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highlights

NEW FEDERAL REGISTER PHONE NUMBERS

Several frequently called phone numbers in the Office of the Federal Register have been changed. Please use the numbers on page iii of this issue and disregard all previous listings.

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

Reservations for November are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes 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.

FOR RESERVATIONS call: Martin V. Franks, 202–523–3517.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED

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)
For reservations call: Tony Williams at (713) 226–5787

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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CAB—Energy Policy and Conservation Act implementation 47187; 9–20–77

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FCC—FM broadcast stations, table of assignments; Gillette, Wyo.... 47557; 9–21–77

Television broadcast stations in Burlington, Fort Madison, Keokuk, Keosauqua, Rock Rapids, and Sibley, Iowa and in Winona, Minn.; changes made in table of assignments 46305; 9–15–77

Labor/OSHA—Commercial diving operations; mandatory employee safety and health requirements 37650; 7–22–77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5742 ..... Pub. L. 95–137
To amend the Controlled Substances Act to extend for three fiscal years the authorization of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act. (Oct. 18, 1977; 91 Stat. 1169.) Price: $.50.

H.R. 9354 ..... Pub. L. 95–138
To amend the Act of August 25, 1958, with respect to staff allowances for former Presidents. (Oct. 18, 1977; 91 Stat. 1170.) Price: $.50.

S. 1522 ..... Pