 160.064/1352/0, adult XX-large, Model No. 106, vinyl dipped unicellular plastic foam "General Purpose Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 278, Type III PFD, manufactured by H. H. Bremen Manufacturing Co., Inc., 405 North Industrial Drive, Bremen, Ind. 46506, effective August 2, 1977.

CLASS A EPIRB

Approval No. 161.011/6/0, Model DB-2051, Class A, float free, Emergency Position Indicating Radio Beacon, FCC Type Acceptance issued on July 16, 1975, under 46 CFR 83, Jotron U.S. Agent: The Jover Corp., P.O. Box 386, Park Ridge, N.J. 07656, manufactured by A/S Jotron Elektronikk, 7600 Levanger, Norway, effective July 27, 1977. (It supersedes Approval No. 161.011/6/0 dated July 23, 1975.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufacturer by VAREC, Division Emerson Electric Co., 301 East Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 20, 1977. (It supersedes No. 162.016/8/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/9/0, Figure No. 50A, Varec flame arrester, aluminum body, aluminum plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufacturer by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 20, 1977. (It supersedes Approval No. 162.016/9/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/10/0, Figure No. 50ACU, Varec flame arrester, grey iron ASTM 126-73 body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufacturer by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 20, 1977. (It supersedes Approval No. 162.016/10/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/11/0, Figure No. 50ABCU, Varec flame arrester, grey iron ASTM 126-73 body, copper multiple bank, vertical type, female pipe thread connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" for use with inflammable or combustible liquids of Grade A or lower, manufacturer by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 20, 1977. (It supersedes Approval No. 162.016/11/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/12/0, Figure No. 50ACCU, Varec flame arrester, grey iron ASTM 126-73 body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufacturer by VAREC, Division Emerson Electric Co., 301 E. Alondra Boule-

2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Company, 301 E. Alondra Boulevard, Gardena, California 90247, formerly VAREC, Inc., effective July 26, 1977. (It supersedes Approval No. 162.016/26/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/27/0, Figure No. 53SA, Varec flame arrester, grey iron ASTM 126-73 body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 26, 1977. (It supersedes Approval No. 162.016/27/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/28/0, Figure No. 53SB, Varec flame arrester, grey iron ASTM 126-73 body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 26, 1977. (It supersedes Approval No. 162.016/28/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

Approval No. 162.016/29/0, Figure No. 53SC, Varec flame arrester, grey iron ASTM 126-73 body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes for use with inflammable or combustible liquids of Grade A or lower, manufactured by VAREC, Division Emerson Electric Co., 301 E. Alondra Boulevard, Gardena, Calif. 90247, formerly VAREC, Inc., effective July 26, 1977. (It supersedes Approval No. 162.016/29/0 dated June 6, 1972 to show change of name of manufacturer and revision of identifying data.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS

Approval No. 162.041/190/4 Barbron all brass flame arresters, Model No. suffixed by "B" Barbron all aluminum flame arresters, Model No. suffixed by "AA" Model No. indicates units size: first two digits indicate units diameter (57=5.7"): second two digits indicate element height (15=1.5") last two digits are base code, 571501, 571503, 572004, 571510, 571513, 571517, 572522, 572524, 572001, 572003, 572005, 572010, 572013,

571518, 573022, 573024, 572201, 573003, 572006, 575010, 571113, 572018, 571721, 573010, 572501, 575003, 571507, 572011, 571213, 571519, 571023, 573001, 571004, 572007, 572012, 572014, 571520, 571523, 575001, 571204, 572008, 571112, 572015, 572020, 572023, 572002, 571304, 571509, 571212, 571516, 572520, 571524, 571003, 571504, 572009, 571512, 571317, 572022, 572024, the majority of these models were previously approved units, due to their similarities, these units are grouped together to eliminate the long list of approval numbers which now exist for Barbron Corp. Note: last two digits of drawing No. indicate particular base, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective August 1, 1977. (It supersedes Approval No. 162.041/190/4 dated September 2, 1976.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/29/1, "Marinite-23", inorganic composition board type bulkhead panel, identical to that described in Protexol Testing Laboratory Report No. 193 dated February 24, 1950, approved as meeting Class B-15 requirements in a ¼" thickness, when veneered with combustible material not meeting the requirements of 46 CFR Subpart 164.012 the restrictions of Subpart 72.05-15 apply, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1977. (It is an extension of Approval No. 164.008/29/1 dated August 2, 1972.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/13/0, "Transite", asbestos cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1495:FP2573 dated November 28, 1947, formerly approved under the name of "J-M TRANSITE", manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1977. (It is an extension of Approval No. 164.009/13/0 dated August 2, 1972.)

Approval No. 164.009/25/0, "J-M Six-Pound Reinforced Asbestos Paper", asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1643:FP2833, dated October 13, 1949, approved in a weight of 6 pounds per 100 square feet, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1977. (It is an extension of Approval No. 164.009/25/0 dated August 2, 1972.)

Approval No. 164.009/26/0, "J-M 32-lb. Commercial Grade Asbestos Paper", asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1660:FP2861, dated December 21, 1949, approved in a weight of 32 pounds per one hundred square feet, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1977. (It is an extension of Approval No. 164.009/26/0 dated August 2, 1972.)

Approval No. 164.009/32/0, "Thermoflex Felt RF 400", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1944:FP3305 dated December 13, 1954, approved in a 4-pound per cubic foot density, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, effective August 2, 1977. (It is an extension of Approval No. 164.009/32/0 dated August 2, 1972.)

Approval No. 164.009/72/3, "Incombustible Microlite" fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2151:FR3683 dated June 27, 1967 and Johns-Manville letter dated July 20, 1967, approved in densities of 0.6 through 2 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., Denver, Colo. 80217, Plant: Parkersburg, W. Va., effective August 2, 1977. (It is an extension of Approval No. 164.009/72/3 dated August 2, 1972.)

Dated: September 28, 1977.

W. M. BANKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Merchant
Marine Safety.

[FR Doc. 77-29373 Filed 10-5-77; 8:45 am]

[4910-13]

**Federal Aviation Administration
AIR TRAFFIC PROCEDURES
ADVISORY COMMITTEE
Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held October 26 through October 28, 1977, from 9 a.m. e.d.t. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 7A and B at FAA Headquarters, 800 Independence Ave. SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave. SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 27, 1977.

F. L. CUNNINGHAM,
Executive Director, ATPAC.

[FR Doc.77-29115 Filed 10-5-77;8:45 am]

[4910-13]

DEVELOPMENT OF AN AUTOMATED LOW-COST WEATHER OBSERVATION SYSTEM (ALWOS)

Meeting

Notice is hereby given that on October 13, 1977, at 10:00 a.m., an informal public meeting will be held in Room 6 A&B, FAA Headquarters Building (FOB-10A), 800 Independence Avenue SW., Washington, D.C. The purpose of this meeting is to obtain information and suggestions from the public concerning the development of ALWOS.

Interested persons are invited to attend and make individual presentations. Interested persons are also invited to submit written statements to FAA, Systems Research and Development Service, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. Further information can be obtained from Glenn Glassburn or Eric Mandel at 202-426-8427.

Issued in Washington, D.C., on September 29, 1977.

ROBERT W. WEDAN,
Acting Director, Systems Research and Development Service, ARD-1.

[FR Doc.77-29253 Filed 10-5-77;8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA)

Executive Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held October 28, 1977, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of September 16, 1977 Meeting; (2) Special Activities Report for September 1977; (3) Chairman's Report of RTCA Administration and Activities; (4) Consideration of MPS/MOC Informal Review Group Report; (5) Consideration of Establishing New Special Committees; (6) Report on International Standards Organization TC-20/SC-5 Activities and (7) Discuss Agenda Items for November 16, 1977 Executive Committee Meeting with International Associates.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify,

not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on September 28, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-29252 Filed 10-5-77;8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA), SEPARATION STUDY REVIEW GROUP

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Separation Study Review Group to be held November 1-2, 1977, Main Conference Room, Building 11, National Aviation Facilities Experimental Center, Tilden Road, Pleasantville, N.J. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Comments; (2) Approval of Minutes of First Meeting held May 10-11, 1977; (3) Discussion of Terms of Reference; (4) Status Report on FAA Separation/Navigation Standards Program; (5) Presentation of Initial Information on Data Collected in Cleveland Area; (6) Discussion of Data Correlation, Processing and Reduction Procedures; (7) Review of Data Collection Specification Supplement; (8) Status Report on Definition of Alternate Separation Analysis Methods, and (9) General Discussion.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006 (202-296-0484). Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on September 28, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-29328 Filed 10-5-77;8:45 am]

[4910-60]

**Materials Transportation Bureau
ASSOCIATED UNIVERSITIES, INC.; APPLICATION FOR INCONSISTENCY RULING
Public Hearing and Extension of Comment Period**

Associated Universities, Inc. (AUI) has applied for an administrative ruling

pursuant to 49 CFR 107.203-211 on whether Section 175.111 of the New York City Health Code, which restricts the transportation of radioactive materials in and through the City of New York, is inconsistent with and thus preempted by the Hazardous Materials Transportation Act (HMTA) (Title I of Pub. L. 93-633, 88 Stat. 2156, 49 U.S.C. 1801-1812) or regulations issued thereunder.

On August 15, 1977, the Materials Transportation Bureau (MTB) published a public notice (42 FR 41204) summarizing the issues raised in AUI's application and the City's response and soliciting public comment until September 30, 1977. In the notice it was noted that New York City and others had requested a public hearing and at that time the request was denied.

However, in light of the substantial public interest expressed on this issue, additional requests received, the possible significance to State and local governments elsewhere in the United States of a ruling on the AUI application, and the fact that such a ruling will be the first issued under 49 CFR Part 107, the MTB has decided to extend the time for public comment until November 30, 1977, and to schedule a public hearing on the matter. The MTB is considering Thursday, November 10, 1977, and a New York City location for the hearing. A final date, time and location will be announced in the FEDERAL REGISTER in the near future. The hearing will be informal and will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements.

During the hearing, opportunity will be provided for both proponents and opponents of AUI's application to present their views. Any public official or representative of a civic, public interest, or industry group may request to testify. Participants will be permitted a maximum of ten minutes for each presentation. If requests received exceed the available time, we will ask prospective witnesses with similar views to combine their presentations. In the event that accommodation cannot be made, witnesses will be assigned by lot.

Any public official or organizational representative desiring to participate must write to Dockets Section, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590 (phone 202-426-2077). The letter must be received no later than October 28, 1977, and provide the following information:

1. Name and address.
2. Telephone number during normal working hours.
3. Capacity in which presentation will be made (i.e., public official or organizational representative, with name of group represented).
4. Position—pro or con AUI's application.
5. Time desired, if less than ten minutes.

Shortly before the hearing a schedule will be prepared listing the partici-

pants in the order in which their presentations will be made.

Written comments by any interested persons, including those who may not have sufficient time to express their full views at the hearing, are invited through November 30, 1977. These should be sent, preferably five copies, to the Dockets Section at the address indicated above. Additionally, as required by regulation (49 CFR 107.205(b)), a copy of each written comment must be sent to Mr. N. Peter Rathvon, Jr., Associated Universities, Inc., Upton, N.Y. 11873, and that fact noted on the comment sent to MTB.

All written comments, as well as a transcript of the hearing, will become a part of the record of the proceeding. The entire record which includes the AUI application, the City of New York's response, and all comments received to date may be reviewed in the Dockets Section at the address indicated above.

Comments presented at the hearing and those submitted in writing should be restricted to the specific question of whether Section 175.111 of the New York City Health Code is inconsistent with the HMTA or regulations issued thereunder. Information which is not pertinent to an inconsistency ruling or which is expressive of the relationship of Section 175.111 to other Federal laws and regulations is not to be considered by the Director, Office of Hazardous Materials Operations (OHMO) in making his ruling. Supplementary information is provided in the August 15, 1977, FEDERAL REGISTER publication and potential commenters are urged to refer to that document.

Any questions relating to this notice should be addressed to Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law, Room 6222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590 (phone 202-755-4972). As previously noted, requests for time to speak at the hearing must be addressed to the Dockets Section.

AUTHORITY: 49 U.S.C. 1811, 49 CFR 1.53(e), 49 CFR Part 107 Subpart C.

Issued in Washington, D.C., on October 3, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous
Materials Operations.

[FR Doc. 77-29554 Filed 10-5-77; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

BROMINE AND BROMINATED COMPOUNDS FROM ISRAEL

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a countervailing duty petition has been received in proper form and that an investigation is being initiated in order to determine whether or not bounties or grants are being paid by the Government of Israel on bromine and brominated compounds. A preliminary determination will be made no later than January 11, 1978, and a final determination no later than July 11, 1978.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

William T. Trujillo, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: A petition was received in proper form on July 11, 1977, from Velsicol Chemical Corp., alleging that payments or bestowals conferred by the Government of Israel upon the manufacture, production, or exportation of bromine and brominated compounds constitute the payment or bestowal of a bounty or a grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). Bromine is provided for in the Tariff Schedules of the United States under item 415.05. Brominated compounds are classified under various item numbers including items 429.28, 420.82, and 403.60.

Pursuant to section 303(a)(4), of the Trade Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the countervailing duty law within 6 months of the date of receipt, in satisfactory form, of the petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than January 11, 1978, as to whether the alleged payments or bestowals conferred by the Government of Israel upon the manufacture, production, or exportation of the above-described merchandise constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than July 11, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47(c) of the Customs Regulations (19 CFR 159.47(47)), insofar as they pertain to the initiation of a

countervailing duty investigation by the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

Dated: October 3, 1977.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
[FR Doc. 77-29472 Filed 10-5-77; 8:45 am]

Fiscal Service

(Dept. Circ. 570, 1977 Rev., Supp. No. 1)

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Issuance of Certificate of Authority

Correction

In FR Doc 77-23621 appearing at page 41504 in the issue of Wednesday, August 17, 1977, the center heading and text following should be corrected to read as follows:

NAME OF COMPANY, BUSINESS ADDRESS, AND STATE IN WHICH INCORPORATED

Insurance Company of the West, Post Office
Box 81063, San Diego, California 92139,
California.

[4810-]

Office of Foreign Assets Control

IMPORTATION FROM THE EUROPEAN COMMUNITIES OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Availability of Special Certificates for Imports From Denmark, Ireland, and Italy

Special certificates issued under the Certification Agreement between the United States and the Commission of the European Communities are available as of September 18, 1977 for imports from Denmark, Ireland, and Italy of ferrochromium and chromium-bearing steel mill products. Materials shipped after September 18, 1977 may only be imported if a special certificate is presented to Customs at the time of entry.

Imports of certifiable materials shipped prior to September 18, 1977 but arriving after that date may continue to be made under the interim certificates. However, the entry will not be liquidated until the importer presents a special certificate on or before October 18, 1977.

Importers are reminded that a special certificate must be procured and filed with Customs on or before October 18, 1977 to complete liquidation of entries covering certifiable materials imported under interim certificates prior to September 18, 1977.

Dated: September ??, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc. 77-29442 Filed 10-5-77; 8:45 am]

[4810-25]

Office of the Secretary

CARBON STEEL PLATE FROM JAPAN

Antidumping; Withholding of Appraisal
Notice

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisal.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a preliminary determination that carbon steel plate from Japan is being sold at less than fair value. (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 or the constructed value of the merchandise). Appraisal for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested parties are invited to comment on this action.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Nyschot, Operations Officer, U.S. Customs Service, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION:

On March 8, 1977, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Oregon Steel Mills, Division of Gilmore Steel Corporation, indicating a possibility that carbon steel plate from Japan is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER on March 30, 1977 (42 FR 16883). That notice indicated that there was evidence on record concerning injury to or likelihood of injury to, or prevention of establishment of, an industry in the United States.

For purposes of this notice, the term "carbon steel plate" means hot-rolled carbon steel plate, 0.1875 ($\frac{3}{16}$) inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed or stamped to non-rectangular shape.

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs Service investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price or the exporter's sales price of car-

bon steel plate from Japan is less, or is likely to be less, than the fair value of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. *Scope of the Investigation.* It appears that during the period of investigation covering October 1, 1976 to March 31, 1977, over 70 percent of the imports of the subject merchandise from Japan were manufactured by Nippon Steel Corporation (Nippon Steel), Nippon Kokan K.K. (NKK), Sumitomo Metal Industries, Ltd. (Sumitomo), Kawasaki Steel Corporation (Kawasaki), and Kobe Steel, Ltd. (Kobe). Therefore, the investigation was limited to these five manufacturers.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and constructed value on all sales by Nippon Steel, NKK, and Kobe, and on most sales by Sumitomo and Kawasaki. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since those export sales were made to unrelated Japanese trading companies. On the remaining sales by Sumitomo and Kawasaki, the proper basis of comparison appears to be between exporter's sales prices, as defined in section 204 of the Act (19 U.S.C. 163), and constructed value, since those sales in the United States are made by importers who are related to those manufacturers. Constructed value, as defined in section 205 of the Act (19 U.S.C. 165) was used pursuant to section 205(b) of the Act (19 U.S.C. 164(b)), since on the basis of the best evidence available at this time sales in the home market which were at not less than the cost of production appear to be inadequate as a basis for comparison. As the exporters declined to provide any information concerning their sales in third countries and no other information to the contrary was available, it has been assumed that sales to third countries which were at not less than the cost of production would also provide an adequate basis for comparison.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), home market pricing information was obtained for the period October 1, 1976, through March 31, 1977. Since the question of sales prices below cost was raised, cost information was requested but was not provided.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the f.o.b. or f.a.s. price to the unrelated trading company for export to the United States. A deduction has been made for inland transportation costs included in the price.

d. *Exporter's Sales Price.* For the purpose of this tentative determination of sales at less than fair value, exporter's sales price has been calculated on the basis of the price to the first unrelated purchaser in the United States. Deductions have been made for ocean freight and insurance, brokerage charges, import duties, and for expenses incurred in selling the merchandise in the United States.

e. *Constructed Value.* For the purpose of this tentative determination of sales at less than fair value, constructed value has been calculated on the basis of the best information available concerning the cost of materials and of fabrication or other processing involved in producing the merchandise, plus an amount for general expenses usually reflected in sales of merchandise of the same general class or kind, plus an amount for profit equal to that required by section 206 (a)(2)(B) of the Act (19 U.S.C. 165(a)(2)

(B)), plus the cost of all containers and coverings and all other expenses incidental to placing the merchandise in condition, packed ready for shipment to the United States.

Counsel for petitioner has claimed that sales of this merchandise for home consumption or to third countries have been made in substantial quantities over an extended period of time at prices which are less than the cost of production within the meaning of section 205(b) of the Act and which do not permit recovery of all costs within a reasonable period of time in the normal course of trade.

Information concerning sales in the home market has been submitted. Information requested concerning sales to third countries has not been received. Information requested in order to establish the actual cost of production of the aforementioned Japanese manufacturers of the subject merchandise also has not been received. Therefore, for purposes of this tentative determination, the best information available has been utilized for the purpose of deriving the cost of production of carbon steel plate within the meaning of section 205(b) of the Act. The best information available has been determined to consist of the published financial reports of the Japanese producers subject to this investigation, which earn no less than 90 percent of total revenue from the sale of all steel products, and of information submitted by petitioner in connection with the cost of production of Japanese carbon steel plate.

It has further been determined that the cost of production thus derived exceeds, in virtually all instances, the prices at which carbon steel plate has been sold in the home market during the investigatory period. Further, it has been determined that in the absence of requested information with respect to prices of this merchandise applicable to sales to third countries, such sales may be presumed to have been made at less than the cost of production. Fair value comparisons have therefore been made on the basis of constructed value.

The derived cost of production includes an amount shown on the published financial statements of the producers for "non-operating expenses". In the absence of proof from respondents that all or certain of these expenses are not, according to accounting principles generally accepted in the United States, properly allocable to the cost of production of all carbon steel products in general, and carbon steel plate in particular, such expenses are properly allocable to the cost of production of this merchandise.

In determining whether sales have been below the cost of production under section 205(b), the Secretary must determine whether below-cost sales have been made in substantial quantities over an extended period of time, and "are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade." It has tentatively been determined that a majority of home market sales during the period of investigation were made below the cost of production and that, in the context of this industry, three years represents a reasonable period of time within which all cost must be recovered in the normal course of trade. Three years appears to be the approximate length of the historic business cycle in the Japanese steel industry within which all but extraordinary costs (and no information as to any such costs has been presented), should be recovered. It has therefore been determined that sales of carbon steel plate in Japan have been made over an extended period of time in substantial quantities at prices which do not permit recovery of all costs within a reasonable period of time in the normal course of trade.

Counsel for petitioner has claimed that possible additional dumping margins may have been created by sales below the cost of acquisition by trading companies which export carbon steel plate from Japan and also sell this merchandise to ultimate users and other home market purchasers. Some information has been received indicating a possibility that this practice may be occurring. Prior to any Final Determination, therefore, additional information relevant to this claim will be requested, and such information as is received will be taken into account for the purposes of making the Final Determination.

1. Result of Fair Value Comparisons. Using the above criteria, preliminary analysis suggests that purchase price or exporter's sales price probably will be lower than the constructed value of such merchandise. Comparisons were made on approximately 88 percent of the subject merchandise sold to the United States by the five manufacturers during the investigative period. Margins were tentatively found ranging from 1 to 48 percent for sales made by Nippon Steel on 100 percent of sales compared, from 6 to 55 percent for sales made by NKK on 100 percent of sales compared, from 8 to 52 percent for sales made by Sumitomo on 100 percent of sales compared, from 0.4 to 52 percent for sales made by Kawasaki on 97 percent of sales compared, and from 7 to 44 percent for sales made by Kobe on 100 percent of sales compared. Weighted average margins over the total sales compared for each firm were approximately 31 percent for Nippon Steel, 38 percent for NKK, 32 percent for Sumitomo, 27 percent for Kawasaki, and 32 percent for Kobe.

Accordingly, Customs officers are being directed to withhold appraisement of carbon steel plate from Japan in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with section 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 October 17, 1977. Such requests must be accompanied by a brief statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

All written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received in his office no later than November 7, 1977. All persons submitting written views or arguments should avoid repetitions and merely cumulative material. Counsel for the petitioner and the respondents are requested to serve all written submissions on all other counsel and to file their submissions with the Commissioner of Customs in ten copies.

This notice, which is published pursuant to section 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective October 6, 1977. It shall

cease to be effective April 6, 1978, unless previously revoked.

PETER D. EHRENHAFT,
Deputy Assistant
Secretary (Tariff Affairs).

SEPTEMBER 30, 1977.

[FR Doc. 77-29426 Filed 10-5-77; 8:45 am]

[4810-22]

Office of the Secretary

**POLYVINYL CHLORIDE SHEET AND FILM
FROM THE REPUBLIC OF CHINA**

**Antidumping; Withholding of Appraisement
Notice**

AGENCY: United States Treasury Department.

ACTION: Withholding of appraisement.

SUMMARY: This notice is to advise the public that there are reasonable grounds to believe or suspect that there are or are likely to be sales of polyvinyl chloride sheet and film from the Republic of China at less than fair value within the meaning of the Antidumping Act of 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 to third countries.) Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman or Richard Rimlinger, Operations Officers, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. Telephone: 202-566-5492.

SUPPLEMENTARY INFORMATION: On February 24, 1977, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Plastic Imports Action Committee (PIAC), alleging that polyvinyl chloride sheet and film from the Republic of China are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). The PIAC is an ad hoc group consisting of the following United States producers of the subject merchandise: The Goodyear Tire and Rubber Co.; Harte and Co., Inc., a subsidiary of the Diamond Shamrock Corp.; Tenneco Chemicals, Inc., a subsidiary of Tenneco; Pantasote Co. of New York, Inc.; W. R. Grace and Co., Hatco Plastics Division; and Hooker Chemicals and Plastic Corp., Ruco Division. An "Anti-

dumping Proceeding Notice" indicating that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States was published in the FEDERAL REGISTER of April 1, 1977 (42 FR 17558).

For purposes of this notice the term "polyvinyl chloride sheet and film" means unsupported, flexible, calendered polyvinyl chloride sheet, film and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness.

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of polyvinyl chloride sheet and film from the Republic of China is less, or likely to be less, than the fair value, and thereby the foreign market value of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. Scope of the Investigation. It appears that approximately 90 percent of the imports of the subject merchandise from the Republic of China is sold for export to the United States by Nan Ya Plastics (Nan Ya), China Gulf Plastics Corp. (China Gulf), Cathay Plastic Industry, Ltd. (Cathay Plastics) and Ocean Plastics Co., Ltd. (Ocean Plastics), all of Taipei, Republic of China. The investigation therefore was limited to sales by these four exporters.

b. Basis of Comparison. For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since the great preponderance of export sales to the United States appears to be made to non-related customers.

Home market price as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise appears to have been sold by the manufacturers in the home market in sufficient quantities to provide a basis for fair value comparisons.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was sought concerning imports and home market sales during the period October 1, 1976, through March 31, 1977.

Because the manufacturers subject to this investigation did not submit responses in sufficient time to be verified and analyzed for use in making a tentative determination in this case, the best information available has been utilized for purposes of this determination. In this case the best information available is that submitted by the petitioner. The data submitted by the petitioner covered the period February-August 1976.

Since the responses of the respondent manufacturers were not timely submitted and therefore could not be utilized for pur-

poses of this tentative determination, counsel for the manufacturers withdrew their responses for the purpose of refinement and review. If the information requested is re-submitted in sufficient time for verification and analysis prior to the final determination in this proceeding, it will be used to form the basis of that determination.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, the purchase price has been calculated on the basis of the sales price to the unrelated United States purchasers with deduction for inland freight.

d. *Home Market Price.* For the purpose of this tentative determination of sales at less than fair value, the home market price has been calculated on the basis of the delivered prices to unrelated purchasers in the Republic of China. Adjustments have been made for inland freight and for differences in packing costs.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on all sales of the subject merchandise to the United States listed in the petition. The petition contained comparisons on approximately 10 percent of the subject exports from the Republic of China to the United States during the period covered. Margins were found on 100 percent of the sales compared. The results of those comparisons, by manufacturer, are shown below in terms of the range and weighted average, respectively (in percent):

1. Nan Ya—5.8 to 29.0, 26.2.
2. Cathay Plastic—6.0 to 37.0, 31.5.
3. China Gulf—10.2 to 44.4, 23.6.
4. Ocean Plastics—12.7 to 48.5, 37.4.

Accordingly, Customs officers are being directed to withhold appraisement of polyvinyl chloride sheet and film from the Republic of China, in accordance with § 153.48 Customs Regulations (19 CFR 153.48).

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 in his office no later than 10 days after the date of publication of this notice in the Federal Register. 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 in his office no later than November 7, 1977. All persons submitting written views or arguments should avoid repetitions and merely cumulative material. Counsel for the petitioner and the respondents are requested to serve all written submissions on all other counsel and to file their submissions with the Commissioner of Customs in ten copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective October 6, 1977. It shall cease

to be effective 6 months from the date of publication, unless previously revoked.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

OCTOBER 3, 1977.

[PR Doc.77-29473 Filed 10-5-77;8:45 am]

[4810-25]

WELDED STAINLESS STEEL PIPE AND TUBING FROM JAPAN

Antidumping; Extension of Investigatory Period

AGENCY: Customs Service, Treasury.

ACTION: Extension of Antidumping Investigatory Period

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales at less than fair value of welded stainless steel pipe and tubing from Japan have occurred cannot reasonably be made in six months. This decision will be made in not longer than nine months from the date of the initiation of the investigation. 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.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Rimlinger, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On March 2, 1977, the United States International Trade Commission notified the Secretary of the Treasury that a petition filed on November 15, 1976, pursuant to section 337 of the Tariff Act of 1930, as amended, concerning welded stainless steel pipe and tubing from Japan may involve matters within the purview of the Antidumping Act of 1921, as amended (19 U.S.C. 160 et seq.) (hereinafter referred to as "the Act").

This product had previously been subject to an antidumping investigation in 1972 which resulted in a notice of "Discontinuance of Antidumping Investigation," published in the FEDERAL REGISTER of November 27, 1972 (37 FR 24838). After examination, it was concluded that the information was sufficient to renew an investigation and a notice of "Reopening of Discontinued Antidumping Investigation" was published in the FEDERAL REGISTER of March 30, 1977 (42 FR 16883).

In reopened discontinued antidumping investigations, the procedures and time periods specified in section 201(b) of the Act are generally followed. In the in-

stant case, six months have been inadequate to collect and analyze all the data and information regarding production costs in the home market necessary to determine whether substantial sales have been made at less than the cost of production in the home market or to third countries over an extended period and at prices which do not permit the recovery of all costs within a reasonable period of time in the normal course of trade as required by section 205(b) of the Act (19 U.S.C. 164(b)).

Accordingly, pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)), cannot reasonably be made within six months. The determination under 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will therefore be made within nor more than nine months, although it is not expected that the entire additional three-month period will be required.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

PETER D. EHRENHAFT,
Deputy Assistant Secretary
(Tariff Affairs).

SEPTEMBER 30, 1977.

[PR Doc.77-29427 Filed 10-5-77;8:45 am]

[8320-01]

VETERANS ADMINISTRATION

NEW YORK NATIONAL CEMETERY AT CALVERTON, N.Y. (LONG ISLAND)

Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement for the Proposed New York National Cemetery, Calverton, N.Y. (Long Island)," dated September 1977, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed National Cemetery is to be located on 900± acres near Calverton, N.Y. (Long Island). This proposed development will provide for approximately 370,000 gravesites and will have an administration building, a memorial center, a committal service center and a maintenance complex to provide for all associated cemetery functions.

The Final Statement discusses the significant environmental impact of the proposed New York National Cemetery and responds to comments on the Draft Statement (January 1977). The document is being placed for public examination in the Veterans Administration Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13) Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Single copies of the Final Statement may be obtained on request to the above office.

Dated: September 29, 1977.

MAX CLELAND,
Administrator.

[FR Doc.77-29342 Filed 10-5-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 491]

ASSIGNMENT OF HEARINGS

OCTOBER 3, 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 135195 (Sub-3), Stover Air Cargo, Inc. now being assigned January 30, 1978 (2 weeks) at Chicago, Illinois in a hearing room to be later designated.
- MC 141949 K.M.O., Inc., Contract Carrier Application, now assigned October 18, 1977 is postponed to November 21, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.
- No. MC 143129, B.J.T. Transport, Inc., now being assigned for Prehearing conference on October 31, 1977 (1 day), at Providence, R.I., in a hearing room to be later designated.
- MC-F 12991, System 99—Purchase (Portion)—Compton Transfer and Storage Co. and MC 98337 Sub 22, System 99 now assigned October 12, 1977 at San Francisco, California and will be held in Room 510, 5th Floor, 211 Main Street.
- MC-F 13203, Allied Van Lines, Inc., d.b.a. Allied Van Lines—Control—Eleveld Chicago Furniture Service, Inc. now being assigned January 17, 1978 (9 days) at Chicago, Illinois in a hearing room to be later designated.
- MC 1515 (Sub-229), Greyhound Lines, Inc. now being assigned January 17, 1978 at Detroit, Michigan in a hearing room to be later designated.
- MC 141511 (Sub-1), Robert W. Rettig, d.b.a. Protein Express now being assigned January 24, 1978 (1 day) at Chicago, Illinois in a hearing room to be later designated.
- MC 124078 (Sub-728), Schwerman Trucking Co. now being assigned January 25, 1978 (1 day) at Chicago, Illinois in a hearing room to be later designated.
- MC 113651 (Sub-217), Indiana Refrigerated Lines, Inc. now being assigned January 26, 1978 (2 days) at Chicago, Illinois in a hearing room to be later designated.
- MC 135236 (Sub-17), Legan Trucking, Inc. now being assigned January 30, 1978 (1 week) at Chicago, Illinois in a hearing room to be later designated.
- MC 96925 (Sub-7), Crown Motor Lines, Inc. now being assigned December 12, 1977 (1 week) at Tallahassee, Florida in a hearing room to be later designated.
- MC 138875 (Sub-No. 51), Shoemaker Trucking Co., now being assigned December 13, 1977 (2 days) at Salem, Oregon, in a hearing room to be later designated.
- MC-C 9522, Texas Oklahoma Express, Inc. v. Caddo Express, Inc., now being assigned December 1, 1977 (2 days) at Oklahoma City, Oklahoma in a hearing room to be later designated.
- MC 129994 (Sub-23), Ray Bethers Trucking, Inc. now being assigned December 14, 1977 (3 days) at Salt Lake City, Utah in a hearing room to be later designated.
- MC 119864 (Sub-No. 69), Craig Transportation Co., now being assigned December 13, 1977 (2 days) at Lansing, Michigan, in a hearing room to be later designated.
- MC 143041, Byron G. Davenport, dba Drilling & Mining International now assigned November 29, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.
- MC 124211 (Sub-31), John F. Oliver, now assigned December 5, 1977, (2 days), at Indianapolis, Ind., in a hearing room to be later designated.
- MC 109891 (Sub-31), Infinger Transportation Co., Inc., now assigned December 13, 1977 (3 days), at Columbia, S.C., in a hearing room to be later designated.
- MC 142258 (Sub-2), Dale Bland Trucking, Inc. now being assigned December 14, 1977 (3 days), at Indianapolis, Indiana in a hearing room to be later designated.
- MC 514 (Sub-5), United Warehouse & Transfer, Inc., now assigned December 14, 1977 (3 days), at Nashville, Tenn., in a hearing room to be later designated.
- MC 9812 (Sub-No. 5), C. F. Kolb Trucking Co., Inc., now being assigned December 12, 1977 (2 days), at Indianapolis, Ind., in a hearing room to be later designated.
- MC 2900 (Sub-301), Ryder Truck Lines, Inc., now being assigned January 17, 1978 (3 days), at Knoxville, Tennessee in a hearing room to be later designated.
- MC 2900 (Sub-296), Ryder Truck Lines, Inc., now assigned January 23, 1978 (1 week) at Charleston, W. Va., and continued to January 30, 1978 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.
- MC 133937 (Sub-No. 19), Carolina Cartage Co., Inc., now being assigned December 7, 1977 (3 days), at Columbia, South Carolina in a hearing room to be later designated.
- MC 45363 (Sub-9), Stones Express, Inc., now being assigned January 18, 1978 (3 days), at New York, New York in a hearing room to be later designated.
- MC 141076 (Sub-10), Rogers Motor Lines, Inc., now being assigned January 17, 1978 (1 day), at New York, New York in a hearing room to be later designated.
- MC 125978 (Sub-9), Dependable Car Travel Service, Inc. now being assigned January 23, 1978 (1 week) at New York, New York in a hearing room to be later designated.
- MC 63973 (Sub-No. 17), Kaler Freight Lines, Inc., now being assigned December 12, 1977 (1 week) at Des Moines, Iowa, in a hearing room to be later designated.
- MC 134477 (Sub-175), Schanno Transportation, Inc. now being assigned January 24, 1978 (1 day) at Boston, Massachusetts in a hearing room to be later designated.
- MC 142177 (Sub-1), B.W.C.S., Inc. now being assigned January 25, 1978 (3 days) at Boston, Massachusetts in a hearing room to be later designated.
- MC 1934 (Sub-40), The Arrow Line, Inc. now being assigned January 30, 1978 (1 week) at Boston, Massachusetts in a hearing room to be later designated.
- MC 70470 (Sub-8), Film Transit Co., now assigned January 23, 1978, at Lincoln, Nebr., (1 week) in a hearing room to be later designated.
- MC 134493 (Sub-3), Chicago-St. Louis Transport, Inc., now assigned January 16, 1978, (2 days), at Chicago, Ill., in a hearing room to be later designated.
- MC 40978 (Sub-31), Chair City Motor Express, Co., now being assigned January 18, 1978, (3 days), at Chicago, Ill., in a hearing room to be later designated.
- MC 142957 (Sub-1), Network Transportation Systems, Inc. now being assigned February 31, 1978 (1 day) at New York, New York in a hearing room to be later designated.
- MC 125770 (Sub-10), Spiegel Trucking, Inc. now being assigned January 20, 1978 (1 day) at New York, New York in a hearing room to be later designated.
- MC-F 13050, J. B. Williams Express, Inc.—Purchase (Portion)—National Transportation Co., dba National Transport 101 and MC 95336 (Sub-9), J. B. Williams Express, Inc. now being assigned February 1, 1978 (3 days) at New York, New York in a hearing room to be later designated.
- MC 125368 (Sub-No. 17), Continental Coast Trucking Co., Inc., and MC 14130 Sub No. 4 Trans-Continental Express, Inc., now being assigned December 6, 1977 (1 day) for hearing in Dallas, Texas, in a hearing room to be later designated.
- MC 142672 (Sub-No. 2), David Beneux Produce & Trucking, Inc., now being assigned December 7, 1977 (3 days) for hearing in Dallas, Texas, in a hearing room to be later designated.
- MC 141033 (Sub-No. 21), Content Contract Carrier Corp., now being assigned December 12, 1977 (1 day) for hearing in Dallas, Texas, in a hearing room to be later designated.
- MC 116004 (Sub-42), Texas Oklahoma Express, Inc. now assigned November 7, 1977 at Oklahoma City, Oklahoma is cancelled and reassigned for November 7, 1977 (2 weeks) at Lawton, Oklahoma in a hearing room to be later designated.
- MC 123407 (Sub-No. 362), Sawyer Transport, Inc. now being assigned December 13, 1977 (1 day) for hearing in Dallas, Texas, in a hearing room to be later designated.
- MC 139577 (Sub-No. 3), Adams Transit, Inc., now being assigned December 14, 1977 (3 days) for hearing in Dallas, Texas in a hearing room to be later designated.
- MC 114457 (Sub-No. 293), Dart Transit Co., now assigned October 12, 1977 at St. Paul, Minnesota, will be held in St. Paul Hotel, Queens Room, 363 St. Peter Street.
- MC 720 (Sub-No. 29), Bird Trucking Co., Inc., now assigned October 13, 1977 at St. Paul, Minnesota, will be held in St. Paul Hotel, Queens Room, 363 St. Peter Street.
- MC 134477 (Sub-No. 137), Schanno Transportation, Inc., now assigned October 14, 1977 at St. Paul, Minn., will be held in St. Paul Hotel, Queens Room, 363 St. Peter Street.
- MC 133189 (Sub-No. 9), Vant Transfer, Inc., now assigned October 17, 1977 at St. Paul, Minn., will be held in Court Room 4, 5th Floor Federal Bldg., 316 North Robert Street.
- MC 123407 (Sub-No. 343), Sawyer Transport, Inc., now assigned October 18, 1977 at St. Paul, Minnesota, will be held in Court Room 4, 5th Floor Federal Bldg., 316 North Robert Street.
- MC 124813 (Sub-No. 160), Umthun Trucking Co., and MC 127187 Sub No. 21 Floyd Due- now, Inc., now assigned October 20, 1977 at St. Paul, Minnesota, will be held in Court Room 4, 5th Floor Federal Bldg., 316 North Robert Street.
- MC 117119 (Sub-633), Willis Shaw Frozen Express, Inc., now being assigned December 12, 1977, (1 day) at Philadelphia, Pa., in a hearing room to be later designated.

- MC 136786 (Sub-116), Robco Transportation, Inc., now being assigned December 13, 1977 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.
- MC 138157 (Sub-38), Southwest Equipment Rental, Inc., dba Southwest Motor Freight, now being assigned December 12, 1977, (1 day) at Philadelphia, Pa., in a hearing room to be later designated.
- MC 106398 (Sub-774), National Trailer Convoy, Inc., now being assigned December 15, 1977, (2 days) at Philadelphia, Pa., in a hearing room to be later designated.
- MC 32779 (Sub-13), Silver Eagle Company now assigned November 28, 1977 at Portland, Oregon is being postponed to January 16, 1978 (2 weeks) at Yakima, Washington in a hearing room to be later designated.
- MC 40235 (Sub-33), I.R.C. & D. Motor Freight, Inc. now being assigned January 23, 1978 (1 week) at Indianapolis, Indiana in a hearing room to be later designated.
- MC 129537 (Sub-22), Reeves Transportation Company now being assigned January 23, 1978 (1 week) at Tallahassee, Florida in a hearing room to be later designated.
- MC 113908 (Sub-394), Erickson Transportation Corporation now assigned October 13, 1977 at Chicago, Illinois is cancelled, application dismissed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-29421 Filed 10-5-77;8:45 am]

[7035-01]

[Notice No. 492]

ASSIGNMENT OF HEARINGS

Correction

OCTOBER 3, 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 hearing 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.

H. G. HOMME, Jr.,
Acting Secretary.

- MC 113678 (Sub-699), Curtis, Inc. now being assigned November 14, 1977 (1 week) at Denver, Colorado in a hearing room to be later designated.

[FR Doc.77-29420 Filed 10-5-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 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.

Protest 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. 43439—*Joint Water-Rail Container Rates—Korea Shipping Corporation*. Filed by Korea Shipping Corporation, (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong and Taiwan, and rail carriers terminals on the U.S. Atlantic and Gulf Coasts.

Grounds for relief—Water competition.

Tariff—Korea Shipping Corporation tariff No. 1, I.C.C. No. 1, F.M.C. No. 16. Rates are published to become effective on November 1, 1977.

FSA No. 43440—*Sand, Gravel, Stone and Related Articles Between Points in Southern Territory*. Filed by M.B. Hart, Jr., Agent, (No. A6350), for interested rail carriers. Rates on chert, gravel, sand, slag, stone and related articles, in carloads, as described in the application, between points in southern territory.

Grounds for relief—Short-line distance formula and grouping; also rate relationship.

Tariff Supplement 133 to Southern Freight Association, Agent, tariff 388-L, I.C.C. No. S-1188. Rates are published to become effective on November 10, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-29419 Filed 10-5-77;8:45 am]

[7035-01]

[Volume No. 37]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

SEPTEMBER 30, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d)

of the Commission's *General Rules of Practice* (49 CFR 1100.247)¹ and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 52574 (Sub-No. 37) M-1) (Notice of filing of petition to add an additional contracting shipper, filed August 22, 1977. Petitioner: ELIZABETH FREIGHT FORWARDING CORP., 120 S. 20th St., Irvington, N.J. 07111. Petitioner's representative: Edward F. Bowes, P.O. Box 1409, Fairfield, N.J. 07006. Petitioner holds a motor contract carrier permit in No. MC 52574 (Sub-No. 37) issued September 18, 1968, authorizing transportation, over irregular routes, of *Bakery products, potato chips, and popcorn* (except such commodities in bulk), from points in that part of Pennsylvania on and east of U.S. Highway 15, to Linden, N.J.; and from Linden, N.J., to Baltimore, Md., and Washington D.C., under a continuing contract or contracts with Gourmet Bakers, Inc. of Linden, N.J. By the instant petition, petitioner seeks to add Clem's Snacks as an additional contracting shipper.

No. MC 89021 (M1) (Notice of filing of petition to add an additional commodity) filed August 19, 1977. Petitioner: JOHN WEIGERT, doing business as LEVINE'S EXPRESS & TRUCKING CO., 1001 Roosevelt Avenue, P.O. Box 237, Carteret, N.J. 07008. Petitioner's representative: Robert B. Pepper, The Forest Park Building, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor common carrier certificate in No. MC 89021, issued August 10, 1977, authorizing transportation, over irregular routes, of: *Advertising display materials*, between New York, N.Y., on the one hand, and, on the other, points in California, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, and Michigan. By the instant petition, petitioner seeks to modify the above authority by adding "sheetings" as an additional commodity.

No. MC 107304 (Sub-No. 9) (M1) (Notice of filing of petition to delete restriction), filed August 29, 1977. Petitioner TRANSWAY, INC., 2411 Edenborn Avenue, Metairie, La. 70001. Petitioner's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Petitioner holds a motor common carrier certificate in No. MC 107304 (Sub-No. 9), issued October 15, 1965, authorizing transportation, over irregular routes of: *General commodities*, (except commod-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary Interstate Commerce Commission, Washington, D.C. 20423.

ities of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), having an immediately prior or subsequent movement by air, (1) Between New Orleans, La., on the one hand, and, on the other, points in Louisiana, Arkansas, Mississippi, Alabama and Florida on and within a boundary line beginning at the Gulf of Mexico at the Louisiana-Texas State line and extending along the Louisiana-Texas State line to the Arkansas-Texas State line thence along the Arkansas-Texas State line to and including Texarkana, Tex.-Ark., thence along U.S. Highway 82 to Strong, Ark., thence along Arkansas Highway 129 to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the Arkansas-Mississippi State line, thence along the Arkansas-Mississippi State line to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, thence along the Alabama-Mississippi State line to junction U.S. Highway 278, thence along U.S. Highway 278 to Guin, Ala., thence along U.S. Highway 43 to Tuscaloosa, Ala., thence along Alabama Highway 69 to Greensboro, Ala., thence along Alabama Highway 61 to Uniontown, Ala., thence along U.S. Highway 80 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 28, thence along Alabama Highway 28 to Camden, Ala., thence along Alabama Highway 10 to Lufkin, Ala., thence along U.S. Highway 29 to Brantley, Ala., thence along Alabama Highway 189 to Elba, Ala., thence along U.S. Highway 84 to Dothan, Ala., and thence along U.S. Highway 231 to the Gulf of Mexico at Panama City, Fla.; (2) Between Shreveport, La., on the one hand, and, on the other, points in that part of Arkansas (except El Dorado), on and south of U.S. Highway 82 and on and west of Arkansas Highway 129, and points in De Soto, Caddo, Bossier, Webster, Bienville, Red River, Union and Jackson Parishes, La.; (3) Between Baton Rouge, La., on the one hand, and on the other, points in Pointe Coupee, St. Martin, Iberville, Assumption, St. James, St. John the Baptist, Ascension, Livingston, West Baton Rouge, East Baton Rouge, West Feliciana, East Feliciana, St. Helena, Terrebonne, St. Charles, and Tangipahoa Parishes, La., and Wilkinsons, Franklin, and Amite Counties, Miss.; (4) Between Monroe, La., on the one hand and, on the other, points in Union, Lincoln, Jackson, Winn, Ouachita, Caldwell, Franklin, Tensas, Madison, Richland, East Carroll, West Carroll, Catahoula, La Salle, Concordia, Clairborne, and Morehouse Parishes, La. (5) Between Jackson, Miss., on the one hand, and, on the other, points in that part of Mississippi on and bounded by a line beginning at the Mississippi-Louisiana State line and extending eastwardly along U.S. Highway 84 to the Mississippi-Alabama State line, thence northwardly extending along the Mississippi-Alabama State line to junction U.S. Highway 82,

thence westwardly along U.S. Highway 82 to the Mississippi-Arkansas State line, and thence southwardly along the Mississippi-Arkansas-Louisiana State line to U.S. Highway 84, except Natchez, Miss.; (6) Between Mobile, Ala. on the one hand, and, on the other, points in that part of Alabama and Florida located on and within a boundary line beginning at the Gulf of Mexico at the Mississippi-Alabama State line and extending along the Mississippi-Alabama State line to junction U.S. Highway 278 (near Gattman, Miss.), thence along U.S. Highway 278 to Guin, Ala., thence along U.S. Highway 43 to Tuscaloosa, Ala., thence along Alabama Highway 69 to Greensboro, Ala., thence along Alabama Highway 61 to Uniontown, Ala., thence along U.S. Highway 80 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 28, thence along Alabama Highway 28 to Camden, Ala., thence along Alabama Highway 10 to Lufkin, Ala., thence along U.S. Highway 29 to Brantley, Ala., thence along Alabama Highway 189 to Elba, Ala., thence along U.S. Highway 84 to Dothan, Ala., and thence along U.S. Highway 231 to the Gulf of Mexico at Panama City, Fla., and points in that part of Mississippi on and east of U.S. Highway 11; (7) Between Pensacola, Fla., on the one hand, and, on the other, points in that part of Florida located on and within a boundary line beginning at the Gulf of Mexico at the Alabama-Florida State line and extending along the Alabama-Florida State line to junction U.S. Highway 231 (a point south of Dothan, Ala.), thence along U.S. Highway 231 to the Gulf of Mexico at Panama City, Fla., and points in that part of Alabama on and south of a line beginning at the Alabama-Florida State line and extending northwardly along U.S. Highway 231 to junction U.S. Highway 84, thence northwesterly along U.S. Highway 84 to junction Alabama Highway 129, thence over Alabama Highway 129 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Alabama Highway 10, thence northwesterly along Alabama Highway 10 to junction Alabama Highway 21, thence southwesterly along Alabama Highway 21 to junction U.S. Highway 31, thence southwesterly along U.S. Highway 31 to junction U.S. Highway 90 and thence westwardly along U.S. Highway 90 to the Alabama-Mississippi State line, restricted against the interline or interchange of any shipments handled under such rights with other common carriers by motor vehicles. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction.

No. MC 111651 (Sub-No. 3) (M-1). (Notice of filing of petition to delete restriction), filed August 22, 1977. Petitioner: MIDDLEWEST FREIGHTWAYS, INC., 6310 Prescott, St. Louis, Mo. 63147. Petitioner's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Petitioner holds a motor common carrier certificate in No. MC 111651 (Sub-No. 3) issued January 28, 1966, authorizing, as

pertinent, transportation, over regular routes, of General commodities, except Classes A and B explosives (except fireworks and small-arms ammunition), livestock, corpses, currency, bullion, articles of virtu, exposed motion picture film, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between St. Louis, Mo., and Kansas City, Mo., serving intermediate and off-route points within 15 miles of St. Louis, Mo. (except Belleville, Ill., and St. Charles Mo.), and those in the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, and the off-route point of Leavenworth, Kans.; From St. Louis, over U.S. Highway 40 to Kansas City, and return over the same route; and (2) between St. Louis, Mo., and Chicago, Ill., serving the intermediate and off-route points within 15 miles of St. Louis, Mo. (except Belleville, Ill., and St. Charles, Mo.), and the off-route points of Hammond and Gary, Ind., and Aurora, Waukegan, Elgin, and Woodstock, Ill.: (a) From St. Louis over U.S. Highway 66 to Chicago, and return over the same route; and (b) From St. Louis over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 to Chicago, and return over the same route, restricted against shipments originating at or destined to Belleville, Ill., and Perryville, St. Charles, St. Clair, and Sullivan, Mo. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction.

No. MC 116763 (Sub-No. 87) (M1) (notice of filing of petition to add an origin county), filed August 17, 1977. Petitioner: CARL SUBLER TRUCKING, INC., P.O. Box 81, Northwest Street, Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same address as petitioner). Petitioner holds a motor common carrier certificate in No. MC 116763 (Sub-No. 87), issued May 29, 1967, authorizing transportation, over irregular routes, as pertinent, of Canned goods, from Sandusky, Ohio, and points in the Lower Peninsula of Michigan (except Fenntville, and South Haven, and points in Berrien County, Mich.), to points in that part of Pennsylvania east of U.S. Highway 220, those points in that part of New York east of Interstate Highway 81, points in New Jersey, and Baltimore, Md., and the District of Columbia. By the instant petition, petitioner seeks to delete Berrien County, Mich. from the exception, thereby adding Berrien County, Mich. as an additional origin.

No. MC 124004 (Sub-No. 16) M1 (notice of filing of petition to delete facility limitation), filed August 16, 1977. Petitioner: RICHARD DAHN, INC., 620 W. Mountain Road, Sparta, N.J. 07871. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor common carrier certificate in No. MC 124004 (Sub-No. 16) issued March 27, 1977, authorizing transportation over irregular routes, of: Dry salt, and dry salt prod-

ucts, from the facilities of the Morton Salt Company, Division of Morton International, Inc., located at Milo, N.Y., to points in Connecticut, Delaware, New York, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. By the instant petition, petitioner seeks to delete the phrase "the facilities of the Morton Salt Co., Division of Morton International, Inc., located at," so that the origin will read "from Milo, N.Y."

No. MC 134043 (Sub-No. 5) (M1) (notice of filing of petition to add an additional contracting shipper) filed August 10, 1977. Petitioner: ART KNIGHT, INC., 316 SE. Market, P.O. Box 14626, Portland, Oreg. 97214. Petitioner's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Petitioner holds a motor contract carrier permit in No. MC 134043 (Sub-No. 5), issued February 25, 1973, authorizing transportation, over irregular routes, of: *Such commodities as are dealt in or sold by department stores, between points in Washington, Oregon, California, and Arizona, under a continuing contract, or contracts, with Bazar Inc. By the instant petition, petitioner seeks to modify the above authority by adding Pacific Gamble Robinson, doing business as Pacific Fruit and Produce as an additional contracting shipper.*

No. MC 140986 (Sub-No. 3) (M1) (notice of filing of petition to add an additional contracting shipper and origin point), filed August 5, 1977. Petitioner: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, N.J. 07857. Petitioner's representative: Robert B. Pepper, The Forrest Park Building, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor contract carrier permit in No. MC 140986 (Sub-No. 3), issued September 13, 1977, authorizing transportation, over irregular routes, of *Materials, and supplies used in the construction of tennis courts, (except commodities in bulk), from the facilities of Robert Lee Co., Inc., at Charlottesville, Va., to points in Connecticut, Delaware, Kentucky, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Vermont, under a continuing contract, or contracts, with Robert Lee Co., Inc., of Charlottesville, Va. By the instant petition, petitioner seeks to modify the above authority by adding Har-Tru Corp., of Hagerstown, Md. as an additional contracting shipper and also to add the facility and origin point of Har-Tru Corp., at Charmian, Pa.*

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 66531 (Sub-No. 7), (republication), filed November 26, 1976, published in the FEDERAL REGISTER issue of December 30, 1976, and republished this issue. Applicant: INTERSTATE GROCERY DISTRIBUTION SYSTEM, INC., 2200 48th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 3, dated August 29, 1977, and served September 23, 1977, finds that operation, by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *drugs, chemicals, cleaning compounds, paper impregnated with cleansing agents, non-medicated corn syrup, dental instruments, needles, glassware (except cut glassware), vermin exterminators, non-agricultural insecticides, petroleum naphtha, coal tar dyes (except indigo), lavatory fixtures (except china fixtures), flour enriching compounds, dry flavoring compounds, advertising materials, glass or plastic bottles, steel, aluminum or plastic bottle caps, paper and paperboard, and cellulose film tubes, from East Brunswick, N.J., to points in the Harbor of New York, N.Y., as defined by the Commission, located in New Jersey. Restrictions: (1) Restricted against the transportation of the above-described commodities in bulk; (2) Restricted to the transportation of shipments having a subsequent movement by water; and (3) any portion of the above authority and any portion of the other operating authority of the carrier which is duplicated confer only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the additional grants of paper impregnated with cleansing agents, vermin exterminators and insecticide other than agricultural.*

No. MC 118831 (Sub-No. 116), (supplemental notice), filed January 20, 1975, published in the FEDERAL REGISTER March 12, 1975, and republished this issue. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point,

N.C. 27264. Applicant's representative: E. Stephen Helsley, 666 Eleventh St., NW., Washington, D.C. 20001. A Report of the Commission, decided September 7, 1977, and served September 21, 1977, finds on further consideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, in bulk, from Grassell and Passaic, N.J., and Philadelphia, Pa., to points in that part of North Carolina east of U.S. Highway 21 and north of U.S. Highway 74; and liquid chemicals, in bulk, in tank or hopper-type vehicles, from Grassell and Passaic, N.J., and Philadelphia, Pa., to points in Mississippi, South Carolina, Alabama, Florida, Georgia, and to points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line, thence northward along U.S. Highway 301 to Emporia, Va., thence over U.S. Highway 58 to Lawrenceville, thence over Virginia Highway 46 to Blackstone, thence over Virginia Highway 460 to Farmville, thence over U.S. Highway 15 to a point 2 miles north of Sprouses' Corner, thence over Virginia Highway 20 to Charlottesville, thence over U.S. Highway 29 to Culpeper, thence over U.S. Highway 522 to Winchester, thence over U.S. Highway 11 to the West Virginia-Virginia State line; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.*

NOTE.—Previous notice of this transaction was filed as a matter directly related to finance proceeding in No. MC-F-12377, Central Transport Incorporation—Purchase (Portion)—Piedmont Petroleum Products, Inc.; said notice is being supplemented to add Norfolk, Va. commercial zone as a gateway proposed to be eliminated. This notice is being published pursuant to a report and order of the Commission (127 M.C.C. 1), which granted the proposed application in part. Pursuant to directives in said report, any person having an interest in or who would be prejudiced by grant of authority as awarded by the report, may file an original and six copies of a petition or other pleading within 30 days from the date of publication of this notice. Such petitions shall set forth the precise manner in which the party has been prejudiced by the grant of such authority. Applicants shall file their replies to said petitions within 50 days from the date of publication of this notice.

No. MC 119619 (Sub-No. 88) (republication), filed May 18, 1976, published in the FEDERAL REGISTER issue of June 17, 1976, and republished this issue. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. An order of the Commission, Review Board Number 2, dated March 18, 1977, and served April 4, 1977, finds that the present and future public convenience and necessity require operation by applicant,

in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of meats, meat products and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the facilities used by Dinner Bell Foods, Inc., located at Archbold, Defiance, and Troy, Ohio, to King George, Va., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to the named destination territory.

NOTE.—The purpose of this republication is to add the additional origin point of Defiance, Ohio.

No. MC 136611 (Sub-No. 1) (republication), filed June 24, 1976, published in the FEDERAL REGISTER issue of August 12, 1976, as corrected October 21, 1976, and republished this issue. Applicant: RED & WHITE MARKET & TRANSFER, INC., 1214 East South Street, Hastings, Nebr. 68901. Applicant's representative: Gallyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. An Order by the Commission, Review Board No. 1, dated September 15, 1977, and served September 20, 1977, finds on further consideration that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of: (1) (a) *Agricultural machinery, and equipment, between Hastings, Nebr., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, and South Dakota;* (b) *agricultural implements and parts thereof, between Hastings, Nebr., on the one hand, and, on the other, points in Missouri, Oklahoma, and Texas;* (c) *farm machinery and parts thereof, from Hastings, Nebr., to St. Paul, Minn.; Sioux Falls, S.D., points in that part of Iowa on and north of U.S. Highway 6 and on and west of U.S. Highway 65, and those in that part of Minnesota on and west of U.S. Highway 65 and on and south of U.S. Highway 14; and (d) farm implements and parts thereof, from St. Paul, Minn., to Algona, Charles City, and Spencer, Iowa; and Hastings and Omaha, Nebr.;* (2) *farm truck bodies, from Hastings, Nebr., to points in Idaho, Illinois, Indiana, Kentucky, Louisiana, Missouri, Montana, North Dakota, Oklahoma, Texas, Utah, and Wyoming;* (3) *lumber, sheet metal, and hardware, from points in Illinois, Indiana, Kentucky, and Louisiana, to Hastings, Nebr.;* (4) *lumber, nuts, bolts, rivets, and sheet metal, from points in Missouri, Oklahoma, Texas, Utah, and Idaho, to Hastings, Nebr.;* (5) *farm truck body parts, from Louisville, Ky., to Hastings, Nebr.;* (6) *farm machinery, and parts, from Hastings, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Colorado, South Dakota, North Dakota, Min-*

nesota, Wyoming, Montana, and Indiana; (7) *machinery parts, supplies, and materials used in the manufacture of farm machinery, from points in Iowa, Illinois, Missouri, Kansas, Colorado, North Dakota, South Dakota, Minnesota, Wyoming, Montana, and Indiana, to Hastings, Nebr.;* and

(8) (a) *agricultural and industrial machinery and equipment and parts thereof, between Hastings, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii and Nebraska); and (b) tubing from Delta, Ohio to Hastings, Nebr.;* restricted in parts (1) through (8) above to the transportation of traffic originating at the named origin points and destined to the named destination points, provided, however, that the said restriction shall not preclude the transportation of traffic originating at or destined to Hastings, Nebr., when such traffic has had an immediately prior or subsequent movement in foreign commerce; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to include the District of Columbia in part (8) (a) of the application and to change the restriction to read: "restricted in parts (1) through (8) above, to the transportation of traffic originating at the named origin points and destined to the named destination points, provided, however, that the said restriction shall not preclude the transportation of traffic originating at or destined to Hastings, Nebr., when such traffic has had an immediately prior or subsequent movement in foreign commerce" in lieu of restriction as previously published.

No. MC 140743 (Sub-No. 3) (republication), filed March 17, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished this issue. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). An Order of the Commission, Review Board Number 3, dated July 15, 1977, and served August 19, 1977, orders that Gorski Bulk Transport, Inc., of Harrow, Ontario, Canada (a Canadian corporation) be substituted as applicant in lieu of Gorski Bulk Transport, Inc., of St. Clair Shores, Mich. (a Michigan corporation). An Order of the Commission, Review Board Number 3, dated September 12, 1977, and served September 29, 1977, finds that the present and future public convenience and necessity require operation by the substituted applicant, in foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of alcoholic beverages, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located at or near Port Huron, Marine City, and Detroit, Mich., Buffalo, Niagara Falls, Ogdensburg, Rooseveltown, Champlain, Rouses Point, and Alexandria Bay, N.Y.,

Derby Line, Vt., and West Stewartstown, N.H., to the facilities of Joseph E. Seagram & Sons, Inc., at or near Lawrenceburg, Ind., restricted to the transportation of shipments originating at Waterloo, Ontario, and Montreal, Quebec, Canada. The substituted applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is (1) to indicate the addition of Derby Line, Vt., and West Stewartstown, N.H., as additional ports of entry; and (2) to indicate the grant of Montreal, Canada as an additional origin point.

MOTOR CARRIER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for*

good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 348), filed August 15, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid Animal Feed Supplements*, in bulk, in tank vehicles, from Westwego, La., to Nacogdoches, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex. Common control may be involved.

No. MC 1117 (Sub-No. 13) (Amendment), filed March 21, 1977, published in the FEDERAL REGISTER issue of May 19, 1977, and republished as amended this issue. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, N.J. 07512. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Liberty, Salisbury, Troy, Brisco, Greensboro, Lexington, Ashboro, Lincolnton, Mount Airy, Pleasant Gardens and Winston-Salem, N.C., to Connecticut, New Jersey, New York, and Philadelphia, Pa.; (2) *furniture frames*, from Greensboro, N.C., to Connecticut, New Jersey, New York, and Philadelphia, Pa.; and (3) *new furniture and furniture parts*, from the plantsite of Contemporary Shells, Inc., located in Garden City, N.Y., to points in North Carolina.

NOTE.—The purpose of this republication is to amend applicant's origin point in (1) above and to add a plantsite in (3) above. Hearing is assigned to commerce on November 10, 1977, at 9:30 a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 8535 (Sub-No. 59), filed August 30, 1977. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes transporting: (1) *Roofing and building materials, and materials used in the installation and application of such commodities (except commodities in bulk) from Franklin, Ohio, to points in Illinois, Indiana, Michigan and Tennessee; and (2) Materials, equipment and supplies used in the manufacture, installation or application of roofing or building materials (except commodities in bulk) from points in Illinois,*

Indiana, Michigan, and Tennessee to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11592 (Sub-No. 18), filed August 23, 1977. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7356, Omaha, Nebr. 68107. Applicant's representative: F. E. Myers (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *inedible animal feed ingredients (except in bulk in tank vehicles)*, (1) from Estherville, Iowa, to Kansas City, Mo.; Chicago and Kankakee, Ill.; Zanesville, Ohio; Allentown, Bloomsburg, Camp Hill, and Harrisburg, Pa.; and (2) from Fremont and Omaha, Nebr., to Kankakee, Ill.; Zanesville, Ohio; Bloomsburg and Allentown, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 29910 (Sub-No. 177), filed August 30, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*: Serving the site of K-Mart Corporation located in Coweta County, Ga., as an off-route point in connection with applicant's authorized regular route operations at Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Washington, D.C.

No. MC 32882 (Sub-No. 78), filed August 25, 1977. Applicant: MITCHELL BROS. TRUCK LINES, A Corporation, P.O. Box 17039, 3841 North Columbia Blvd., Portland, Ore. 97217. Applicant's representative: Lex F. Page (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in, or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk, in tank equipment) from Multnomah County, Ore., and Cowlitz County, Wash., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Utah, and Wyoming, restricted to shipments having an immediate prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Ore., Seattle, Wash., or San Francisco, Calif.

No. MC 32882 (Sub-No. 79), filed August 26, 1977. Applicant: MITCHELL

BROS. TRUCK LINES, P.O. Box 17039, Portland, Oregon 97217. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulation and insulated panels and boards*, from Tacoma, Wash., and points in Salt Lake and Davis Counties, Utah, to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oklahoma, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Portland, Ore., or Denver, Colo.

No. MC 32882 (Sub-No. 80), filed August 26, 1977. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, Portland, Oregon 97217. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulation, and materials, supplies, and equipment used in the manufacturing, production, and distribution of insulation, between points in the United States (except Alaska and Hawaii), restricted to transportation between the plantsites and facilities of Mega Corporation and Cel-Cor Industries, Inc., and their affiliates, subsidiaries, and licensees.*

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Portland, Ore., or Denver, Colo.

No. MC 34631 (Sub-No. 4), filed August 29, 1977. Applicant: A. ARNOLD & SON TRANSFER AND STORAGE CO., INC., 2600 W. Broadway, Louisville, Kentucky 40211. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, in the transportation of empty household goods shipping containers (except containers made of paper or paper products), between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Louisville, Ky.

No. MC 35807 (Sub-No. 77), filed August 29, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coin, currency, securities, food stamps, and other items of value between Chicago, Ill., and*

points in Indiana, Iowa, and Wisconsin, in a non-radial movement, under a continuing contract or contracts with the Federal Reserve Bank of Chicago.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C. or Chicago, Ill. Common control may be involved.

No. MC 40978 (Sub-No. 34), filed August 29, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a Corporation, 3321 Business Highway 141 South, Sheboygan, Wisconsin 53081. Applicant's representative: William C. Dineen, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, distributed, or used by manufacturers or distributors of plastic, wooden, and health care products (except commodities in bulk) between Sheboygan Falls, Wis., and points in the Sheboygan Falls, Wis., Commercial Zone, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 42261 (Sub-No. 128), filed August 22, 1977. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y., 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages and related advertising materials, and returned empty malt beverage containers, between South Volney, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 46219 (Sub-No. 16), filed August 8, 1977. Applicant: STERNBERGER MOTOR CORPORATION, 45-50 Court Square, Long Island City, N.Y. 11101. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, over irregular routes, transporting new furniture, from Brookneal and Appomattox, Va., to points in Maine, and points in Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqus, Chemung, Chenango, Cortland, Delaware, Erie, Genessee, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Queens, Richmond, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y.

No. MC 48958 (Sub-No. 137), filed August 22, 1977. Applicant: ILLINOIS-

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colorado, 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except Class A and B explosives, Household Goods as defined by the Commission, commodities in bulk, articles of unusual value, and articles requiring special equipment), serving the plantsite and facilities of Levi Strauss & Co., located at or near Henderson, Nev., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo., or San Francisco, Calif.

No. MC 51146 (Sub-No. 524), filed August 30, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) Paper and paper products (except commodities in bulk), from Jackson, Ala., to East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 40; and points in Missouri south of a line beginning at the junction of the Missouri-Kansas state boundary line and U.S. Highway 66, thence along U.S. Highway 66 to Lebanon, Mo., thence along Missouri Highway 32 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri state boundary line; and (2) scrap paper and waste paper, from points in Missouri, to Oskaloosa, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 152), filed August 25, 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 St., NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper articles, plastic bags; materials, equipment and supplies (except in bulk), used in the manufacture and distribution of paper and paper articles, and plastic bags, between the plantsite and warehouse facilities of Hudson Pulp & Paper Corp. at or near Hamlet, N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Vir-

ginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59150 (Sub-No. 103), filed August 30, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic Pipe, and fittings, materials, accessories and supplies used in the installation thereof, from Colfax, N.C.; Anderson, S.C.; Pell City, Ala.; Social Circle, Ga., and points in Florida, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Fla.

No. MC 59150 (Sub-No. 105), filed August 31, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board, plywood and plywood wall paneling, from the plantsite and storage facilities of Plywood Panels, Inc., located at or near Norfolk, Va., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Norfolk, Va., or Jacksonville, Fla.

No. MC 60014 (Sub-57), filed August 25, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles from the plantsite of Southern Iron & Supply Co. at or near St. Louis, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 61403 (Sub-No. 248), filed August 29, 1977. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting Bisphenol, in bulk, in tank or hopper type vehicle, (1) from the facilities of United States Steel Corp., at Haverhill, Scioto County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) returned and rejected shipments, from the above named desti-

nation territory to the above named origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63417 (Sub-No. 110), filed August 30, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: Petroleum and Petroleum Products (except in bulk), vehicle body sealer and sound deadner compound, (1) from Bradford and New Kensington, Pa., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee; and (2) *returned shipments* of above commodities, from above destinations, to Bradford and New Kensington, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Pittsburgh, Pa. or Roanoke, Va.

No. MC 63417 (Sub-No. 111), filed August 31, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Glass containers*, from the plant and warehouse facilities of Midland Glass Co., located at or near Warner Robins, Ga., to the facilities of Anheuser-Busch, Inc., located at or near Williamsburg, Va.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Roanoke, Va.

No. MC 64808 (Sub-No. 29), filed August 25, 1977. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *flat glass*, from the plant site of PPG Industries, Inc., located at or near Crystal City, Mo., to points in Connecticut, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 67450 (Sub-No. 62), filed August 22, 1977. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Avenue, Chicago, Ill. 60602. Authority to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting: Paper and paper products, (except commodities in bulk), having prior movement by motor carrier, rail or water from the warehouses and facilities of Bowater Southern Paper Corp. at Chicago, Ill. to points in Illinois, Iowa, Indiana, Michigan, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 417), filed August 29, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue, North, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings, and couplings*, from Albany, Ind., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials and supplies* used in the installation of the commodities in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Albany, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind.

No. MC 83539 (Sub-No. 466), filed August 30, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products*, in bags, from Nye County, Nev., to points in the United States (except Alaska, Colorado, Hawaii, North Dakota, New Mexico, Oklahoma, Texas, and Utah), and ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, Montana, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, and Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Denver, Colo. or Dallas, Tex.

No. MC 87566 (Sub-No. 10), filed August 25, 1977. Applicant: SCHMIDT TRUCK SERVICE, INC., No. 1 Clyde Avenue, Litchfield Industrial Park, Litchfield, Ill. 62056. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Room 600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from Mt. Olive, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. Common control may be involved.

No. MC 88161 (Sub-No. 92), filed August 25, 1977. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizers and urea*, in bulk, from points in Kootenai County, Idaho, to points in and east of Okanogan, Chelan, Kittitas, Yakima and Klickitat Counties, Wash.,

and points in Umatilla and Morrow Counties, Oreg.

NOTE.—Applicant holds contract carrier authority in MC 128203 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Spokane, Wash.

No. MC 96881 (Sub-No. 18), filed August 25, 1977. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, 510 North Greenwood, Post Office Box 43, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Shreveport-Bossier City, La. and Tulsa, Okla.: From Shreveport-Bossier City over Interstate Highway 20 to the junction of Texas State Highway 135, thence over Texas State Highway 135 to the junction of U.S. Highway 271, thence over U.S. Highway 271 to the junction of the Oklahoma Indian Nation Turnpike, thence over the Oklahoma Indian Nation Turnpike to the junction of U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, and return over the same route, serving no intermediate points and restricted against the interlining of traffic at Shreveport-Bossier City on such traffic destined to or originating at New Orleans, La., or points in Alabama, Arkansas, Georgia or Mississippi; (2) Between Shreveport-Bossier City, La. and Muskogee, Okla.: From Shreveport-Bossier City over Interstate Highway 20 to the junction of Texas State Highway 135, thence over Texas State Highway 135 to the junction of U.S. Highway 271, thence over U.S. Highway 271 to the junction of the Oklahoma Indian Nation Turnpike, thence over the Oklahoma Indian Nation Turnpike to the junction of U.S. Highway 69, thence over U.S. Highway 69 to Muskogee, and return over the same route, serving no intermediate points and restricted against the interlining of traffic at Shreveport-Bossier City on such traffic destined to or originating at New Orleans, La., or points in Alabama, Arkansas, Georgia or Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, La., or Tulsa, Okla.

No. MC 99439 (Sub-No. 5), filed August 25, 1977. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Applicant's representative: Kevin V. Canipelli, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *tractors* (except truck tractors); and *attachments, parts and accessories for tractors* when moving at the same time and in the same equipment with tractors from rail ramps located at or near Jacksonville and Tampa, Fla., to points in Florida. Restriction: The authority sought herein shall be restricted to traffic having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 100666 (Sub-No. 363), filed September 1, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, valve boxes, water boxes, and castings*, from the facilities of Central Foundry Company located at or near Holt, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala.

No. MC 102560 (Sub-No. 12), filed August 8, 1977. Applicant: FREILER TRUCK LINES, INC. Address: P.O. Box 636, U.S. Highway 51 South, Amite, La. 70422. Applicant's representative: Harold R. Almsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Plywood* from the plant site of Champion International Corp. at or near Holden, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at New Orleans, La.

No. MC 102616 (Sub-No. 935), filed August 25, 1977. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David P. McAllister (same address as Applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities in bulk (except liquefied petroleum or natural gas, anhydrous ammonia, fertilizer, feed and cement)*, from points in Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin, to Ports of Entry on the International Boundary Line between the United States and Canada located in Michigan and New York. Restricted to traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Chicago, Ill.

MC 106195 (Sub-No. 18), filed August 22, 1977. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and related parts and accessories, and equipment, materials and supplies used in the manufacture and distribution thereof*, between the plantsite and storage facilities of Sweet Manufacturing Co., located

at or near West Point, Nebr., on the one hand, and, on the other, points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, Illinois, and Indiana. Restricted to shipments originating at or destined to the plantsite and storage facilities of Sweet Manufacturing Co. of West Point, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 106274 Sub-No. 26, filed August 31, 1977. Applicant: RAEFORD TRUCKING CO., a corporation, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. SW., Washington, D.C. 20004. Authority sought to operate as a common carrier, over irregular routes, transporting *Lumber and lumber products (except commodities in bulk)*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont to points in North Carolina, South Carolina, Tennessee, and points in Virginia on and south of U.S. Highway 460.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 106398 (Sub-No. 782), filed August 29, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials (except iron and steel articles and commodities in bulk)*, (1) from the plantsite and warehouse facilities of CertainTeed Corporation in Chatham County, Georgia, to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; (2) from the plantsite and warehouse facilities of CertainTeed Corporation in Dallas County, Texas, to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee; (3) from the plantsite and warehouse facilities of CertainTeed Corporation in Cook County, Illinois, to points in Indiana, Iowa, Kentucky, Michigan, and Wisconsin; (4) from the plantsite and warehouse facilities of CertainTeed Corporation in Erie County, Ohio, to points in Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia; (5) from the plantsite and warehouse facilities of CertainTeed Corporation in Jackson County, Missouri, to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106557 (Sub-No. 7) (Correction), filed July 25, 1977, published in the FEDERAL REGISTER issue of September 1, 1977 and republished as corrected this issue. Applicant: PAMCO, INC., P.O. Box 926, Columbus, Ohio 43216. Applicant's

representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Rendering products, by-products, and hides* between Columbus, Ohio, on the one hand, and, on the other, points in Wisconsin, New Jersey, New Hampshire, Massachusetts, New York, and Maine, under a continuing contract or contracts with Inland-Ohio Hide, Inc., and Inland Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio. The purpose of this correction is to include Inland-Ohio Hide, Inc. as a contracting shipper.

No. MC 106603 (Sub No. 156), filed August 25, 1977. Applicant: Direct Transit Lines, Inc., 200 Colrain St., SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Levitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building materials and siding and materials used in the installation and application of such commodities (except commodities in bulk)* from Franklin, Ohio to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin; (2) *Materials, equipment and supplies used in the manufacture, installation or application of roofing or building materials (except commodities in bulk)* from points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Pennsylvania, Tennessee, West Virginia and Wisconsin to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or Washington, D.C. Common control may be involved.

MC 106674 (Sub-No. 253), filed August 29, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Part 1, *Building materials, roofing and siding and materials used in the installation and application of such commodities (except commodities in bulk)*. From Franklin, Ohio to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia. Part 2, *Materials, equipment and supplies used in the manufacture, installation or application of building, roofing or siding materials (except commodities in bulk)* from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

olina, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois or Indianapolis, Indiana.

Docket No. MC 107012 (Sub-No. 250), filed August 29, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Rd., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: Gerald A. Burns, P.O. Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: lawn mowers, rotary tillers, lawn and garden tractors, snow throwers, powered lawn and garden equipment, and parts and accessories therefor from points in California, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, South Carolina, Tennessee and Wisconsin, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Illinois, or Washington, D.C.

Docket No. MC 107012 (Sub-No. 251), filed August 31, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Rd., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: Gerald A. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tile*, cartoned from the plantsite and storage facilities of Ozite Corporation, located at or near Libertyville, Ill., to points in Alabama, Connecticut, District of Columbia, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 107460 (Sub-No. 69), filed August 26, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Rd., Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and fabricated metal products*, (except commodities in bulk) from the plant site of Fabral Corporation located at or near Jackson, Ga. to the plant site of Fabral Corporation located at or near Gridley, Illinois, under a continuing contract or contracts with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Harrisburg, Pa.

No. MC 107496 (Sub-No. 1102), filed August 29, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Butler County, Ohio to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Des Moines, Iowa.

No. MC 107839 (Sub-No. 173), filed September 12, 1977. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 E. 67th Ave., Denver, Colo. 80216. Applicant's representative: Edward L. Gordon, P.O. Box 16106, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, pharmaceutical materials, chemicals, alcoholic beverages, tobacco products, pet foods, and commodities* generally dealt in by distribution warehouses, (a) from Denver, Colo., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana (except Alaska and Hawaii); and (b) from points in the previously described area of the United States in (a) above to Denver, Colo., restricted to traffic originating at or destined to consolidated warehouses or distribution warehouses in Denver, Colo.

NOTE.—Applicant seeks to tack the requested authority in (a) and (b) above at Denver, Colo. Applicant requests that this application be consolidated with other similar applications set for hearing at Denver, Colo. on November 14, 1977.

No. MC 108119 (Sub-No. 67), filed August 25, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes and bulk material handling systems*, and (2) *Parts and accessories for cranes and bulk material handling systems*. Between the plantsites and facilities of Paceco division of Fruehauf Corporation in Harrison County, Mississippi, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109397 (Sub-No. 368), filed August 28, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, from the plantsite of Nucor Steel Corporation lo-

cated at or near Darlington, South Carolina, to points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minnesota, thence northward along the western boundaries of Itasca and Koochiching Counties, Minnesota, to the United States-Canada Boundary line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Charleston, South Carolina or Washington, D.C.

Docket No. MC 110686 (Sub-No. 52), filed September 12, 1977. Applicant: McCORMICKDRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 1150 Connecticut Ave., Suite 400, Washington, D.C. 20036. Authority is sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Aircraft and internal combustion engines, aircraft and internal combustion engine parts, and materials, supplies and equipment* used in or incidental to the manufacture, storage, sale, distribution or installation of aircraft and internal combustion engines, and aircraft and internal combustion engine parts, between the plant sites of Lycoming Division of AVCO Corporation, located at or near Williamsport, Pa., on the one hand, and, on the other, points in the United States in and east of the states of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana. Hearing: October 19, 1977 at 9:30 a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 111299 (Sub-No. 12), filed August 30, 1977. Applicant: KIRVAN TRUCK LINES, INC., P.O. Box 829, International Falls, Minn. 56649. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting (1) *Paper and paper products*; (2) *materials, equipment and supplies* used in the production and manufacture of paper and paper products, from (1) International Falls, Minnesota, to points in Minnesota and Wisconsin; and (2) from points in Minnesota and Wisconsin, to International Falls, Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minnesota.

No. MC 111401 (Sub-No. 497), filed August 26, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, liquid feeds and liquid feed supplements*, in bulk, in tank vehicles, from Garden City, Kans., to points in Colorado, Kansas, Nebraska, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Kans.

No. MC11401 (Sub No. 498), filed August 30, 1977. Applicant: GROEN-DYKE TRANSPORT, INC., 2510 Rock Island Blvd., Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hydrochloric (Muriatic) acid*, in bulk, in tank vehicles, from Norco, La., to points in Arkansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC11401 (Sub No. 499), filed August 29, 1977. Applicant: GROEN-DYKE TRANSPORT, INC., 2510 Rock Island Blvd., Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton, 2510 Rock Island Blvd., Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Sodium Bichromate Solution*, in bulk, in tank vehicles, from Corpus Christi, Texas to Telluride, Colorado; (2) *Toxaphene Solution*, in bulk, in tank vehicles, from Los Fresnos, Texas to Altus, Oklahoma; (3) *Creosote Oil*, in bulk, in tank vehicles, from Lone Star, Texas to Bossier City, Louisiana; and (4) *Liquid Chemicals*, in bulk, in tank vehicles, from Pascagoula, Mississippi to Ports of Entry on the International Boundary line between the United States and Mexico located in Texas. Restriction: Restricted in Part (4) to shipments moving in foreign commerce only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 112617 (Sub-No. 375), filed August 26, 1977. LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bisphenol*, in bulk, in tank or hopper type vehicles, from (1) the facilities of United States Steel Corporation at Haverhill, Scioto County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments*, from the above named destination territory to the above named origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112822 (Sub No. 426), filed August 26, 1977. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: (1) *Foodstuffs*; (2) *pharmaceutical materials, supplies and products*; (3) *chemicals*; (4) *alcoholic beverages*; (5) *tobacco products*; (6) *pet foods*; (7) *such commodities as are dealt in by distribution or consolidation warehouses for the commodities described in (1), (2), (3), (4), (5) and (6)*; and (8) *exempt commodities when moving with regulated commodities*, (a) from Denver, Colo., to points in the United States (except Alaska and Hawaii) in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (b) from points in the United States (except Alaska and Hawaii) in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Denver, Colo. Restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. Hearing scheduled for November 14, 1977 at 9:30 a.m. local time in Denver, Colo. To be consolidated with No. MC 111375 (Sub-No. 85) et. al.

No. MC 113000 (Sub-No. 6), filed August 25, 1977. Applicant: RICHARD A. EVAVOLD, d.b.a. EVAVOLD TRUCKING, P.O. Box 166, Ashby, Minn. 56309. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *Contract Carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Underwood, Minnesota, to Points in Colorado, Idaho, Kansas, Missouri, Montana, New Mexico, and Wyoming, under a continuing contract or contracts with Pal-O-Pak Insulation Co., Inc., located at Hartland, Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Paul or Minneapolis, Minnesota.

No. MC-113434 (Sub-No. 83), filed August 26, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Ave., Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting, *Foodstuffs*, except in bulk, in vehicles equipped with mechanical refrigeration, from Greenville, Michigan to points in Illinois, Indiana, Ohio, those in New York on and West of Interstate Highway 81, Pennsylvania, West Virginia, Kentucky, Missouri, Iowa, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Illinois or Washington, D.C.

No. MC 113651 (Sub-No. 228), filed August 4, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Riggin Road, P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: Bernard J. Kompore, 10 South LaSalle St., Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses (except hides and commodities in bulk), from Lexington, Kentucky to points in Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Louisi-

ana, Mississippi, Ohio, Pennsylvania, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington, Ky., or Chicago, Ill.

No. MC 114194 (Sub-No. 196), filed August 31, 1977. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks, II, 1301-02 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from High Hill, Missouri, to points in Maryland, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, or Kansas City, Mo.

No. MC 114457 (Sub-No. 327), filed August 23, 1977. Applicant: DART TRANSIT CO. (a corporation), 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fibreboard cans and metal ends* from the plant sites of Boise Cascade Corporation at or near Bradford, Pa.; Bristol, Pa.; East Greenville, Pa.; Forest Park, Ga.; Indianapolis, Ind.; Whiting, Ind.; Jackson, Tenn.; Memphis, Tenn.; Kansas City, Kans.; Orrville, Ohio; St. Louis, Mo.; and West Chicago, Ill. to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas; and (2) *Materials, equipment and supplies* used in the production and manufacture of fibreboard cans and metal ends from points of destination to origins listed in (1) above).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn., or Chicago, Ill.

Docket No. MC 114533 (Sub-No. 360), filed August 26, 1977. Applicant: BANKERS DISPATCH CORP., 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin, 1106 West 35th St., Chicago, Ill. 60609. Authority sought to operate as a common carrier by motor vehicle over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes*, between points in Kansas, Missouri, and Nebraska. Restricted to traffic having a prior or subsequent movement by air.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128616 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Kansas City, Mo.

MC 114552 (Sub-No. 138), filed August 19, 1977. Applicant: SENN TRUCKING CO., a corporation, Post Office Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier by motor vehicle, over irregular

routes, transporting: *Plywood, paneling, and composition board*, from Boston, Mass., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Louisiana, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114552 (Sub-No. 140), filed: August 31, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: Ken Simons (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) Roofing and building materials, and materials used in the installation and application of such commodities (except commodities in bulk), from Franklin, Ohio to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and (2) Materials, equipment and supplies used in the manufacture, installation or application of roofing or building materials (except commodities in bulk) from points in Alabama, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 188), filed August 31, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *foodstuffs and related products*, (except in bulk, moving in vehicles equipped with mechanical refrigeration), between the warehouse sites of Louisville Freezer Center in Jefferson County, Kentucky, on one hand, and, on the other points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to traffic originating and terminating at points in the above named states and to traffic originating and terminating at the warehouse sites of Louisville Freezer Center, in Jefferson County, Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 114569 (Sub-No. 189), filed August 31, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Cameron and Hidalgo Counties, Tex., to Cambridge, Md.; Jackson, Ohio; and Kansas City, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Winston-Salem, N.C., or Washington, D.C.

No. MC 115233 (Sub-No. 2), filed: August 22, 1977. Applicant: MARSHALL STORAGE CO., a corporation, Highway 19 East, P.O. Box 145, Marshall, Minn. 56258. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) Glass, glass products and glass cullet, and (2) Materials, equipment and supplies used in the manufacture and distribution of glass and glass products (except commodities in bulk, in tank vehicles), between the plantsites of PPG Industries, Inc. located at Marshall, Minnesota and at or near Wichita Falls, Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minnesota.

No. MC 115311 (Sub-No. 239), filed August 22, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles*, from points in Chatham County, Ga., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

MC 115841 (Sub-No. 549), filed August 31, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Knoxville, Tenn. 37919. 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: Meats; meat products, and articles distributed by meat packing plants, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*; 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Rockville, Missouri to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Restricted to shipments originating at and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 116254 (Sub-No. 185), filed August 26, 1977. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative:

Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Muriatic acid, in bulk, in tank vehicles, from Gulfport, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mobile, Ala., or Washington, D.C.

No. MC 116325 (Sub-No. 76), filed August 29, 1977. Applicant: JENNINGS BOND d.b.a., BOND ENTERPRISES, P.O. Box 8, Lutesville, Missouri 63762. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Alabama 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Pre-cut timber homes, prefabricated buildings, building materials, parts, and accessories (except commodities in bulk), from points in Washington County, Mo., to points in the United States (except Alaska and Hawaii); and (2) material, parts, supplies, and accessories used in the manufacture of pre-cut timber homes, prefabricated buildings, building materials, parts, and accessories (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Washington County, Mo.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 116725 (Sub-No. 23) (Amendment), filed June 1, 1977, published in the FEDERAL REGISTER issue of July 8, 1977, and republished as amended this issue. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs, in vehicles equipped with mechanical refrigeration, from the plantsites and facilities of Mayfair Creamery, Division of Beatrice Foods Co., located at or near Somerset, Pa., to points in New York and New Jersey; and (2) milk, eggs, and exempt agricultural commodities originating at points in the above-destination states and destined to the above-origin point.

NOTE.—The purpose of this republication is to indicate the correct name of the origin point as Mayfair Creamery, division of Beatrice Foods Co., located at or near Somerset, Pa., in lieu of Keller Creamery Co., a division of Beatrice Foods Co., and reduction of authority sought. If a hearing is deemed necessary, the applicant requests that it be held at Harrisburg, Pa.

No. MC 116763 (Sub-No. 390), filed August 22, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West

Street, Versailles, Ohio 45380, Applicant's Representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority south to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Animal Feed (except in bulk), from the plantsite of Allied Foods, Inc. at Atlanta, Ga., to the warehouse and storage facilities of Weis Markets at or near Sunbury, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 116763 (Sub-No. 392), filed August 26, 1977, Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380, Applicant's Representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Foodstuffs (except in bulk) from points in Maine, to points in Delaware, Maryland, New Jersey, New York, Virginia, points in Pennsylvania east of U.S. Highway 15, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 117119 (Sub-No. 649), filed August 29, 1977, Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728, Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Pigments, Paints, and Plastic Materials (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Glens Falls, N.Y. to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Washington, D.C.

No. MC 117940 (Sub-No. 226) (Correction), filed July 11, 1977, published in the FEDERAL REGISTER of September 1, 1977, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by or used in the operation of retail department stores (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from New York, N.Y.; Boston, Mass.; and Philadelphia, Pa., Commercial Zones to the facilities of Nordstrom, Inc., in Tukwila, Wash.; and Nordstrom Stores in Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham, and Bellevue, Wash., restricted to traffic originating at named origins and destined to the facilities of Nordstrom's at named destinations.*

NOTE.—The purpose of this republication is to indicate the phrase "Nordstrom Stores" in applicant's territorial description, omitted

in the FEDERAL REGISTER publication of September 1, 1977. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash. Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16 and other subs); therefore dual operations may be involved.

No. MC 118610 (Sub-No. 27), filed August 31, 1977, Applicant: GEORGE PARR TRUCKING SERVICE, INC., 829 Alsop Lane, Owensboro, Kentucky 42301. Applicant's representative: George M. Callett, Suite 708 McClure Building, Frankfort, Kentucky 40601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Commodities in bulk, in dump vehicles, between the site of the Owensboro Riverport Authority, located at or near Owensboro, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Owensboro, Ky., or Louisville, Ky.

No. MC 118811 (Sub-No. 7), filed August 31, 1977, Applicant: LAWRENCE MCKENZIE, d.b.a., MCKENZIE TRUCKING SERVICE, Route 5, Box 111, Winchester, Ky. 40391. Applicant's representative: William L. Willis, Suite 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Scrap metal*, in dump vehicles, from points in Kanawha, Putnam, and Wood Counties, W. Va., to the plantsites of Kentucky Electric Steel Co., and Mansbach Metal Co., located at or near Ashland, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington or Ashland, Ky.

No. MC 119094 (Sub-No. 6), filed August 29, 1977, Applicant: CLARENCE S. WINTERSTEEN, d.b.a., C. S. WINTERSTEEN COMPANY, 1st Street and Park Avenue, Bemidji, Minnesota 56601. Applicant's representative: Sheldon D. McRae, Sr., 204 Fifth Street, P.O. Box 684, Bemidji, Minnesota 56601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, and related advertising materials*, from Milwaukee, Wisc., to Bemidji, Minn., under a continuing contract or contracts with Bemidji Distributing Co., Inc., located at Bemidji, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Bemidji, Minn., or Fargo, N. Dak.

No. MC 119547 (Sub-No. 47), filed August 15, 1977, Applicant: EDGAR W. LONG, INC., 3815 Old Wheeling Rd., Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glassware*, from Jeanette, Pa., to points in Alabama, Georgia, Mississippi, Oklahoma, Texas, Kansas, Missouri, North Dakota, and South Dakota, (B) *plasticware*, from Lake City and Girard, Pa.,

to points in Alabama, Georgia, Mississippi, Oklahoma, Texas, Kansas, Missouri, North Dakota, South Dakota, and Florida; and (C) *chinaware*, porcelainware, and stoneware, from Sebring and Bedford Heights, Ohio, to points in Alabama, Georgia, Mississippi, Oklahoma, Texas, Kansas, Missouri, North Dakota, South Dakota, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 119726 (Sub-No. 102), filed August 22, 1977, Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217, applicant's representative: James L. Beatley, 130 E. Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Porcelain and enamel sinks and basins, cartoned enameled sinks, sink tops, and skids, plate or sheet steel without legs not nested*, from the plantsite of Ingram-Richardson located at or near Frankfort, Ind., and the plantsite of Lawndale Products located at or near Aurora, Ill., to the plantsite of Alabama Metal Products Company, Inc., located at or near Rosedale, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Jackson, Miss. or Indianapolis, Ind.

No. MC 119726 (Sub-No. 103), filed August 25, 1977, Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beatley, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plant site of Midland Glass Company at or near Warner Robins, Ga., to points in Indiana, Virginia, Oklahoma, Illinois, Ohio, Wisconsin, Michigan, North Dakota, South Dakota, Kansas, Iowa, Minnesota, West Virginia, Pennsylvania, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 368), filed August 29, 1977, Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in mechanically refrigerated equipment, from LaPorte, Texas to Holland and Whitehall, Michigan, and Trenton, New Jersey.

NOTE.—If an oral hearing is deemed necessary, the applicant requests that it be held at Chicago or Detroit, Mich.

No. MC 119792 (Sub-No. 65), filed August 26, 1977, Applicant: CHICAGO SOUTHERN TRANSPORTATION CO.,

a Corporation, 3600 South Western Avenue, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and dairy products*, from Fond du Lac, Wis.; Harrodsburg, Russell Springs, Cynthiana, and Tompkinsville, Ky.; Valley City, Ill.; and Atlanta, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Tennessee, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120981 (Sub-No. 23), filed August 29, 1977. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, Suite 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Kentucky, and Cynthiana, Kentucky; From Lexington, Kentucky, over Interstate Highway 75 to junction of U.S. Highway 62, thence over U.S. Highway 62 to Cynthiana, Kentucky, and return over the same route, serving no intermediate points, restricted against the handling of traffic originating at, or destined to, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Michigan, Maryland, Minnesota, Massachusetts, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington, Ky., or Frankfort, Ky.

No. MC 121120 (Sub-No. 4) (amendment), filed June 9, 1977, published in the FEDERAL REGISTER issue of July 28, 1977, and republished as amended this issue. Applicant: SOUTHERN GARMENT DISTRIBUTING CORP., 1605 W. 33rd Place, Hialeah, Fla. 33012. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by a retail department or discount store, between the terminal of Southern Garment Distributing Corp. located at Orlando, Fla., on the one hand, and, on the other, points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade DeSoto, Duval, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Coun-*

ties, Fla., restricted to traffic having a prior or subsequent movement in interstate or foreign commerce by motor or air.

NOTE.—The purpose of this amendment is to indicate the modification in the base point. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. Common control may be involved.

No. MC 121658 (Sub-No. 9), filed August 26, 1977. Applicant: Steve D. Thompson, 1205 Percy Street, P.O. Drawer 149, Winnsboro, La. 71295. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Memphis, Tenn. and Mer Rouge, La.: From Memphis, Tenn. over U.S. Highway 61 to its junction with U.S. Highway, 82 at or near Leland, Miss.; thence over U.S. Highway 82 to its junction with U.S. Highway 165 at or near Montrose, Ark.; thence over U.S. Highway 165 to Mer Rouge, La., and return over the same route, serving no intermediate points except those in Louisiana lying on U.S. Highway 165 between the Arkansas-Louisiana State Line and Mer Rouge, La.; (2) between the junction of U.S. Highway 82 with U.S. Highway 65 south of Lake Village, Ark. and Lake Providence, La.: From the junction of U.S. Highway 82 with U.S. Highway 65; thence over U.S. Highway 65 to Lake Providence, La., and return over the same route, serving no intermediate points except those in Louisiana lying on U.S. Highway 65 between the Arkansas-Louisiana State line and Lake Providence, La.; (3) between the junction of U.S. Highway 82 with U.S. Highway 65 south of Lake Village, Ark. and Oak Grove, La.: From the junction of U.S. Highway 82 with U.S. Highway 65; thence over U.S. Highway 65 to its junction with Arkansas Highway 159 at Eudora, Ark.; thence over Arkansas Highway 159 and Louisiana Highway 17 to Oak Grove, La. and return over the same route, serving no intermediate points except those in Louisiana lying on Louisiana Highway 17 between the Arkansas-Louisiana State line and Oak Grove, La.; (4) between Winnfield, La. and Natchitoches, La.: From Winnfield, La. over U.S. Highway 84 to Clarence, La., thence over Louisiana Highway 6 to Natchitoches, La. and return over the same route, serving all intermediate points; and (5) between Memphis, Tenn. and Jackson, Miss. over Interstate 55 as an alternate route for operating convenience only, serving no intermediate points and serving Jackson, Miss. as a point of joinder only, restricted against the transportation of shipments moving from, to or through Memphis, Tenn. and its commercial zone which originate at or are destined to points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn. and Monroe, La.

No. MC 123048 (Sub-No. 365), filed August 29, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Post Office Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, boilers, garbage disposers and parts thereof, from garbage disposers and parts thereof, from Kankakee, Illinois to points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, and Kansas.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Chicago, Illinois or Washington, D.C.

No. MC 123407 (Sub-No. 397), filed August 29, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same Address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, lumber and lumber products, from Camden, N.J.; Philadelphia, Pa.; Norfolk, Va.; Baltimore, Md.; Charleston, S.C.; and New Orleans, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except plywood, composition board, and wood moldings, from Charleston, South Carolina, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin).*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich. or Toledo, Ohio.

No. MC 123407 (Sub-No. 400), filed August 29, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *building and construction materials, and iron and steel articles, from the plant sites or warehouses of Penn-Dixie Steel Corporation at or near Albuquerque, N. Mex.; Denver, Colo.; Blue Island, Joliet, and Chicago, Ill.; Grand Rapids, Lansing, Petroskey, Holland, and Detroit, Mich.; Toledo and Columbus, Ohio; Winterset, Centerville, and West Des Moines, Iowa; Fort Wayne and Kokomo, Ind.; Jackson, Miss.; Kingsport, Knoxville, and South Pittsburg, Tenn.; Salisbury, N.C.; Atlanta, Ga.; Nazareth, Pa.; and Milwaukee, Wis.; to points in the United States (Except Alaska and Hawaii) and (except iron and steel articles) from Kokomo, Ind., to Delaware, Ky., Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Pennsylvania, South Dakota, Texas, West Virginia, and Wisconsin; and (except iron and steel articles) from Joliet, Ill., to Kansas, Minnesota,*

Nebraska, and South Dakota); and (2) materials and supplies used in the manufacture of building and construction materials and iron and steel articles from points in the United States (except Alaska and Hawaii), to origin points listed in Part (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123544 (Sub-No. 11), filed August 17, 1977. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) farm machinery and implements and parts thereof from Fargo, North Dakota to points in the United States (except Alaska and Hawaii); (2) farm machinery and implements and parts thereof from ports of entry on the International Boundary line between the United States and Canada located at Neche and Pembina, N. Dak. and Noyes, Minn. to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia; (3) damaged or defective farm machinery and implements and parts thereof from the destination points in (1) above to Fargo, N. Dak.; and (4) damaged or defective farm machinery and implements and parts thereof from the destination points in (2) above to ports of entry on the International Boundary line between the United States and Canada located at Neche and Pembina, N. Dak. and Noyes, Minn., under a continuing contract with Versatile Manufacturing, Ltd. located at Winnipeg, Manitoba, Canada. Restricted in (2) to traffic originating and (4) to traffic destined to points in Manitoba, Canada.

NOTE.—Applicant holds common carrier authority in MC-135045 (Sub-No. 2) therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 123819 (Sub-No. 48), filed August 31, 1977. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Fish meal from Empire, La. to Port Arthur, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 743), filed August 29, 1977. Applicant: SCHWERMANN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevet, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: Fly ash, in bulk, (1) from Clinton, Iowa, to points in Illinois, and (2) from Lansing, Iowa, to points in Illinois, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill. Common control may also be involved.

No. MC 124078 (Sub-No. 745), filed August 29, 1977. Applicant: SCHWERMANN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Phosphoric fertilizer solutions and spent phosphoric acid, in bulk, in tank vehicles, from Clanton and Cullman, Ala.; Magnolia, Ark.; Cleveland, Herando, McComb and Pontotoc, Miss.; and Cleveland, Tenn., to points in Alabama, Arkansas, Florida, Illinois, Kentucky, Louisiana, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Atlanta, Ga. Common control may be involved.

No. MC 124211 (Sub-No. 304), filed August 17, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Neb. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Grain handling equipment and related parts and accessories, and materials, equipment and supplies used in the manufacture and distribution of grain handling equipment and related parts and accessories. Between points in Cuming County, Nebr., on the one hand and, on the other, points in the United States in and west of Michigan, Ohio, Indiana, Illinois, Missouri, Arkansas, and Texas, except Alaska and Hawaii.

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124306 (Sub-No. 32), filed August 29, 1977. Applicant: KENAN TRANSPORT CO. INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastics, in bulk, in tank vehicles, from Brunswick, Ga. to points in Alabama, Tennessee, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C. or Atlanta, Ga.

No. MC 124692 (Sub-No. 179), filed August 26, 1977. Applicant: SAMMONS TRUCKING, A Corporation, P.O. Box 4347 Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Contractors' equipment, tools, materials and supplies between points in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) Contractors' equipment, tools, materials and supplies in shipper's own trailers between points in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124947 (Sub-No. 70), filed August 25, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting iron and steel articles from the plantsite of Nucor Steel—Division of Nucor Corp., located at or near Norfolk, Nebr. to points in North Dakota, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 125023 (Sub-No. 49), filed August 30, 1977. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, (1) from Chicago, Ill., to points in Virginia and West Virginia, and (2) from Monroe, Wis., to points in North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in either Chicago, Ill., or Washington, D.C.

No. MC 125433 (Sub-No. 118), filed August 29, 1977. Applicant: F-B TRUCK LINE CO., a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Extruded aluminum products (except those products the transportation of which because of size or weight require the use of special equipment), from Phoenix, Arizona, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Salt Lake City, Utah.

No. MC 126899 (Sub-No. 116), filed August 22, 1977. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 708 McClure Building, Frankfort, Ky. 40601.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Alcoholic liquors, in containers, from Paducah, Ky., to points in the United States (except Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, Texas, Alaska, Hawaii, and those in Illinois on and south of U.S. Highway 136), restricted to the handling of traffic originating at Paducah, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky., or Paducah, Ky.

No. MC 127337 (Sub-No. 18), filed August 26, 1977. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania & 13 St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier* by motor vehicles, over irregular routes, transporting: (1) Frozen blueberries, from points in Maine to ports of entry on the United States-Canada boundary line located in Maine, restricted to shipments destined to the Province of Quebec, Canada; (2) Meat and meat products, from Albany, N.Y., and Boston, Mass., to ports of entry on the United States-Canada boundary line located in Maine and Massachusetts, restricted to shipments destined to the Provinces of Nova Scotia and Newfoundland, Canada; (3) Preserved fish, and fish, the transportation of which is otherwise exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act in mixed loads with preserved fish, from ports of entry on the United States-Canada boundary line located in Maine and Massachusetts to points in the United States (except Alaska and Hawaii), restricted to shipments originating in the Provinces of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, Canada; and (4) Foodstuffs, and agricultural commodities, the transportation of which is otherwise exempt from economic regulations pursuant to section 203(b)(6) of the Interstate Commerce Act in mixed loads with foodstuffs, from points in Massachusetts to ports of entry on the United States-Canada boundary line located in Maine and Massachusetts, restricted to traffic destined to points in the Province of Newfoundland, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Boston, Mass., or Portland, Maine.

No. MC 127625 (Sub-No. 25), filed August 29, 1977. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Fertilizer, in bulk, in tank trailers, from Spartanburg, S.C., to points in Georgia on and north of U.S. Highway 78.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 127810 (Sub-No. 3) (amendment), filed February 7, 1977, published in the FEDERAL REGISTER issue of April 14, 1977, and republished this issue. Applicant: SHERMAN & BODDIE, INC., Highway 158 South, P.O. Box 621, Oxford, N.C. 27565. Applicant's representative: Joseph E. Wall, 333 Fayetteville Street, Post Office Box 709, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Yarns, between Henderson, N.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and Virginia; and (2) fibers, on return movements from points named in (1) above to Henderson, N.C.

NOTE.—The purpose of this republication is to amend applicant's present contract carrier authority to a common carrier. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 127834 (Sub-No. 117), filed August 22, 1977. Applicant: CHEROKEE HAULING & RIGGING, INC., a corporation, Nashville, Tenn. 37202. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky., 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: conduit or pipe, and fittings for conduit or pipe, from the plant site of Cement Asbestos Products Co. (subsidiary of ASARCO Inc.), at or near Ragland, Ala., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Birmingham, Ala.

No. MC 128220 (Sub-No. 18), filed August 30, 1977. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING CO., P.O. Box 596, Burnside, Kentucky 42519. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Kentucky 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Charcoal, charcoal briquettes, fireplace logs, wood chips, lighter fluid, spices, sauces, and vermiculite (except commodities in bulk), from Cotter, Ark., to points in the United States (except Alaska and Hawaii), (2) materials, supplies, and equipment used in connection with the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Cotter, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, Ky., or Washington, D.C.

No. MC 128339 (Sub-No. 5), filed August 29, 1977. Applicant: VALLEY TRUCKING SERVICE, INC., 1371 Jacqueline Dr., Columbus, Ga. 31906. Applicant's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga., 31902. Authority sought to operate as a *common carrier* of general commodities, except commodities in bulk, having prior or subsequent movement by rail, in shipper or railroad-owned trailers, between rail ramps at (1) LaGrange, Manchester, Albany, Americus, and Cordele, Ga., and Lanett, Ala., on the one hand, and on the other, points in Barbour, Bullock, Chambers, Lee, Macon, Randolph, and Russell Counties, Ala.; and Bibb, Calhoun, Chattahoochee, Clay, Crawford, Crisp, Dooly, Dougherty, Harris, Heard, Houston, Lamar, Lee, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Quitman, Randolph, Schley, Spaulding, Stewart, Sumter, Talbot, Taylor, Terrell, Troup, Upson, and Webster Counties, Ga.; and (2) Columbus, Ga., on the one hand, and on the other, points in Barbour, Bullock, Chambers, Macon, and Randolph Counties, Ala.; and Bibb, Calhoun, Clay, Crawford, Crisp, Dooly, Dougherty, Heard, Houston, Lamar, Lee, Macon, Monroe, Peach, Pike, Randolph, Spaulding, Sumter, Terrell, Troup, and Upson Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Columbus or Atlanta, Ga.

No. MC 128555 (Sub-No. 20), filed August 29, 1977. Applicant: MEAT DISPATCH, INC., 2103 17 St. East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, New York 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Plastic parts and cabinet housings for the manufacture of office copiers, from Evansville, Ind., to Rochester and Webster, N.Y., under continuing contract, or contracts, with Xerox Corporation of Webster, N.Y.

NOTE.—Applicant holds common carrier authority in No. MC-136123, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Buffalo or Syracuse, N.Y.

No. MC 128616 (Sub-No. 23), filed August 29, 1977. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Commercial papers, documents, and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions, between points in Finney County, Kans., on the one hand, and, on the other, points in Beaver, Cimarron, Harper, Texas, and Woodward Counties, Okla.; Bent, Otero, and Prowers Counties, Colo.; and Dallam,

Hansford, Lipscomb, Ociltree, and Sherman Counties, Tex., under a continuing contract or contracts with First National Bank and Trust Company of Great Bend, Kans.

NOTE.—Applicant holds motor carrier authority in No. MC 114533 (Sub-No. 4), and other subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 129290 (Sub-No. 4), filed August 16, 1977. Applicant: MACKINAW COMPANY, a Corporation, 1500 Pine Street, Essexville, Michigan 48732. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Michigan 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corporation at Essexville, Mich., to the port of entry on the International Boundary line between the United States and Canada located at or near Sault Sainte Marie, Mich. Restricted to traffic destined to points in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich., or Washington, D.C.

No. MC 129643 (Sub-No. 11), filed August 15, 1977. Applicant: GEORGE SMITH, d.b.a. GEO SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg, Manitoba, Canada R2W 1K5. Applicant's representative: George Smith (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Frozen bakery products*, from points in Oregon and Washington, to ports of entry on the International Boundary line between the United States and Canada, located at or near Eastport, Idaho, restricted to traffic destined to points in the Province of Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 13330 (Sub-No. 10), filed August 12, 1977. Applicant: HALVOR LINES, INC., P.O. Box 6227, Duluth, Minn. 55806. Applicant's representative: William Vinje (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Loaders, cranes, and vehicles* equipped with loaders and components, parts and accessories for loaders and cranes from Superior, Wis., to points in the United States, including Alaska, but excluding Hawaii; (b) from Superior, Wis., to the ports of entry on the International Boundary Line between the United States and Canada located at Detroit, and Sault Ste. Marie, Mich.; Grand Portage; International Falls and Noyes, Minn.; Pembina and Portal, N. Dak.; Sweetgrass, Mont.; and Blaine, Wash.; restricted in (1) (B) above to traffic moving in foreign commerce and (2) *materials equipment, and supplies* used in the manufacture of commodities described in (1) above, (a) from points in the United States including Alaska, but excluding

Hawaii; and (b) from the ports of entry on the International Boundary Line between the United States and Canada located at Detroit and Sault Ste. Marie, Mich.; Grand Portage, International Falls and Noyes, Minn.; Pembina and Portal, N. Dak.; Sweetgrass, Mont.; and Blaine, Wash., to Superior, Wis., restricted in (2) (b) above to traffic moving *mental and show display loaders and cranes, and vehicles* equipped with loaders and components, parts and accessories for loaders and cranes, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Barko Hydraulics, Inc., of Superior, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Duluth or Minneapolis, Minn.

No. MC 134477 (Sub-No. 188), filed August 25, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *malt beverages* (except in bulk), from Fulton, N.Y. and Milwaukee, Wis., to Spencer, Iowa. (2) *Empty malt beverage containers*, from Spencer, Iowa, to Fulton, N.Y., and Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn.

No. MC 135236 (Sub-No. 22), filed August 2, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Indiana 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting malt beverages from Orange, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135599 (Sub-No. 6), filed August 26, 1977. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 98, Readlyn, Iowa 50568. Applicant's representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic drain tile, and other plastic water pipe and plastic storm sewer pipe*, between the facilities of Hancor of Iowa located at or Near Fairmont, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Illinois, Wisconsin, Ohio, Colorado, Wyoming, Indiana, Montana, Tennessee, Oklahoma, and

Arkansas, under a continuing contract or contracts with Hancor of Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Des Moines, Iowa or Minneapolis, Minn.

No. MC 135639 (Sub-No. 8), filed August 26, 1977. Applicant: QUEENSWAY, INC., 105 North Keyser Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting: *Foodstuffs*, serving Williamson, New York as an off-route point in connection with applicant's present regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135965 (Sub-No. 5), filed August 26, 1977. Applicant: J. P. WIEST, doing business as WIEST TRUCK LINE, 1305 6th Avenue Southwest, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier* motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, from Sioux City, Iowa and Quincy, Ill., to Maddock, N. Dak.; and (b) *Agricultural machinery and implements, parts and attachments*, from Maddock, N. Dak., to points Minnesota, Wisconsin, Ohio, Iowa, Nebraska, Kansas, Georgia, Indiana, Illinois, Idaho, and Washington, under a continuing contract or contracts, with Summers Manufacturing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, N. Dak., or Minneapolis, or St. Paul, Minn.

No. MC 136318 (Sub-No. 47), filed August 23, 1977. Applicant: COYOTE TRUCK LINE, INC., 302 Cedar Lodge Road, P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furnishings, appliances, accessories, and fixtures*, (1) From points in California, Oregon and Washington, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Louisiana; (2) From points in Georgia, Michigan, North Carolina, Tennessee, and Virginia; to points in Arizona, California, Illinois, Indiana, Michigan, Minnesota, Oregon, Washington, and Wisconsin; (3) From points in Pennsylvania, to points in Arizona, California, Oregon and Washington, under a continuing contract, or contracts, in (1) (2) and (3) above with the Wickes Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136605 (Sub-No. 31), filed August 29, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. SELISKI (same address as appli-

cant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour glue extender*, in bags or sacks, from Great Falls, Mont., to points in Idaho, Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Billings or Missoula, Mont.

No. MC 136668 (Sub-No. 3), filed August 28, 1977. Applicant: ROGERS VINEGAR CO., INC., West Olive at Frisco Tracks, Rogers, Ark. 72756. Applicant's representative: Michael H. Mashburn, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl alcohol in bulk* from Muscatine, Iowa to the plant site and warehouse of Standard Brands, Inc. at Nixa, Mo., under a continuing contract, or contracts, with Standard Brands, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., Kansas City, Mo., or Jefferson City, Mo.

No. MC 138104 (Sub-No. 45), filed August 15, 1977. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese and alloys*, in bulk, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Chaparral Steel Co., located at or near Midlothian, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 138741 (Sub-No. 35), filed August 22, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Roofing and building materials*, and materials used in the installation and application of such commodities (except commodities in bulk), from Franklin, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin; and (2) *Materials, equipment and supplies* used in the manufacture, installation or application of roofing or building materials (except commodities in bulk), from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin, to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138875 (Sub-No. 59), filed August 26, 1977. Applicant: SHOEMAKER

TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Materials and supplies used in the manufacture and distribution of hostery* (except products in bulk in tank vehicles) from Patterson, N.J.; Siler City, Burlington, High Point and Hickory, N.C.; Louisville, Ky.; and Indianapolis, Ind., to the facilities of Kellwood Co. at or near Twin Falls, Idaho, restricted to transportation of traffic originating at named origin points and destined to named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138882 (Sub-No. 14), filed August 23, 1977. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wheel weights, materials, equipment and supplies* used in the manufacture and sale of wheel weights (except commodities in bulk), between the facilities of Bada Co., Inc., Division of Hennessey Industries Co., located at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *Tire changers, jacks, tire balancers, materials, equipment and supplies* used in the manufacture and sale of tire changers, jacks, tire balancers (except commodities in bulk), between the facilities of Coats Co., Inc., Division of Hennessey Industries Co., located at Nashville, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above, to shipments having originated at or destined to named facilities.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala. or Nashville, Tenn.

No. MC 138941 (Sub-No. 23) (Correction), filed July 5, 1977, published in the FEDERAL REGISTER issue of August 18, 1977, and republished as corrected this issue. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen accessories, gum, gum and food dispensing machines*, and exhibition equipment for same, from San Dimas, Calif., to points in the United States (except Alaska and Hawaii). (2) (a) *exhibition equipment* for kitchen accessories, gum, gum and food dispensing machines, (b) *materials and supplies* used in the manufacture of kitchen accessories, gum, gum and food dispensing machines, (c) *damaged, refused, rejected, or returned shipments* of kitchen accessories, gum, gum and

food dispensing machines, from points in the United States (except Alaska and Hawaii), to San Dimas, Calif., under a continuing contract, or contracts, with Knock On Wood Corp., located at Covina, Calif., restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—The purpose of this republication is to indicate the restriction against commodities in bulk and to exclude Alaska and Hawaii. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif.

No. MC 139108 (Sub-No. 4), filed August 30, 1977. Applicant: METRO SALES CORP., 1921 W. 1st Street, P.O. Box 1961, Sanford, Fla. 32771. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, Suite 600, Washington, D.C. 20036. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Clarksdale, Miss.; Texarkana, Ark.; and Mansfield and Findlay, Ohio, to Sanford, Fla., restricted to service performed under a continuing contract with John Dickey, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Orlando, Fla.

No. MC 139206 (Sub-No. 2) (Amendment), filed August 11, 1977, published in the FEDERAL REGISTER issue of September 22, 1977, and republished, as amended, this issue. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, Missouri 64043. Applicant's representative: E. Stephen Hensley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Textiles and textile products, chemicals, and materials, equipment, and supplies* used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Graniteville, S.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Chromalloy American Corporation.

NOTE.—(1) Applicant states it already holds contract carrier authority in No. MC 139206 to transport the identical commodities between Laredo, Brenham, Houston, and Arlington, Texas, Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicant states that it is a commonly-controlled contract carrier for and on behalf of Chromalloy American Corporation and that the purpose of this application is to extend its operations for its commonly-controlled contracting shipper. (2) Common control and dual operations may be involved. The purpose of this amendment is to change "from * * * to" movement to "between" radial movement. If a hearing is deemed necessary applicant requests that it be held at St. Louis, Mo.

No. MC 139206 (Sub-No. 5), filed August 31, 1977. Applicant: F. M. S. TRANSPORTATION, INC., Box 1597,

2564 Harley Drive, Maryland Heights, Missouri 64043. Applicant's representative: E. STEPHEN HEISLEY, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Textiles and textile products, chemicals, and materials, equipment, and supplies* used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Boston, Mass., and Kearny, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract or contracts with Chromalloy American Corporation.

NOTE.—(1) Applicant states that it already holds contract carrier authority in No. MC 139206 to transport the identical commodities between Laredo, Brenham, Houston, and Arlington, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicant states that it is a commonly controlled contract carrier for and on behalf of Chromalloy American Corporation and that the purpose of this application is to extend its operations for its commonly-controlled contracting shipper. (2) Common control may be involved. If a hearing is deemed necessary it is requested at St. Louis, Mo.

No. MC 139274 (Sub-No. 3), filed August 8, 1977. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 419 E. Kearney, Springfield, MO 65803. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, MO 65804. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) Materials, supplies, and equipment used in manufacturing, packaging, and distributing products of the R. T. French Company and the commodities manufactured or distributed by the R. T. French Company; and (2) exempt commodities moving in mixed loads with those in (1), between Springfield, Mo., on the one hand, and, on the other, points in California, under a continuing contract or contracts with the R. T. French Company, Rochester, N.Y., and restricted to traffic originating at or destined to be plant sites, storage, shipping and receiving facilities of the R. T. French Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 139298 (Sub-No. 2), filed August 29, 1977. Applicant: KEDNEY WAREHOUSE COMPANY (A Corporation), 4700 DeMers Avenue, Grand Forks, North Dakota 58201. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used household goods, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with

unpacking, uncrating and decontainerization of such traffic; between points in: packing, crating and containerization or Grand Forks, Walsh, Traill, Steele, Griggs, Nelson, Pembina, Cavalier, Ramsey, Eddy, and Foster Counties, N. Dak., and Polk, Marshall, Norman, Pennington, Kittson, Roseau, Red Lake, and Clearwater Counties, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Grand Forks, N. Dak.

No. MC 139420 (Sub-No. 20), filed August 26, 1977. Applicant: ART GREENBERG d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, North Dakota 58201. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, North Dakota 58102. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Confectionery*, from Jackson, Minn., to Harrisburg, Pa., and San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 139420 (Sub-No. 21), filed August 26, 1977. Applicant: ART GREENBERG d.b.a. GLACIER TRANSPORT, an individual, P.O. Box 428, Grand Forks, North Dakota 58201. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, North Dakota 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Agricultural commodity processing equipment and agricultural commodity processing machinery*, from Thief River Falls, Minn. to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 139495 (Sub-No. 258), filed August 17, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, sealants, solvents, stains, wood preservatives, and accessories, equipment, materials, and supplies* used in the installation, maintenance, and distribution of floors, floor coverings, walls, and wall coverings, in vehicles equipped with mechanical refrigeration (1) from the facilities of Roberts Consolidated Industries, Inc. located at Dayton and Piqua, Ohio to points east of Montana, Wyoming, Colorado, and New Mexico; and (2) from the facilities of Roberts Consolidated Industries, Inc. at Kalamazoo, Mich. to the warehouse facilities of Roberts Consolidated Industries located at Huntington Valley, Pa.; Georgia and Waco, Tex.; Dayton and Piqua, Ohio; City of Industry and Monrovia, Calif. and Vancouver, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. Applicant holds contract carrier authority in No. MC 133106 and Subs thereunder, therefore dual operations may be involved.

No. MC 139495 (Sub-No. 259), filed August 17, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain rods, shelving, and bath accessories* from the plantsite and storage facilities of Kirsch Company at or near Sturgis, Mich. to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 263), filed August 30, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 10000, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, and discount drug, food, and variety stores from the plantsite and storage facilities of Supreme Distributors Co., located at or near Detroit, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139577 (Sub-No. 8), filed August 26, 1977. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, Wis. 53935. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned goods and prepared foodstuffs* from Pickett, Wis. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Madison or Milwaukee, Wis.

No. MC 139973 (Sub-No. 26), filed August 29, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the facilities of Farmland Foods, Falls, Iowa, to points in Maine, Foods, Inc. at or near Crete, Nebr., and

Denison, Carroll, and Iowa Falls, Iowa, to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New Jersey, New York, Delaware, Maryland, Pennsylvania, and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the destination states.

NOTE.—Applicant holds motor contract carrier authority in MC-138375 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 140612 (Sub-No. 34) (amendment), filed May 10, 1977, published in the FEDERAL REGISTER issue of June 16, 1977 as No. MC 138003 (Sub-No. 13), and republished as amended this issue. Applicant: ROBERT F. KAZIMOUK, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Appliances, furnaces and air conditioners, parts, materials, equipment and supplies used in the manufacture thereof (except commodities in bulk), from the facilities of the Tappan Co., at or near Mansfield, Ohio, Nashville and Springfield, Tenn., Murray, Ky., Dalton, Ga., and Anaheim, Calif., to points in the United States in and West of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii), and points in that part of Texas on and west of U.S. Highway 277, restricted to the transportation of traffic originating at the above named facilities and destined to the above named destinations.

NOTE.—The purpose of this republication is to amend applicant's territorial description, and to also indicate the change to common carrier authority in No. MC 140612 (Sub-No. 34), in lieu of contract carrier authority in No. MC 138003 (Sub-No. 13) as previously published. Applicant holds contract carrier authority in No. MC 138003 and other subs thereunder, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Mansfield, Ohio or Lincoln, Nebr.

No. MC 141361 (Sub-No. 4), filed August 17, 1977. Applicant: LONSBURG TRUCKING AND MATERIALS, INC., 545 Broadway, Platteville, Wis. 53818. Applicant's representative: A. R. Hanson, P.O. Box 1229, Madison, Wis. 53701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal, in dump vehicles (1) From Dubuque, Iowa to Platteville, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison, or Milwaukee, Wis. or Chicago, Ill.

No. MC 141804 (Sub-No. 74), filed August 23, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General

commodities (except Class A and B explosives and commodities in bulk in tank vehicles), from International Airports located at Seattle, Wash.; San Francisco and Los Angeles, Calif. to Chicago, Ill., and New York City, N.Y., restricted to the transportation of traffic having an immediate, prior movement in foreign commerce by air.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Nashville, Tenn. Common control may be involved.

No. MC 141878 (Sub-No. 4), filed August 29, 1977. Applicant: DIRECT COURIER, INC., 2780 S. Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sera, cell and tissue cultures, biological research products and equipment, laboratory equipment and apparatus, medical reagents, plasma and live laboratory animals, between Montgomery and Frederick Counties, Md., and points in Virginia, on the one hand, and, on the other, points in North Carolina, South Carolina, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 142114 (Sub-No. 2), filed August 15, 1977. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, Mass. 01824. Applicant's attorney: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail department stores (except commodities in bulk), between facilities, stores, warehouses, consolidators and distribution centers of King's Department Stores, Inc., and its divisions and subsidiaries, between points in Connecticut, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee and Virginia, under a continuing contract or contracts with Kings' Department Stores, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 142268 (Sub-No. 20), filed September 1, 1977. GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1G0. William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority to engage in operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in the transportation of: Alcoholic beverages, wine, spirits, and alcohol, in bulk, in tank vehicles, from (1) points on the international boundary line between the United States and Canada, located in Michigan, Minnesota, and New York, to Menlo Park, Calif.; (2) from points on the International Boundary line between the United States and Republic of Mex-

ico, located in Texas, to Hartford, Conn. Paducah, Ky.; Allen Park, Mich.; and Menlo Park, Calif.; (3) from Decatur, Ill., to Allen Park, Mich.; Hartford, Conn.; Paducah, Ky.; and Menlo Park, Calif.; and (4) from points in California, to Allen Park, Mich.; Hartford, Conn.; and Paducah, Ky.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at either Hartford, Conn., Detroit, Mich., or Washington, D.C.

No. MC 142485 (Sub-No. 2), filed August 26, 1977. Applicant: KENDRICK MOVING AND STORAGE, INC., P.O. Box 209, Lebanon, Ohio 45036. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing and building materials, and materials used in the installation and application of such commodities (except commodities in bulk), from Franklin, Ohio to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia, and (2) Materials, equipment and supplies used in the manufacture, installation or application of roofing or building materials (except commodities in bulk), from points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia to Franklin, Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 136334, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 142516 (Sub-No. 1), filed: August 26, 1977. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a contract carrier over irregular routes, transporting: Brass and copper products, from Kenilworth, N.J. to points in the United States (except Alaska and Hawaii), under continuing contract or contracts with Volco Brass & Copper Co., Kenilworth, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 142848 (Sub-No. 3), filed: August 25, 1977. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, Ind. 47620. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal (1) from Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Pope, Saline, Union, and Williamson Counties, Ill.; and (2) from points in Kentucky on and west of U.S. Highway 31E to Gibson, Knox, and Vigo Counties, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 142887 (Sub-No. 1), filed August 29, 1977. Applicant: NEW ENGLAND BULK TERMINAL, INC., 390 Southbridge Street, Worcester, Mass. 01610. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought: To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic, dry, in bulk, in tank vehicles, from Worcester and Leominster, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 143143 (Sub-No. 1), filed August 26, 1977. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from plantsite of Penobscot Frozen Foods, Inc., at Belfast, Maine, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Texas, under a continuing contract or contracts with Penobscot Frozen Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 141518 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 143276 (Sub-No. 4), filed August 15, 1977. Applicant: WEAVER TRANSPORTATION CO., (a corporation), 5452 Oakdale Road, Smyrna, Ga. 30080. Applicant's representative: James L. Brazee, Jr., 2310 Parklake Drive NE., Suite 190, Atlanta, Ga. 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in barrels, drums, or packages, in flat bed trailers with removable sides, from the plant site of Trumbull Asphalt Co., located in Atlanta (Fulton County), Ga., to points in North Carolina, South Carolina, Tennessee, and Alabama.

NOTE.—Applicant holds motor contract carrier authority in No. MC 135687 (Sub-Nos. 1 and 2), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143357 (Sub-No. 2), filed August 15, 1977. Applicant: STANLEY BYBEE, doing business as WESTERN APPLICATORS, P.O. Box 2361, Nyssa, Ore. 97913. Representative: Steven J. Pierce, 14 South Second Street, Nyssa, Ore. 97913. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer, malt beverages, carbonated beverages, wine, and wine beverages*; and (2) *containers, cartons, bottles, can openers, and related advertising and display matter* in mixed loads with the commo-

dities named in (1) above, (a) from points in California, to points in Ada, Canyon and Payette counties, Idaho; and LaGrande, Nyssa and Ontario, Ore., and points in their respective commercial zones; (b) from points in Washington, to points in Oregon and Idaho; and (c) from points in Wisconsin, to points in Oregon and Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho.

No. MC 143369 (Sub-No. 1), filed August 22, 1977. Applicant: ON-A-WAY TRUCKING, INC., Route 3, Box 426C, Molalla, Ore. 97038. Applicant's representative: John A. Anderson, Suite 1440, 200 Market Building, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *woodchips and hog fuel*, from points in Clatsop, Columbia, Tillamook, Washington, Yamhill, Multnomah, Clackamas, Marion, Polk, Lincoln, Benton, Linn, and Lane Counties, Oregon, to Longview, Washington, under a continuing contract or contracts with Wilson, Wilson & Wilson, located at Lyons, Ore.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Ore.

No. MC 143424 (Sub-No. 2), filed August 29, 1977. Applicant: AAA MOVING & STORAGE CO., INC., 3414 University Blvd., Tuscaloosa, Ala. 35401. Applicant's representative: J. Douglas Harris, 1406 Union Bank Towers, Montgomery, Ala. 35104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bibb, Blount, Cullman, Fayette, Jefferson, Lamar, Marion, Pickens, Shelby, Tuscaloosa, Walker, Calhoun and Winston County, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montgomery or Birmingham, Ala., or Atlanta, Ga. Common control may be involved.

No. MC 143436 (Sub-No. 3) filed August 30, 1977. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, Ind. 46227. Applicant's representative: Stephen M. Gentry, 1500 Main St., Speedway, Ind. 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary items* in vehicles equipped with mechanical refrigeration from the plantsite and storage facilities of Peter Paul, Inc., located at or near Frankfort, Indiana to points in Illinois, Kentucky, Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 143442 (Sub-No. 2), filed August 30, 1977. Applicant: CARL E. PARNELL, 418 West 8th Street, Belvidere, Ill. 61008. Applicant's representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw cream, ice cream mix, non-dairy cream substitutes, whey and yogurt*, in tank vehicles in bulk only, between points in Illinois, on the one hand, and, on the other, points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 143571, filed August 4, 1977. Applicant: VILLA FONTANA TRANSPORT CO., INC., 1814 Cedar Ave., Bronx, N.Y. 10453. Applicant's representative: Irving J. Panzer, 800 Grand Concourse, Bronx, N.Y. 10451. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, office furniture and office machines*, (1) from the storage facilities utilized by Villa Fontana Transport Co., Inc., located at or near Springfield, Mass., Hartford, Conn., and Hoboken, N.J. to the storage facility utilized by Villa Fontana Transport Co., Inc. at or near New York, N.Y.; (2) from the storage facility utilized by Villa Fontana Transport Co., Inc. located at or near New York, N.Y. to points in New York, traffic restricted to a subsequent movement by water; and (3) from the storage facilities utilized by Villa Fontana Transport Co., Inc. located at New York City, N.Y. to the storage facility used by Villa Fontana Transport Co., Inc., located at or near Miami, Fla. Restriction: Restricted to the performance of pickup and delivery service in connection with the packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments in (1), (2) and (3) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 143580, filed August 8, 1977. Applicant: FREIGHT SYSTEMS, INC., 2888 El Presidio St., Carson, Calif. 90810. Applicant's representative: Savery L. Nash, 800 Wilshire Blvd., Suite 700, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *magazines and printed material* from Los Angeles County, California to points in California, and Las Vegas and Reno, Nevada under a continuing contract, or contracts, with Select Magazines, Incorporated; and Seventeen Magazine, Triangle Publications, Inc.

NOTE.—Applicant states it holds no interstate authority at the present time. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, California, Las Vegas, Nevada or San Francisco, California.

No. MC 143598, filed August 15, 1977. Applicant: WILLIAM M. SEWARD,

d.b.a. EUCLID'S SERVICE, 3404 Watling, East Chicago, Ind. 46312. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled and replacement vehicles*, for wrecked and disabled vehicles, in wrecker or tow truck service, between points in Lake County, Ind., on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

Docket No. MC 143616 (Sub-No. 1), filed August 26, 1977. Applicant: MADDOX AND STARLING TRUCK BROKERS, INC., P.O. Box 368, Sultana, Calif. 93866. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Envelopes and Paper Products, from New York, N.Y., to Dallas, Texas, Phoenix, Ariz., and San Diego, Calif., under a continuing contract or contracts with Accurate Envelope Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 143631, filed August 19, 1977. Applicant: Robert L. Curtis, d.b.a. CURTIS TRANSPORTS, P.O. Box 2464, Jackson, Tenn. 38301. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Jackson, Tenn., and Humboldt, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points; From Jackson over U.S. Highway 45 to junction with U.S. Highway 45W, thence over U.S. Highway 45W to Humboldt, and return over the same route; (2) Between Jackson, Tenn., and Milan, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operation, serving no intermediate points; From Jackson over U.S. Highway 45 to junction with U.S. Highway 45E and thence over U.S. Highway 45E to Milan, and return over the same route; (3) Between Jackson, Tenn., and junction Tennessee Highway 20 and Alternate U.S. Highway 70 near Bells, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points; From Jackson over Tennessee Highway 20 to junction with Alternate U.S. Highway 70, and return over the same route; (4) Be-

tween Jackson, Tenn., and Nashville, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operation, serving no intermediate points; From Jackson over Interstate Highway 40 to Nashville, Tenn., and return over the same route; (5) Between Jackson, Tenn., and Memphis, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points; From Jackson over Interstate Highway 40 to Memphis, Tenn., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis or Nashville, Tenn.

No. MC 143635, filed August 22, 1977. Applicant: VETZEL MOVING & STORAGE, INC., 103 N. 12th Street, Tampa, Fla. 33602. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of Used Household Goods, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: Between points in the counties of Hillsborough, Pinellas, Pasco, Manatee, Hardee, Sarasota, De Soto, Polk, Charlotte, Glades, and Highlands, Florida.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Tampa, Florida, however, modified procedure is requested.

No. MC 143637, filed August 23, 1977. Applicant: Ronald L. Crosscut, d.b.a. L. W. CROSSCUT, R.D. No. 4, Corry, Pa. 16407. Applicant's representative: Richard L. Nygaard, 33 East Main St., North East, Pa. 16428. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Construction and earth-moving equipment, including bulldozers, tractors and rubber-tired loaders, (1) from points in New York, Pennsylvania, Ohio, Massachusetts, Indiana, Illinois, New Jersey, New Hampshire, Rhode Island, Vermont, Connecticut, Michigan, Wisconsin, Virginia, West Virginia, Maryland, Delaware, Tennessee, and Kentucky to the warehouse and distribution facility of Nuttall Equipment Company, Inc., located at Sherman, N.Y.; and (2) from the destination named in (1) above, to points in New York, and Pennsylvania, under a continuing contract, or contracts, with the Nuttall Equipment Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Erie or Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 143642, filed August 23, 1977. Applicant: J. A. K. LEASING, INC., P.O. Box 1323, Bellingham, Wash. 98225.

Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages and wine* from points in California to points in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Washington.

No. MC 143643, filed August 26, 1977. Applicant: C. E. PRICE, JR., P.O. Box 23, Berryville, Va. 22611. Applicant's representative: James W. Lawson, 843 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, wire bound boxes, pallets, pallet boxes, and skids, and materials, equipment, and supplies* used in the manufacturing, sale, and distribution thereof, between Berryville, Va., on the one hand, and on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, under a continuing contract or contracts with Smalley Package, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C., or Winchester, Va.

No. MC 143650 (Sub-No. 1), filed August 26, 1977. Applicant: RAPID DAIRY TRANSPORT, INC., 1745 Torrington West Street, Torrington, Connecticut 06790. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Connecticut 06103. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: Liquid industrial waste in bulk in tank trucks and in barrels or drums, from points in New York, Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, Pennsylvania, and New Jersey, to points in Connecticut, under a continuing contract or contracts with Liqwacon Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Hartford, Conn., or Boston, Mass.

No. 143651, filed August 26, 1977. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lake View, Iowa 51450. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pressure sensitive tape, tape, tape products, and materials, equipment, and supplies used in the manufacture of pressure sensitive tape, tape, and tape products, from (1) Beacon, N.Y., to Carbondale, Ill., and points in Arizona, California, Nevada, Oregon, and Washington; (2) from Carbondale, Ill., to points in Arizona, California, Nevada, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C., or New York, N.Y.

No. MC 143713, filed September 15, 1977. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, R.F.D. 8, 37 Forest Ridge, Springfield, Illinois 62707. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebraska 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) Agricultural implements and parts and accessories, from the plantsite and facilities of Dunbar Kapple, Inc., located at Batavia, Ill., to points in Alabama, Arizona, California, Indiana, Iowa, Louisiana, Maine, Montana, Mississippi, Michigan, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, Kansas, Maryland, and Minnesota; (2) materials and supplies used in the manufacture of agricultural implements, parts and accessories, from points in Louisiana, Mississippi, North Dakota, and Indiana, to the facilities of Dunbar Kapple, Inc., located at Batavia, Ill.; and (3) damaged or defective agricultural equipment, from the destination States named in (1) above to the facilities of Dunbar Kapple, Inc., located at Batavia, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination States. (B) Farm buildings, accessories, and equipment, between the facilities of H & W Systems located at Fairbury, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the named origin and destined to points in the named destination States. (C) Farm buildings and accessories and equipment, between the facilities of Lyle Honegger Sales located at Fairbury, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the named origin and destined to points in the named destination States.

(D) (1) Farm buildings and accessories, from the plantsite and facilities of Huskee-Bilt Construction Co. located at Monmouth, Ill., to points in Arizona, Colorado, Georgia, Florida, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Maine, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, South Dakota, Ohio, Pennsylvania, Oklahoma, Wisconsin, Tennessee, Texas, Virginia, and Mississippi; (2) materials and supplies used in the manufacture and construction of

farm buildings, from points in Indiana, Iowa, Missouri, Wisconsin, Ohio, Michigan, Alabama, Oregon, Idaho, Colorado, Wyoming, Utah, and Nebraska, to the facilities of Huskee-Bilt Construction Co. located at Monmouth, Ill.; and (3) damaged or defective farm buildings or parts thereof, from points in the destination States named in part (1) above to the facilities of Huskee-Bilt Construction Co. located at Monmouth, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination States.

(E) (1) Agricultural equipment, implements, machinery, supplies, parts, and accessories between the facilities of Tractor Supply Co. located at Indianapolis, Ind., and Omaha, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, South Dakota, Ohio, Pennsylvania, Oklahoma, Wisconsin, Tennessee, Texas, and Mississippi; and (2) damaged or defective agricultural equipment, implements, machinery, supplies, and parts and accessories from points in the destination States named in part (1) above to the facilities of Tractor Supply Co. located at Indianapolis, Ind., and Omaha, Nebr. Restricted in parts (1) and (2) to traffic originating at the named origins and destined to points in the named States.

(F) Feed lot equipment and supplies, from points in Ohio, Indiana, and Tennessee, to the facilities of Robert C. Thompson Feed Store located at or near Monmouth, Ill. Restricted to traffic originating at the named origins and destined to the named destination point.

(G) Used agricultural implements, from points in Kentucky, Minnesota, Indiana, Ohio, Iowa, Missouri, Wisconsin, Nebraska, Kansas, Michigan, and Tennessee to Henderson Farms at or near Aledo, Ill. Restricted to traffic originating at the named origins and destined to the named destination point.

(H) Metal buildings and materials used in the construction of metal buildings, from points in Indiana to points in Illinois and Iowa, moving on bills of lading of Deane Frye, Inc., Aledo, Ill. Restricted to traffic originating at the named origin and destined to points in the named destination States.

(I) (1) Agricultural irrigation equipment, parts, and accessories, from the plantsite and storage facility of Ag-Rain, Inc., located at Havana, Ill., to points in Alabama, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Wisconsin, California, Utah, Minnesota, Tennessee, Arkansas, and South Carolina; (2) materials and supplies used in the manufacture of irrigation equipment and parts, from points in Florida, Georgia, Indiana, Michigan, Texas, Wisconsin, and Maryland, to Havana, Ill.; and (3) damaged or defective agricultural irri-

gation systems, from points in the destination States named in (1) above to the facilities of Ag-Rain, Inc. located at Havana, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination States.

(J) Farm equipment and farm implements, from points in Nebraska and Iowa to the facilities of Stahl Implements located at Mt. Pulaski, Ill. Restricted to traffic originating at the named origins and destined to the named destination point.

(K) Agricultural buildings and building materials, from the facilities of Tazewell Builders located at or near Tremont, Ill., to points in Iowa, Indiana, and Missouri. Restricted to traffic originating at the named origin and destined to points in the named destination States.

(L) (1) Agricultural implements from the facilities of Clay Equipment Co. located at Cedar Falls, Iowa, and Morton, Ill., to points in Iowa, Illinois, South Carolina, Wisconsin, Missouri, Georgia, Nebraska, Kansas, Kentucky, Tennessee, Michigan, Minnesota, North Carolina, and Ohio; (2) materials and supplies used in the manufacture of agricultural implements from points in Iowa, Illinois, and Missouri to the facilities of Clay Equipment Co. located at Cedar Falls, Iowa, and Morton, Ill.; and (3) damaged or defective agricultural implements from points in the destination States named in part (1) above to the facilities of Clay Equipment Co. located at Cedar Falls, Iowa, and Morton, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination States.

(M) Agricultural equipment, from the facilities of Woll Implement Company located at San Jose, Ill., to points in Indiana, Iowa, Wisconsin, and Pennsylvania. Restricted to traffic originating at the named origin and destined to points in the named destination States.

(N) (1) Farm mowers, from the plant site and facility of Bachtold Brothers located at Forrest, Ill., to points in Indiana, Iowa, Wisconsin, Minnesota, Michigan, Kentucky, and Tennessee; and (2) materials and supplies used in the manufacturing of mowers, from Milwaukee and Kohlar, Wis., to Forrest, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named States.

(O) (1) Farm buildings, farm machinery, and supplies, from the facilities of United Agri-Services, Inc., located at Chenoa, Fairbury, Forrest, and Gridley, Ill., to points in Indiana, Iowa, Missouri, Wisconsin, Kentucky, Minnesota, Michigan, Ohio, Nebraska, South Dakota, Kansas, Tennessee, Arkansas, and Mississippi; and (2) materials used in the manufacture of farm buildings, from points in Indiana, Iowa, Missouri, Wisconsin, Kentucky, Minnesota, Michigan, Ohio, Nebraska, South Dakota, Tennessee, Arkansas, Mississippi, North Carolina, Georgia, Texas, Oklahoma, Pennsylvania, New York, New Jersey, Wash-

ington, Oregon, California, Utah, Montana, and Wyoming, to points in Chenoa, Fairbury, Forrest, and Gridley, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States.

(P) (1) Machinery, parts, and accessories, from the facilities of Yetter Manufacturing Co. located at Colchester, Ill., to points in Ohio, Indiana, Michigan, Wisconsin, Missouri, Iowa, Minnesota, Alabama, Kentucky, North Carolina, South Carolina, Louisiana, Georgia, Tennessee, Texas, and Mississippi; and (2) damaged or defective machinery parts and accessories from points in the destination States named in (1) above to the facilities of Yetter Manufacturing Co. located at Colchester, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States.

(Q) (1) Agricultural equipment, parts, and accessories, from the facilities of Painter Farm Equipment located at Monmouth, Ill., to points in Ohio, Missouri, and Iowa; and (2) agricultural equipment, parts, and accessories, from points in Missouri, North Dakota, Minnesota, Iowa, Wisconsin, and Pennsylvania, to the facilities of Painter Farm Equipment located at Monmouth, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States.

(R) (1) Agricultural equipment, parts, and accessories, from the facilities of Mount Pleasant Ford Sales located at Mount Pleasant, Iowa, to points in Ohio and Missouri; and (2) agricultural equipment, parts, and accessories, from points in Michigan, Missouri, North Dakota, Minnesota, Wisconsin, Indiana, and Pennsylvania to the facilities of Mount Pleasant Ford Sales located at Mount Pleasant, Iowa. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States.

(S) Fertilizer equipment, parts, and accessories, from Wilmar, Minn., to points in Illinois and Indiana. Restricted to traffic originating at the named origin and destined to points in the named destination States.

(T) (1) Agricultural implements, parts and accessories, from the facilities of M & W Gear located at Gibson City, Ill., to points in Georgia, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Tennessee, Texas, Wisconsin, Colorado, Kansas, North Carolina, Pennsylvania, Louisiana, South Dakota, North Dakota, Mississippi, Arkansas, Montana, Arizona, Kentucky, Washington, New Jersey, Maryland, and California; (2) materials and supplies used in the manufacture of agricultural implements, parts, and accessories, from points in Iowa to the facilities of M & W Gear located at Gibson City, Ill.; (3) damaged or defective agricultural implements, from the destination States named in part (1) to the facilities of M & W Gear located at Gibson City, Ill.;

and (4) materials and supplies, agricultural implements, parts, and accessories, from the facilities of M & W Gear Co. located at Des Moines, Iowa, to points in Missouri, Nebraska, North Dakota, South Dakota, Minnesota, Montana, Arizona, Texas, and Utah, including California. Restricted in parts (1), (2), (3), and (4) above to traffic originating at the named origins and destined to points in the named destination States.

(U) (1) Agricultural equipment and parts, from the plantsite and facilities of DMI, Inc., located at Goodfield, Ill., to points in Alabama, Arkansas, California, Georgia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wisconsin; (2) materials and supplies, used in the manufacture of agricultural equipment, from points in Alabama, Arkansas, California, Georgia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin to the facilities of DMI, Inc., of Goodfield, Ill.; and (3) damaged or defective agricultural equipment or parts thereof, from points in the destination states named in part (1) above to the facilities of DMI, Inc., located at Goodfield, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination States.

(V) (1) Agricultural implements, parts, and accessories, from the plantsite and facilities of Avco-New Idea Corp., located at Coldwater, Ohio, to points in Illinois, Indiana, Wisconsin, Iowa, and Missouri; and (2) damaged or defective agricultural implements and parts, from points in the destination States named in part (1) above to the facilities of Avco-New Idea Corp., located at Coldwater, Ohio. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Springfield, or Chicago, Ill.

No. MC 143713 (Sub-No. 1), filed: September 15, 1977. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, R.F.D. 8, 37 Forest Ridge, Springfield, Ill. 62707. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Feed and feed ingredients, except in bulk, in tank vehicles, (1) from the facilities of Kane Molass Labs, Inc., located at Mt. Pulaski, Ill., to points in Georgia, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Virginia, Wisconsin, and Pennsylvania; and (2) from points in

Ohio to the facilities of Kane Molass Labs, Inc., located at Mt. Pulaski, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (B) (1) Feed and feed ingredients, from the facilities of Wells Div./National Pet Foods Co., located at Monmouth, Ill., and Springfield, Tenn., to points in Alabama, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Pennsylvania, Maryland, New Mexico, Nebraska, Ohio, Tennessee, Virginia, and Wisconsin; (2) materials and supplies used in the manufacture and distribution of feed and feed ingredients and defective or damaged feed, and pallets, from points in Wisconsin, Illinois, Indiana, Iowa, Minnesota, Tennessee, and Ohio, to the facilities of Wells Div./National Pet Foods Co. located at Monmouth, Ill., and Springfield, Tenn.; and (3) equipment used in the manufacture of feed and feed ingredients, from Ohio, Tennessee, and Indiana, to the facilities of Wells Div./National Pet Foods Co. located at Monmouth, Ill. Restricted in parts (1), (2), and (3) above to traffic originating at the named origins and destined to points in the named destination states. (C) Fertilizer, from points in Indiana, Iowa, Missouri, and Wisconsin, to the facility of Boney Farm Store located at Aledo, Ill. Restricted to traffic originating at the named origins and destined to the named destination point.

(D) Feed, seeds, hog houses, hog feeders, and fertilizer, from points in Wisconsin, Iowa, Missouri, Indiana, and Ohio to the facilities of Joy Feed Mill located at Joy, Ill. Restricted to traffic originating at the named origins and destined to the named destination point. (E) Feed and seeds, from points in Wisconsin, Iowa, and Missouri, to the facilities of Farmer's Grain & Coal Co. located at Aledo, Ill. Restricted to traffic originating at the named origins and destined to the named destination point. (F) Animal and poultry feeds and ingredients thereof, from the facilities of Murphy Products Co., Inc., located at Burlington, Wis., to points in Illinois, Missouri, and Iowa. Restricted to traffic originating at the named origin and destined to points in the named destination states. (G) Chemicals, in drums and bags, (1) from the facilities of Fisher-Calo Chemical Co. located at Chicago, Ill., to points in Indiana, Michigan, Wisconsin, Ohio, and Iowa; and (2) from points in Delaware, Indiana, Maryland, Minnesota, Florida, New Jersey, New York, Pennsylvania, Tennessee, and Virginia, to the facilities of Fisher-Calo Chemical Co., located at Chicago, Ill., and Kingsbury, Ind. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (H) Feed and feed ingredients, bags, and equipment and supplies used in the manufacture of feed and feed ingredients, between the facilities of Honegger and Co. located at Fairbury, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri,

New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the named origin and destined to points in the named destination states.

(I) (1) *Agricultural chemicals, feed, feed ingredients, and fertilizer*, between the facilities of Diamond Shamrock Corp. located at Van Buren, Ark., Fresno, Calif., Franklin Park, Ill., Louisville, Ky., St. Louis, Mo., Harrison, N.J., and Des Moines, Iowa, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Montana, Nevada, and Wyoming); and (2) *Flavoring syrups, beverage preparations, stabilizers and emulsifiers, dry or liquid, chemicals, n.o.i., and cocoa powders*, between the facilities of Diamond Shamrock Corp. located at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Montana, Nevada, and Wyoming). Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (J) (1) *Feed and feed ingredients*, from the facilities of Super Sweet Feeds located at Monmouth, Ill., to points in Missouri and Iowa; and (2) *damaged and defective feed bags and ingredients*, from points in Iowa and Missouri, to the facilities of Super Sweet Feed located at Monmouth, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (K) (1) *Potash*, from Colfax, Byron, and Jerseyville, Ill., to points in Indiana, Illinois, Wisconsin, and Missouri; and (2) *liquid fertilizer*, from Lemont, Havana, Peoria, and Marseilles, Ill., Reynolds, Ind., and Dubuque, Iowa, to points in Illinois, Indiana, and Wisconsin. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (L) (1) *Agricultural chemicals and equipment*, from the facilities of Heartland Chemicals, Inc., located at Farmer City, Ill., to points in Iowa, Minnesota, Nebraska, Wisconsin, Kentucky, Missouri, Indiana, Michigan, and Ohio; and (2) *Agricultural chemicals and equipment*, from points in Iowa, Nebraska, Minnesota, Indiana, Michigan, Georgia, and Kentucky, to the facilities of Heartland Chemicals, Inc., located at Farmer City, Ill. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Springfield, Ill., or Chicago, Ill.

No. MC 143713 (Sub-No. 2), filed: September 15, 1977. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, R.F.D. 8, 37 Forest Ridge, Springfield, Ill. 62707. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: (A) (1) *Cheese containers, bean pots, and stoneware*, from the facility of Western Stoneware located at Monmouth, Ill., to points in Michigan, Missouri, Virginia, Iowa, Minnesota, Kentucky, and Wisconsin; and (2) *empty cartons, pallets, and gaskets, and materials and supplies used in the manufacture of stoneware*, from points in Iowa, Minnesota, Ohio, Kansas, Indiana, Michigan, Missouri, Virginia, and Wisconsin to Monmouth, Ill. Restricted in parts (1) and (2) to traffic originating at the named origins and destined to points in the named destination states. (B) (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk). (a) From the plantsites and storage facilities of Wilson Foods Corp., located at Monmouth, Ill., Albert Lea, Minn., Cherokee, Des Moines, and Cedar Rapids, Iowa, Marshall, Mo., and Logansport, Ind., to points in the United States (except Alaska, Arizona, Hawaii, California, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming); and (b) from the storage facilities of Wilson Foods Corp., located at Dubuque, Iowa, Chicago and East Peoria, Ill., and Fairmont, Minn., to points in the United States (except Alaska, Arizona, Hawaii, California, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming); and (2) *rejected shipments of meat and packinghouse products*, from the destination states named in parts 1 (a) and (b) above to the origins named in parts 1 (a) and (b) above. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states.

(C) (1) *Canned goods*, from the facilities of Joan of Arc Co., located at St. Francisville, and Hessemer, La., Hooperton and Princeville, Ill., Maysville, Wis., and Turkey, N.C., to points in the United States (except Alaska, Hawaii, Idaho, Montana, Nevada, New Hampshire, Oregon, Utah, Vermont, Washington, and Wyoming); and (2) *empty cans, boxes, pallets, skids, starch, seasonings, and labels*, from the destinations named in part (1) above to the origins named in part (1) above. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states. (D) (1) *Food seasonings, flour and meat binders, and food processing ingredients*, from the facilities of B. Heller and Co., located at Chicago and Decatur, Ill., and Mantiowac, Wis., to points in Arkansas, Colorado, California, Delaware, Florida, Georgia, Illinois, Louisiana, Michigan, Minnesota, Missouri, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin; and (2) *food seasonings, flour fillers, and food ingredients*, from points in Delaware, Kansas, Georgia, New Jersey, New Mexico, North Carolina, Oklahoma, Texas, Virginia, and Wisconsin to the facilities of B. Heller and Co., located at Chicago and Decatur, Ill., and Mantiowac, Wis. Restricted in parts (1) and (2) above to

traffic originating at the named origins and destined to points in the named destination states. (E) (1) *Cheese*, from the facilities of Fisher Cheese Co., located at Wapokoneta, Ohio, and Artesia, Calif., to points in Alabama, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and the District of Columbia; and (2) *dairy products, powdered milk, starch, cheese casings, barrels, and cartons*, from points in Alabama, Arizona, Arkansas, Colorado, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New York, New Jersey, North Dakota, South Dakota, Ohio, Tennessee, and Wisconsin to the facilities of Fisher Cheese Co., located at Wapokoneta, Ohio, and Artesia, Calif. Restricted in parts (1) and (2) above to traffic originating at the named origins and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Springfield, Ill., or Chicago, Ill.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers, or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13316. Authority sought for purchase and consolidation by BAKER HI-WAY EXPRESS, INC., P.O. Box 506, 555 Commercial Parkway, Dover, Ohio 44622, of the operating rights and properties of Watkins Trucking, Inc., 203-207 Trenton Avenue, Uhrichsville, Ohio 44683, and for acquisition individually by Harold Baker, Sr., Stone Creek, Ohio, of control of such rights. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Operating rights to be transferred: *Clay products*, as a common carrier, over irregular routes, from Uhrichsville, Ohio, and points within three miles thereof, and from points in Jefferson County, Ohio, to points in that part of New York on and south of New York Highway 12F beginning at Black River Bay and extending to Watertown, N.Y., on and west of U.S. Highway 11 from Watertown, N.Y., to junction of

New York Highway 57 at Syracuse, N.Y., and east of New York Highway 57 from Syracuse, N.Y., to Oswego, N.Y., and that part of New York on and south of U.S. Highway 20 from the New York-Massachusetts State line to junction U.S. Highway 11, and east of U.S. Highway 11 from junction U.S. Highway 20 to the New York-Pennsylvania State line, points in New Jersey, Delaware, Virginia, Maryland, that part of West Virginia east of U.S. Highway 219 from the West Virginia-Maryland State line to junction U.S. Highway 60 and north of U.S. Highway 60 from junction U.S. Highway 219 to the West Virginia-Virginia State line, Kentucky (except points in Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky.), St. Louis, Mo., and points in St. Louis County, Mo., and the District of Columbia; and *pallets and lumber* used in connection with the manufacture or shipment of clay products, from points in the destination territory described immediately above, to Uhrichsville, Ohio, and points within three miles thereof, and points in Jefferson County, Ohio.

Fire clay and clay products, from Uhrichsville, Ohio, and points within four miles thereof, and points in Jefferson County, Ohio, to points in Pennsylvania, Ohio, Illinois, Indiana, the lower peninsula of Michigan, Boyd, Greenup, Mason, Campbell, Kenton, Boone, and Jefferson Counties, Ky., that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line and that part of West Virginia on and west of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 219 to junction U.S. Highway 60 and thence along U.S. Highway 60 to the West Virginia-Virginia State line; and *empty containers* used in the transportation of clay products, from points in the destination territory described immediately above, to Uhrichsville, Ohio, and points within four miles thereof, and points in Jefferson County, Ohio; *clay products*, from points in Palmyra Township, Portage County, Ohio, to points in Illinois, Indiana, Kentucky, and St. Louis County, Mo.; *concrete sewer pipe and concrete manholes and fittings* therefor, *asphalt compound*, and *sulphur compound* from points in Palmyra Township, Portage County, Ohio, to points in New York, Pennsylvania, and West Virginia. *Sewer pipe forms (iron and steel)*, and *reinforcing steel mesh*, between points in Palmyra Township, Portage County, Ohio, on the one hand, and on the other, Relay, Md., and Croydon, Pa.; *reinforcing steel mesh*, from Monessen and Donora, Pa., to points in Palmyra Township, Portage County, Ohio. *Asphalt compound*, from Chester, W. Va., to Uhrichsville, Ohio, and points within four miles thereof, and points in Palmyra Township, Portage County, Ohio. *Sulphur compound*, from Emmaus, Pa., to Uhrichsville, Ohio, and points within

four miles thereof, and points in Palmyra Township, Portage County, Ohio. *Clay products and fire clay*, from points in Tuscarawas County, Ohio, and points in Springfield Township, Summit County, Palmyra Township, Portage County, and Brown Township, Carroll County, Ohio, to points in Wisconsin. *Cardboard and lumber* used in the manufacture, packing, or shipping of clay products and fire clay, from points in Wisconsin, to points in Tuscarawas County, Ohio, and points in Palmyra Township, Portage County, Ohio, with restrictions.

Plastic pipe, fittings for plastic pipe, and pallets and containers and other shipping devices used therewith, from the site of the plant of the Evanite Plastic Co., near Carrollton, Ohio, to St. Louis, Mo., and points in St. Louis County, Mo., and points in Illinois, Indiana, Kentucky, New York, Pennsylvania, West Virginia, Maryland, Virginia, New Jersey, Delaware, Wisconsin, the lower peninsula of Michigan, and the District of Columbia; and *pallets, containers, and other shipping devices* used in the transportation of plastic pipe and fittings for plastic pipe, and damaged, defective, and returned shipments of plastic pipe and fittings for plastic pipe, from the destination points specified immediately above, to the site of the plant of the Evanite Plastic Co., near Carrollton, Ohio. *Clay products*, from Uhrichsville, Ohio, and points in Tuscarawas County, Ohio, within five miles of Uhrichsville, Ohio, and Goshen, Midvale, Parral, Strasburg, Mogadore, Diamond, and Malvern, Ohio, to points in Vermont, New Hampshire, and Maine; and *empty containers, pallets, cardboard, and lumber* used in packing or shipping, from points in Vermont, New Hampshire, and Maine, to Uhrichsville, Ohio, and points in Tuscarawas County, Ohio, within five miles of Uhrichsville, Ohio, Goshen, Midvale, Parral, Strasburg, Mogadore, Diamond, and Malvern, Ohio. *Clay products and fire clay*, from Uhrichsville, Ohio, and points within five miles thereof, to points in Iowa, Minnesota, Missouri, and the upper peninsula of Michigan; and *empty containers, pallets, cardboard, and lumber* used in the manufacture, packing, or shipping of clay products and fire clay, from points in Iowa, Minnesota, Missouri, and the upper peninsula of Michigan, to Uhrichsville, Ohio, and points within five miles thereof. Irregular routes: *Clay products and fire clay*, from points in Tuscarawas and Jefferson Counties, Ohio, to points in Connecticut, Rhode Island, and Massachusetts; from points in Jefferson County, Ohio, to points in New Hampshire, Vermont, and that part of Maine on and south of a line beginning at the Maine-New Hampshire State line, near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, thence along Maine Highway 3 to Bar Harbor, Maine.

Irregular routes: *Plastic pipe and fittings* therefor, from the plant site of the Evanite Plastic Co. near Carrollton, Ohio,

to points in Alabama, Arkansas, Connecticut, Iowa, Kansas, Louisiana, Maine, Massachusetts, the upper peninsula of Michigan, Minnesota, Mississippi, Missouri (except St. Louis and St. Louis County), Nebraska, North Dakota, New Hampshire, Oklahoma, Rhode Island, South Dakota, Tennessee, and Texas. Irregular routes: *Plastic pipe, fittings for plastic pipe, and brick and clay products*, from the plant site of Evanite Plastic Co. near Carrollton, Ohio, and points in Mill and Goshen Townships (Tuscarawas County), Ohio, to points in North Carolina and South Carolina. Irregular routes: *Plastic pipe and fittings* for plastic pipe, from the plant site of the Evanite Plastic Co. near Carrollton, Ohio, to points in Vermont. *Plastic pipe and fittings for plastic pipe*, in mixed loads with clay products, (presently authorized), from points in Mill Township (Tuscarawas County), Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia. Irregular routes: *Clay products* (when transported in mixed loads with plastic pipe and fittings for plastic pipe presently authorized), from the plant site of the Evanite Plastic Co., near Carrollton, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia. *Plastic pipe and fittings* for plastic pipe (when transported in mixed loads with clay products), from points in Mill Township, Tuscarawas County, Ohio, to points in Vermont. Irregular routes: *Clay products*, from New Straitsville, Ohio, to points in Wisconsin, Illinois, Indiana, Michigan, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, New Hampshire, and the District of Columbia, from Junction City, Ohio, to Detroit, Mich., and to points in Wisconsin, Illinois, Indiana, the upper peninsula of Michigan, New Jersey, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, New Hampshire, and the District of Columbia.

Irregular routes: *Firebrick and fire-brick shapes*, from points in Yellow Creek Township, Columbiana County, Ohio, to points in Indiana, Illinois, Michigan, Kentucky, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Wisconsin, Iowa, Minnesota, Missouri, Vermont, New Hampshire, Maine, Connecticut, Rhode Island, Massachusetts, Tennessee, and the District of Columbia with restrictions. *Vitrified clay sewer pipe, sewer pipe fittings, and flue liners*, from East Liverpool, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, and Missouri; *plastic pipe and fittings* therefor, from the facilities of

Olin Corp. at Canton, Ohio, to points in Illinois, Indiana, Kentucky, New York, Pennsylvania, West Virginia, Maryland, Virginia, New Jersey, Delaware, Wisconsin, Michigan, Alabama, Arkansas, Connecticut, Iowa, Kansas, Louisiana, Maine, Massachusetts, Missouri, Nebraska, North Dakota, New Hampshire, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, North Carolina, South Carolina, and the District of Columbia, with restrictions. The operations authorized under the commodity description next above are restricted against the transportation of pipe used in or in connection with the construction, operation, maintenance, servicing, dismantling, or stringing of pipe lines. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13320. Authority sought for purchase by MIDDLE-WEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147, of a portion of the operating rights of Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, Colo. 80223, and for acquisition by National Industries, Inc., 510 West Broadway, Louisville, Ky. 40202, of control of such rights through the purchase. Applicants' attorney: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill., 60603. Operating rights sought to be transferred: *General commodities*, with exceptions, as a common carrier, over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points, and the off route points of Cudahy, Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis, and Whitefish Bay, Wis.: From Chicago over Illinois Highway 21 to junction Illinois Highway 83, thence over Illinois Highway 83 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 83 to junction Wisconsin Highway 75, thence over Wisconsin Highway 75 to junction Wisconsin Highway 20 near Beaumont, Wis., thence over Wisconsin Highway 20 to junction U.S. Highway 45, thence over U.S. Highway 45 to Durham, Wis., thence over Wisconsin Highway 36 to Milwaukee, and return over the same route. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Kansas, Kentucky, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13322. (Crouse Cartage Co.—Purchase (Portion)—Jack Link Truck Line, Inc.), published in the September 22, 1977, issue of the FEDERAL REGISTER. By application filed on September 20, 1977, CROUSE CARTAGE

COMPANY, P.O. 586, Carroll, Iowa 51401, seeks authority to temporarily lease a portion of the operating rights of Jack Link Truck Line, Inc., Dyersville, Iowa 52040, under section 210a(b).

No. MC-F-13324. Authority sought for merger into WATKINS MOTOR LINES, INC., 1144 West Griffin Road, Lakeland, Fla. 33801, of the operating rights and properties of Watkins Carolina Express, Inc., 1144 West Griffin Road, Lakeland, Fla. 33801, and for acquisition by Bill Watkins, also of Lakeland, Fla., of control of the rights and property through the merger. Applicant's attorney: Paul M. Daniell and K. Edward Wolcott, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, Ga. 30301. Watkins Carolina Express, Inc., operates primarily as a common carrier of *general commodities* over irregular routes between New York, N.Y., in the northeast, and points in Georgia including Atlanta, Ga., in the southeast, serving numerous off-route and intermediate points in between as more fully described in certificate No. MC 30280. Said certificate additionally authorizes the transportation of specified commodities such as synthetic fibre, textile products, flat glass, from named points in the northeast and southeast to named states lying generally within the northeast and southeast. Vendee is authorized to operate as a common carrier of numerous specified commodities, primarily food-stuff items, over irregular routes from, to, and between specified points and states throughout the continental United States, and is further authorized to operate as a common carrier of general commodities over regular routes between points in Florida, California, and that part of Georgia on and south of U.S. Highway 80 serving intermediate points and off-route points in those named states as more fully described in MC 95540. Approval of the transaction will not result in (a) dual operations; (b) splitting of operating authority; or (c) duplicating authority. Application has been filed for temporary authority and under section 210a(b).

NOTE.—Under MC-F-7942, Watkins Motor Lines, Inc., was granted control of Johnson Transfer Co., Inc. (name later changed to Watkins Carolina Express, Inc.), on March 21, 1963, and the order was served March 26, 1963.

No. MC-F-13330. Authority sought for purchase by BEKINS MOVING & STORAGE CO., Aurora Avenue at North 95th Street, Seattle, Wash. 98103, of the operating rights of Pacific Movers, Inc., 750 East International Airport Road, Anchorage, Alaska 99502, and for acquisition by Claude Bekins, Fred Bekins, both of 9401 Aurora Avenue, North, Seattle, Wash. 98103, and the estate of Bruce J. Bekins, United States National Bank, Portland, Ore. 97208, of control of such rights through the transaction. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Operating rights sought to be acquired: Certificate No. MC 129850 authorizing transportation, as a common carrier, over irregu-

lar routes, of *household goods* as defined by the Commission between points in Alaska within 25 miles of Anchorage, Alaska, including Anchorage. Vendee holds authority to operate as a common carrier in Washington, Oregon, and Idaho, as a broker of household goods and aeroplanes at Seattle, Tacoma, and Spokane, Wash., and of household goods only at Yakima and Pasco, Wash., Eugene and Portland, Ore., and Boise Idaho. No tacking or joinder is involved. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13333. Authority sought by SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, Va. 24401, to purchase a portion of the operating rights of Nelson Freightways, Inc., from M & M Transportation Co. (Debtor-in-possession), 750 Third Avenue, New York, N.Y. 10017, and for acquisition by R. R. Smith, P.O. Box 1000, Staunton, Va. 24401, of control of such rights through the transaction. Applicants' attorneys: Francis W. McNerny, 1000 Sixteenth Street NW., Washington, D.C. 20036, Donald L. Caldera, Vice President, M & M Transportation Co. (Debtor-in-possession), 750 Third Avenue, New York, N.Y. 10017, and John A. Vuono, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be purchased: *General commodities*, with exceptions, as a common carrier, over irregular routes, between points within the municipalities of Boston, Chelsea, Revere, Everett, Malden, Somerville, Medford, Cambridge, Newton, and Quincy, and points within the township limits of Winthrop Watertown, Needham, Dedham, Brookline, and Milton, Mass., excluding points in the commercial zones beyond the municipal and township limits thereof, on the one hand; and, on the other, points in New Hampshire. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Arkansas, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b) of the Act.

NOTE.—M & M Transportation Co. (Debtor-in-possession) has assigned its contractual agreement to purchase that portion of Nelson Freightways, Inc., authority set out above to Smith's Transfer Corp.

No. MC-F-13338. Authority sought for purchase by PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, Pa. 19101, of all of the motor carrier operating rights of Consolidated Rail Corp., 6 Penn Center Plaza, Philadelphia, Pa. 19104. Applicant's attorneys: S. Berne Smith, Esquire, and Robert H. Griswold, P.O. Box 1166, Harrisburg, Pa. 17108. Operating rights sought to be purchased: *General commodities*, with some excep-

tions, as a common carrier, over regular routes, as more fully described in certificates Nos. MC 101010 (Sub-Nos. 2, 21, 22, 23, 24, 25, 26, and 27); authorizing service between Corning, N.Y., and Painted Post, N.Y.; Passiac, N.J., and near Parsippany, N.J.; Passiac, N.J., and Patterson, N.J.; Passiac, N.J., and Montclair, N.J.; Passiac, N.J., and Orange, N.J.; Passiac, N.J., and Kingsland, N.J.; Morristown, N.J., and Bernardsville, N.J.; Dover, N.J., and Phillipsburg, N.J.; Netcong, N.J., and Branchville, N.J.; Washington, N.J., and East Stroudsburg, Pa.; Columbia, N.J., and Newton, N.J.; Dover, N.J., and Ledgewood, N.J.; Goshen, N.Y., and Pine Island, N.Y.; Goshen, N.Y., and Montgomery, N.Y.; Middletown, N.Y., and Pine Bush, N.Y.; Susquehanna, Pa., and Great Bend, Pa.; Youngstown, Ohio, and Girard, Ohio; Portland, Pa., and Bath, Pa.; Bangor, Pa., and Martins Creek, Pa.; Norwich, N.Y., and Binghamton, N.Y.; Cortland, N.Y., and Binghamton, N.Y.; Binghamton, N.Y., and Owego, N.Y.; Buffalo, N.Y., and Rochester, N.Y.; Jersey City, N.J., and Port Jervis, N.Y.; Waverly, N.Y., and Corning, N.Y.; Wayland, N.Y., and Painted Post, N.Y.; Stroudsburg, Pa., and Scranton, Pa.; Scranton, Pa., and Binghamton, N.Y.; Scranton, Pa., and Northumberland, Pa.; Huntington, Ind., and Chicago, Ill.; Port Jervis, N.Y., and Binghamton, N.Y.; Lima, Ohio, and Huntington, Ind.; Norwich, N.Y., and Utica, N.Y.; Utica, N.Y., and Richfield Springs, N.Y.; Cortland, N.Y., and Syracuse, N.Y., and Oswego, N.Y.; Marion, Ohio, and Lima, Ohio; Marion, Ohio, and Mansfield, Ohio; Marion, Ohio, and Dayton, Ohio; Buffalo, N.Y., and Niagara Falls, N.Y.; Buffalo, N.Y., and Brockport, Pa.; Alexander, N.Y., and Painted Post, N.Y.; Painted Post, N.Y., and Blossburg, Pa.; and Waverly, N.Y., and Owego, N.Y. All service is limited to service which is auxiliary to, or supplemental of, rail service and other related restrictions. Service is generally authorized to intermediate points and named off route points. Vendee is authorized to operate pursuant to certificates at Nos. 1901 and subs in the states of Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and also holds some contract carrier permits at Nos. MC 11879 and subs. Vendee is a wholly owned subsidiary of Consolidated Rail Corp., vendor. The rights being transferred to vendee were formerly held by the Erie Lackawanna Railway Co. Approval of this application will not create any new dual operations, nor result in the splitting of authority. The purpose is to consolidate all motor carrier authority controlled by ConRail into vendee, and duplicating rights are not sought. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13339. Authority sought for purchase by CLEMMER MOVING & STORAGE, INC., Clearview Road, Soud-

erton, Pa. 18964, of the operating rights of ALLSTATE VAN LINES, INC., 201 East Baltimore Pike, Media, Pa. 19063, and for acquisition by Norman C. Lemmer and Earl N. Mininger, both of Clearview Road, Souderton, Pa. 18964, of control of such rights through the transaction. Applicants' attorney: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, Pa. 19107. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier, over irregular routes, between points in Philadelphia and Delaware Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Connecticut, Delaware, Maryland, Virginia, Ohio, and the District of Columbia. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Louisiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13343. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC. (KRX), 2125 Commercial Street, Waterloo, Iowa 50702, of a portion of the operating rights of SCHULTZ TRANSIT, INC., 323 Bridge Street, Winona, Minn. 55987, and for acquisition by Allen E. Krobilin, Loyal H. Frisch, and Kenneth L. Schadle, all of 2125 Commercial Street, Waterloo, Iowa 50702, of control of such rights through the transaction. Applicants' attorney: Thomas J. Beener, Box 5000, Waterloo, Iowa 50702. Operating rights sought to be purchased is that portion of MC 118202 (Sub 41) authorizing transportation of chemicals over irregular routes as a common carrier from Muscatine, Iowa, to points in Georgia, North Carolina, and South Carolina, restricted to traffic originating at the facilities of Monsanto Chemical Co. at or near Muscatine, Iowa, and destined to the named states. Vendee is authorized in Docket MC 30844 to transport specified commodities in all 48 continental states. Vendee is under approved common control with Takin Bros. Freight Line, Inc., a general commodity carrier between Twin Cities, Minn., points in Iowa and Kansas City, Mo., as authorized in MC 87909. Approval of the transaction will not result in dual operations or duplicating authority. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 13344. Authority sought for purchase by MCGUIRE LUMBER & SUPPLY, INC., Wylliesburg, Va. 23976, of a portion of the operating rights of POTTER TRANSFER, INC., Waldorf, Md. 20601, and for acquisition by PENDLETON R. MCGUIRE, ELEANOR S. MCGUIRE, and RALEIGH E. OSBORNE, all of Wylliesburg, Va. 23976, of control of such rights through the transaction. Applicant's attorney: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20423. Operating rights sought to be transferred: Lumber (except veneer and plywood), as a common carrier over

irregular routes, from points in Calvert, Charles, and St. Mary's Counties, Md., to points in North Carolina and Virginia, with no transportation for compensation on return except as otherwise authorized, as described in Certificate MC 127147 (Sub-No. 1). Vendee is presently authorized to transport lumber and other specified commodities from limited origins to points in eastern and central states. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 13346. Authority sought for control by ALFRED HEUBNER, an individual, P.O. Box 343, Ford Road, Rockaway, N.J. 07866, of REAL TRANSIT CO., Route 94, Blairstown, N.J. 07825, of control of such rights through the transaction. Applicant's attorney: Edward F. Bowes, P.O. Box 1409, 167 Fairfield, N.J. 07006. Operating rights sought to be controlled: Passengers and their baggage in the same vehicle with passengers, as a common carrier over regular routes between Blairstown, N.J., and the Port of New York Authority Terminal, New York, N.Y., serving all intermediate points between Blairstown and Stanhope, N.J., including Stanhope; from junction Carhart Street and New Jersey Highway 94 in Blairstown, thence over New Jersey Highway 94 to junction U.S. Highway 206, thence over U.S. Highway 206 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3 (Clifton, N.J.), thence over New Jersey Highway 3 to the Lincoln Tunnel approach, and thence through the Lincoln Tunnel to the Port of New York Authority Terminal and return over the same route. Vendee is authorized to operate as a common carrier in New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Delaware, the District of Columbia, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 13349. Authority sought for purchase by CARAVAN REFRIGERATED CARGO, INC., 605 South Loop 12, Irving, Tex. 75060, of the operating rights of SPECIALIZED TRUCK SERVICE, INC., Twin 6 Truck Stop, 4901 Old Dixie Highway, Forest Park, Ga., and for acquisition by CARAVAN MOTOR CARGO, INC., of control of such rights through the purchase. Applicant's attorneys: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, Tex. 75202, and Guy H. Postell, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Operating rights sought to be transferred: Heating, airconditioning, and environmental control systems, as a common carrier over irregular routes from the facilities of Brandt-Airflex Corp., at Champaign, Ill., to points in the United States (except Indiana, Missouri, Ohio, Wisconsin, Alabama, Florida, Georgia, South Carolina, Tennessee, Alaska, and Hawaii); malt beverages and related advertising materials when shipped at the same time, from Pabst, Houston County, Ga., to points in Louisiana, Tennessee,

Kentucky, and Virginia; to transport malt beverages, (1) from the facilities of Pabst Brewing Company, located in Houston County, Ga., to points in Texas, and (2) from the facilities of Lone Star Brewing Company, located at San Antonio, Tex., to points in Illinois, Tennessee, and Virginia, and to the District of Columbia; malt beverages, from Pabst (Houston County, Ga., to points in West Virginia; malt beverages, as a common carrier over regular routes from Atlanta, Ga., to Tusculumbia, Ala., serving the intermediate points of Huntsville, Gadsden, and Anniston, Ala.; from Atlanta, Ga., to Birmingham, Ala., serving the intermediate point of Anniston, Ala.; from Atlanta, Ga., to Montgomery, Ala., serving no intermediate points; from Atlanta, Ga., to Abbeville, Ala., serving no intermediate points, empty malt beverage containers, from Tusculumbia, Ala., to Atlanta, Ga., serving the intermediate points of Huntsville, Gadsden, and Anniston, Ala.; from Birmingham, Ala., to Atlanta, Ga., serving the intermediate point of Anniston, Ala.; from Montgomery, Ala., to Atlanta, Ga., serving no intermediate points; malt beverages, as a common carrier over irregular routes from Atlanta, Ga., to Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn., and points in Alabama, Florida, North Carolina, and South Carolina; and from Orlando, Fla., to points in Georgia, North Carolina, South Carolina, and Tennessee; and empty malt beverage containers, from Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn., and points in Alabama, Florida, North Carolina, and South Carolina, to Atlanta, Ga.; from points in Georgia, North Carolina, South Carolina, and Tennessee, to Orlando, Fla. Advertising matter used in the sale and distribution of malt beverages, when moving in mixed shipments with malt beverages, from Atlanta, Ga., to Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn., and points in Alabama, Florida, North Carolina, and South Carolina, with restrictions.

Malt beverages, in containers, and advertising matter when transported with malt beverages, from Atlanta, Ga., to points in Arkansas, Kentucky, Louisiana, Mississippi, Virginia, and Tennessee (except Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn.); and empty malt beverage containers, from points in Arkansas, Kentucky, Louisiana, Mississippi, Virginia, and Tennessee (except Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville, and Nashville, Tenn.), to Atlanta, Ga.; Plywood and particleboard, from the plantsites of the Georgia-Pacific Corporation at or near Louisville and Gloster, Miss., to points in Alabama, Florida, Georgia, Arkansas, North Carolina, South Carolina, Tennessee, Louisiana, Texas, Oklahoma, Kansas,

Missouri, Iowa, Wisconsin, Michigan, Illinois, Indiana, Maine, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia, with restrictions; building, wall, or insulating boards, and materials and supplies used in the installation of building, wall, or insulating boards, from the plantsite of the Armstrong Cork Company, at or near Macon, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; composition sheets, from the plantsite of Georgia-Pacific Corporation, Crossett Division, Crossett, Ark., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; malt beverages and related advertising matter, from Pabst (Houston County), Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and that part of Tennessee on and east of U.S. Highway 431, and returned shipments of the above-specified commodities, from points in the above-specified destination territory to Pabst, (Houston County), Ga.

Gypsum wallboard, gypsum lath, and gypsum wallboard products, from the plantsite of Dierks Forests, Inc., at Briar (Howard County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; lumber and lumber products, from the plantsites of Dierks Forests, Inc., at Dierks (Howard County) and Mountain Pine (Garland County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin; posts, poles, piling, and lumber, from the plantsite of Dierks Forests, Inc., at Process City (Sevier County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia, with restrictions; malt beverages and related advertising materials, over irregular routes between the facilities of the Lone Star Brewing Company located at San Antonio, Tex., on the one hand, and, on the other, points in Georgia, Missouri, Maryland, and North Carolina; malt beverages, related advertising materials, and empty malt beverage containers,

over irregular routes, between the plantsite and storage facilities of Pabst Brewing Company (Georgia Division) located at or near Perry, Ga., on the one hand, and, on the other, points in Ohio, Wisconsin, Illinois, Indiana, Iowa, Michigan, Missouri, and Maryland; malt beverages, related advertising material and empty malt beverage containers, over irregular routes, from Fort Worth, Tex., to Panama City, Fla.; malt beverages, related advertising material and empty malt beverage containers, over irregular routes, from Fort Worth, Tex., to Dothan, Ala.; malt beverages, related advertising material and empty malt beverage containers, over irregular routes, from Fort Worth, Tex., to Macon, Albany, and Valdosta, Ga. Vendee is authorized to operate as a common carrier in all States except Alaska and Hawaii pursuant to Certificate No. MC 119789 and related subnumbers thereunder. Application has been filed for temporary authority under section 210 a(b).

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-12 (Sub-No. 27)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY—ABANDONMENT BETWEEN NORTH STANTON AND WEST SANTA ANA IN ORANGE COUNTY, CALIF.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 10, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 ICC 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its branch line extending from railroad milepost 507.811 to the end of the line at milepost 514.965 near West Santa Ana, Orange County, Calif. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has of-

ferred financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 29)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT OF ITS NAPOLEONVILLE BRANCH BETWEEN SUPREME AND GLENWOOD IN ASSUMPTION PARISH, LA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act (49 U.S.C. 1a(6) (a)) that by an order entered on July 26, 1977, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, and further, that for a period of six months from the date of service of a certificate and order issued in this proceeding, applicant shall continue rail service over the subject line, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its branch line of railroad between milepost 15.28 at or near Supreme, Louisiana, and extending in a northwesterly direction to the end of the line at milepost 23.14 near Glenwood, Louisiana, in Assumption Parish, Louisiana, a distance of 7.86 miles. A certificate of abandonment will be issued to the Southern Pacific Transportation

Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 48)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN CULVER JUNCTION AND INGLEWOOD IN LOS ANGELES COUNTY, CALIF.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act (49 U.S.C. 1a(6) (a)) that by an order entered on August 2, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of a line of railroad extending from milepost 494.249 near Culver Junction to milepost 498.017 near Alla on the Alla Branch and from milepost 498.112 to

milepost 502.200 near Inglewood on the Inglewood Branch, a distance of 8.571 miles in Los Angeles County, California. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

Docket No. AB-33 (Sub-No. 11)

UNION PACIFIC RAILROAD CO.—ABANDONMENT—PORTION OF LEAVENWORTH BRANCH BETWEEN TONGANOXIE AND LAWRENCE IN LEAVENWORTH AND DOUGLAS COUNTIES, KANS.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act (49 U.S.C. 1a(6) (a)) that by an order entered on August 11, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & O. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and

future public convenience and necessity permit the abandonment by the Union Pacific Railroad Co. of the portion of the Leavenworth Branch line from railroad milepost 20.72 near Tonganoxie, Kans., to railroad milepost 34.15 near Lawrence, Kans., a distance of 13.43 miles in Leavenworth and Douglas Counties, Kans. A certificate of abandonment will be issued to the Union Pacific Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-128]

EAST WASHINGTON RAILWAY CO.—ENTIRE LINE ABANDONMENT—IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGES COUNTY, Md.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act (49 U.S.C. 1a(6) (a)) that by an order entered on July 28, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the condition for public use as set forth in said order, the present and future public convenience and necessity permit the

abandonment by the East Washington Railway Co. of its entire line of railroad extending from milepost 0 to Chesapeake Junction, D.C., easterly to milepost 3 at the Roundhouse, east of Seat Pleasant, Md., a distance of 2.631 miles, and a spur line extending westerly from milepost 0 to the Potomac Electric Power Co. Plant at Benning, D.C., a distance of .756 mile, the entire line encompassing a total distance of 3.387 miles in the District of Columbia and Prince Georges County, Md. A certificate of abandonment will be issued to the East Washington Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4 (c) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the

manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-29910 (Deviation No. 38), ARKANSAS-BEST FREIGHT SYSTEM, INC., P.O. Box 48, Ft. Smith, Ark. 72902, filed July 5, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scranton, Pa., over Interstate Highway 380 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to Newark, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Scranton, Pa., over U.S. Highway 11 to junction New York Highway 281 near Homer, N.Y., thence over New York Highway 281 to junction U.S. Highway 11 near Tully, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Pittsfield, Mass., thence over U.S. Highway 7 to Norwalk, Conn., thence over U.S. Highway 1 to New York City, N.Y., thence over city streets to Newark, N.J., and return over the same route.

No. MC-29910 (Deviation No. 39), ARKANSAS-BEST FREIGHT SYSTEM, INC., P.O. Box 48, Ft. Smith, Ark. 72901, filed September 23, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Ohio Highway 125 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 52 near Ripley, Ohio, thence over U.S. Highway 52 to Portsmouth, Ohio and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over U.S. Highway 52 to Portsmouth, Ohio and return over the same route.

No. MC 42487 (Deviation No. 114), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, P.O. Box 5138, Chicago, Ill. 60680, filed September 22, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway

124 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Interstate Highway 40 near Crossville, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 30 near Chambersburg, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 31 to junction Alabama Highway 53, thence over Alabama Highway 53 to Ardmore, Tenn., thence over Tennessee Highway 110 to Fayetteville, Tenn., thence over U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W to Elizabethtown, Ky., thence over U.S. Highway 62 to Lexington, Ky., thence over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 22 to Pittsburgh, Pa., thence over U.S. Highway 30 to junction Interstate Highway 81 near Chambersburg, Pa., and return over the same route.

No. MC 89723 (Deviation No. 41), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed September 23, 1977. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to junction Interstate Highway 20 near Ruston, La., thence over Interstate Highway 20 to Shreveport, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 65 to junction U.S. Highway 165 near Halley, Ark., thence over U.S. Highway 165 to Monroe, La., thence over Interstate Highway 20 to Shreveport, La., and return over the same route.

MOTOR CARRIER INTRASTATE
APPLICATION(S)
NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57554 filed September 6, 1977. Applicant: KIMKRIS TRUCKING CO., INC., 1101 Wright Ave., Richmond, Calif. 94804. Applicant's representative: Randall M. Faccinto, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (I) Between all points and places in the San Francisco Territory, as described in Note A hereto; and (II) Between all points in the San Francisco Territory, on the one hand, and, on the other hand, points and places located on or within five miles laterally of the following routes: (a) U.S. Highway 101 between San Jose and Salinas, inclusive; (b) State Highway 17 between San Jose and Santa Cruz, inclusive; (c) State Highway 1 between San Francisco and Carmel, inclusive, including the off-route point of Carmel Valley; (d) State Highway 9 between Los Gatos and Santa Cruz, inclusive; (e) State Highway 152 between Gilroy and State Highway 1, at Watsonville, inclusive; (f) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive; (g) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1 at Watsonville, inclusive; (h) State Highway 68 between Salinas and Monterey, inclusive; (III) Between all points and places in the San Francisco Territory, on the one hand, and, on the other hand, points and places located on or within twenty five miles laterally of the following routes: (a) Interstate Highway 80 between Richmond and Sacramento, inclusive; (b) Interstate Highway 5 between Sacramento and its intersection with State Highway 198, inclusive; (c) Interstate Highway 580 between Oakland and its junction with Interstate Highway 5, inclusive; (d) Interstate Highway 205 between its junction with Interstate Highway 5 and its junction with Interstate Highway 580 inclusive; (e) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) State Highway 9 between Sacramento and its intersection with State Highway 198, inclusive; and (g) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive. (IV) In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service, (except that, pursuant to the authority herein granted, carrier shall not transport any shipments of:

(1) Used household goods, personal effects, and office, stores and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or cotton, burlap, gunny, fibreboard, or straw matting. (2) Automobiles,

trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Live-stock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination or such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs. (8) Articles of extraordinary value. (9) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (10) Fresh fruit and vegetables. (11) The following commodities between points on or within twenty five miles laterally of routes specified in paragraph III above, (except between points in the San Francisco Territory on the one hand, and, Vallejo, Sacramento, Stockton and Modesto and points within five miles of those cities, on the other hand): (a) Commodities in ocean containers and empty ocean containers having an immediately prior or subsequent movement by water; and (b) Commodities having an immediately prior or subsequent movement in rail piggyback service.

NOTE.—A San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Ave.; easterly along W. Parr Ave. to Capri Drive; southerly along Capri Drive to Division St.; easterly along Division St.; to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Ave., (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Ave.; to Foxworthy Ave.; easterly along Foxworthy Ave. to Almaden Road; southerly along Almaden Road to Hillsdale Ave., easterly along Hillsdale Ave. to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Ave.; northwesterly along Capitol Ave. to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to

Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Ave.; easterly along Seminary Ave. to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Ave.; northly along College Ave. to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary

to Euclid Ave.; northerly along Euclid Ave., to Marin Ave.; westerly along Marin Ave., to Arlington Ave.; northerly along Arlington Ave., to San Pablo Ave., (State Highway 123); northerly along San Pablo Ave., to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market St.; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Ave., San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-29300 Filed 10-5-77;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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[6320-01]

NOTICE OF DELETION OF ITEM AND CHANGE OF TIME AND DATE OF THE SEPTEMBER 29, 1977 MEETING

REVISED AGENDA

TIME AND DATE: 10 a.m., September 30, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Dockets 31232, 31234, 31235, 31246, 31247, 31285, and 31305, Complaints of National Air Carrier Association, Brendan Tours, Inc., Charter Travel Corp., The Educational Cooperative, and Laker Airways Ltd. against Tariffs of Pan American World Airways, Inc., Trans World Airlines, Inc., British Airways, and Air India Proposing Stand-by, Budget, and Super-Apex Fares over the North Atlantic (President's letter dated September 26, 1977).

1a. Docket 25908 et al. Transatlantic Route Proceeding (OGC).

1b. Overseas National Airways, Inc., petition for review of staff action denying a request by Pan American World Airways, Inc. to transport ONA charter passenger on PAA's scheduled service at ONA's charter rate (Memo No. 7436, BFR).

2. Docket 31315, Continental Air Lines' application for an exemption to furnish domestic reduced-rate transportation for 794 World Airways overbooked Charter passengers (Memo No. 7238-B, BFR).

2a. Dockets 31302 and 31303, Ozark's proposal to reduce fares for multistop service (Memo No. 7262-E, BFR).

2b. Proposed Fare Increase of Aloha and Hawaiian Airlines (Memo No. 7371-A, BFR).

3. Board Comments on S. 1898, The Rural Transportation Act of 1977 (Memo No. 7443, BFR, BOR, OCCR, OGC).

3a. Docket 30226, Increase in Subsidy for Kodiak-Western Alaska Airlines, Inc. (Memo No. 6669-D, BFR, OC, BOR).

3b. Docket 31428, Exemption for Reeve Aleutian Airways, Inc. to Continue Carriage of Military Passengers on Certain Scheduled Services at less than its Tariff Rates (Memo No. 5333-D, BFR).

4. Dockets 29093, 29131, 29142, Applications of Braniff, Continental and East-

ern for removal of single-plane restrictions in Pacific Northwest-Southeast markets (Memo No. 6916-C, BOR, OGC).

5. Docket 31123, Trans-Florida Airlines, Inc., Application for exemption to operate a 44- to 50-seat Convair 240 aircraft in air taxi passenger service (Memo No. 7441, BOR).

6. United Air Lines' Transaction Agreement UA-519 (No. 27A, filed August 31, 1977) (Memo No. 7440, BOR, BAS, OGC).

7. United Air Lines' Transaction Agreement UA-226 (No. 26, filed August 30, 1977) (Memo No. 6767-B, BOR, BAS, OGC).

8. Comments on proposed Executive Order on Environmental factors in decisionmaking, amending Executive Order 11514 (Memo No. 7444, OGC, BLJ, BOR).

9. Part 385—Expansion of Delegated Authority of Director, Bureau of Operating Rights (Memo No. 7434, OGC).

10. Docket 29684, Ephrata-Moses Lake Deletion Case, order making effective initial decision (Memo No. 7435, OGC).

11. Redesignated 1a.

12. Docket 29747, Foreign Air Carrier Permit Investigation, withdrawal of moot Board opinions, orders and permits of British carriers from the President (Memo No. 6355-G, OGC).

12a. Docket 28807, Petition for extension of time in Trans International Airlines, Inc., Enforcement Proceeding (Memo No. 7339-A, OGC).

12b. Docket 30746, Discretionary review on Board's initiative of the decision of the Director, BOE, declining to institute an enforcement proceeding in the complaint of LACO Travel Service v. Air Travel Conference of America (Memo No. 7456, OGC).

13. Docket 30742, Discretionary review on Board initiative of the decision of the Director, BOE, declining to institute an enforcement proceeding in the complaint of William B. Schultz v. Eastern Air Lines, Inc. (Memo No. 7439, OGC).

14. Deleted by MA-60.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

Item 14 on the September 29, 1977 meeting agenda was the Freedom of Information Act Request of Barbara Cook. On September 29, 1977, Ms. Cook agreed to one week's postponement of the Board's determination of her request. Accordingly, the following Members have voted that agency business requires that the Freedom of Information Act request of Barbara Cook be deleted from the September 29, 1977 meeting agenda and that

no earlier announcement of the change was possible:

Vice Chairman Richard J. O'Melia.
Member G. Joseph Minetti.
Member Lee R. West.
Member Elizabeth E. Bailey.

[S-1515-77 Filed 10-3-77;4:39 pm]

[6320-01]

2

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., October 6, 1977

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation *.

2. Docket 31158, Petition for investigation of TWA's charter cancellation rule by Hawaiian Holidays, Inc., and Adventure Holidays International Wholesale Tours, Inc., (Memo No. 7454, BFR).

3. Docket 31327, Transatlantic specific commodity rate proposed by Sabena (Memo No. 7455, BFR, BIA).

4. Docket 31378, Complaint of Air Tariff Corp. and request for suspension or rejection of local and joint passenger tariff No. VP-1 issued by Airline Tariff Publishing Co., filed on behalf of American, Eastern, and other carriers, effective October 10, 1977 (BFR).

5. Docket 30659, Institution of California-Nevada Low Fare Proceeding—PSA's Motion for immediate hearing and related pleadings (Memo No. 7433, BOR, BLJ, OGC, BFR, OEA).

6. Docket 30976, TWA fill-up authority in the New York-Boston/Detroit/Washington/Baltimore markets, order to show cause (Memo No. 7447, BOR).

7. Docket 28457, Reinstatement of Midland/Odessa's joint petition for an investigation of air service to the east (Memo No. 6130-C, BOR, OGC).

8. Dockets 30945 and 30972, Applications of Frontier and Texas International for Little Rock-Denver one-stop authority (Memo No. 7457, BOR).

9. Docket 30967, Eastern Air Lines' Application for Nonstop Authority between Milwaukee/Twin Cities and Louisville on Flights Serving Nashville or a Point South Thereof (Memo No. 7453, BOR, OGC).

10. Docket 31293, Delta's Exemption Request to Operate One Daily Round-trip Detroit-New Orleans-Houston Flight (Memo No. 7459, BOR).

11. Docket 30948, Rich International Airways—amendment to exemption request to operate as an air taxi operator (Memo No. 3047-E, BOR).

12. United Air Lines' Transaction Agreement UA-415 (No. 28, filed on September 9, 1977) (Memo No. 6995-B, BOR, BAS, OGC).

13. Report on Passengers Enplaned at Trunkline Points (Domestic Operations) by Trunkline Carriers—Fiscal Years 1976 and 1975 (Memo No. 6452-C, BOR, BAS, OCCR, OD).

14. Docket 28656, Flying Tiger Trans-Pacific Renewal Case, Petitions for reconsideration (Memo No. 6906-B, OGC).

15. Docket 26951, Request for refund of license fee paid in connection with the TIA/Saturn Merger Case (Memo No. 7423, OGC).

16. Docket 30961, Discretionary review on Board initiative of the decision of the Director, BOE, declining to institute an enforcement proceeding in *Alex Nichols Agency, et al. v. Path Horse Transportation* (OGC).

17. Docket 29502, Review of decision of the Director, BOE, dismissing the third-party complaint in *Gerald L. Price et al. v. Trans World Airlines, Inc., et al.* (Memo No. 7461, OGC).

18. Docket 26368 et al., Petition for reconsideration of Board decision (Order 77-8-89) to review initial decision approving settlement of Part 252 violations in Eastern Air Lines, Inc., Enforcement Proceeding (Memo No. 7357-A, OGC).

19. Docket 27186, Schedules of K.L.M. Royal Dutch Airlines, Part 213 order reducing schedules which has been stayed by the President since March 1975 (Memo No. 2836-I, OGC, BIA, BOE).

20. Waiver to United States carriers and the Belgian carrier SABENA to allow them to operate Belgium-originating charters under the rules of the country of flight origin (Memo No. 7450, BIA, BOR, OGC, BOE).

21. Blanket waiver to United States and Swiss carriers authorizing the performance of Swiss originating charters under Swiss rules in accordance with the renewed Charter Understanding (Memo No. 5797-A, BIA, BOR, OGC, BOE).

22. Designation of U.S. Airlines on U.K. Routes (Memo No. 7453, 7458-A, BIA).

23. Docket 26310, Request for reconsideration of Board Order on discretionary review in Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation (Memo No. 7328-A, OGC).

24. Recommendation of the Commission on Federal Paperwork that the Board eliminate the filing of 19 copies of docketed materials (Memo No. 7462, BAS, OGC, OS).

25. Freedom of Information Request of Barbara Cook (Memo No. 7446, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor,
The Secretary,
202-673-5068.

[S-1516-77 Filed 10-3-77;4:39 pm]

[6750-01]

3

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 11, 1977.

PLACE: Room 632, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

NONADJUDICATIVE MATTERS

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meetings of September 28, and October 4, 1977.

(2) Consideration of a proposed complaint in a nonpublic Part I investigation.

(3) Consideration of issuance of investigational resolution in nonpublic Part II matter.

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE

The Commission has not yet scheduled any adjudicative items for discussion at this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202-523-3830; Recorded message: 202-523-3806.

[S-1518-77 Filed 10-4-77;10 am]

[6750-01]

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, October 12, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The

Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, October 12, 1977, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202-523-3830; Recorded message: 202-523-3806.

[S-1517-77 Filed 10-4-77;10 am]

[4910-58]

5

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, October 13, 1977 (NM-77-33).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aviation Accident Report*.—Texas International Airlines, Inc., Stapleton International Airport, Denver, Colo., November 16, 1976.

2. *Aviation Accident Report*.—Knob Hill, Inc., C-421, Nogales, Ariz., January 22, 1977.

3. *Aviation Accident Report*.—New York Airways, S-61, New York, N.Y., May 16, 1977.

4. *Pipeline Accident Report*.—Exxon Gas System, Inc., Natural Gas Explosion and Fire, Robstown, Tex., December 7, 1976.

5. *Discussion*.—Type of information made available to the public, including Members of Congress, through Brief Format, Aviation Accident Reports.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-1514-77 Filed 10-3-77;3:54 pm]

[8010-01]

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 11, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, October 12, 1977, at 10 a.m. An open meeting will be held on Thursday, October 13, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 551b(c) (4) (8) (9) A and (10) and 17 CFR 200.402 (a) (8) (9) (i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, October 12, 1977, at 10 a.m. will be:

Formal orders of investigation.

Institution of injunctive actions.

Institution of administrative proceedings.

Simultaneous institution and settlement of administrative proceeding.

Referral of investigative files to Federal, State, or Self Regulatory authorities.

Other litigation matter.

The subject matter of the open meeting scheduled for Thursday, October 13, 1977, at 10 a.m. will be:

1. Application of Sanford S. Trontz to allow him to be employed as a registered representative by Hornblower, Weeks, Noyes & Trask, Inc., a registered broker-dealer, in a non-supervisory, non-proprietary capacity, with adequate supervision.

2. Petition for review filed by Titan

Wells, Inc. of staff denial of extension of time to file Form 10-K pursuant to Rule 12b-25 under the Securities Exchange Act of 1934.

3. Proposed Amendments to New York Stock Exchange Rule 110 and Rules 109 and 112, which would remove several major direct restrictions on floor trading activity.

4. Proposed amendments to the net capital rule, Rule 15c3-1, which (1) would eliminate present exemption of certain specialists in listed options from the net capital and would require them to maintain net capital of at least \$25,000 and prescribe early warning and surveillance reports by firms that carry such specialists accounts and (2) would propose adjustments in the calculation of net capital with respect to specialists positions in options.

5. Proposed amendments to the Municipal Securities Rulemaking Board's recordkeeping and retention rules to elim-

inate the requirement that a municipal securities broker and dealer obtain evidences of authority to transact business for joint, corporate, partnership and certain other accounts. In lieu of this, the amended rule would prescribe that the broker or dealer enter the name (and address if other than that on the account) of the person entering the order on the trading ticket or a comparable record.

6. Applications of CMA Money Trust and Merrill Lynch, Pierce, Fenner & Smith Inc. for exemptive relief from the pricing provisions of Rule 22c-1 under the Investment Company Act of 1940 and the confirmation delivery requirements of Rules 10b-10 and 15c1-4 under the Securities Exchange Act of 1934.

FOR FURTHER INFORMATION CONTACT:

Glynn Mays at 202-755-1268.

OCTOBER 4, 1977.

[S-1519-77 Filed 10-4-77; 10:51 am]

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(Revised as of April 1, 1977)

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_____	Title 26—Internal Revenue (Part 1, § 1.1200 to End)	6.75	_____
_____	Title 27—Alcohol, Tobacco Products and Firearms	7.00	_____
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1A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 11

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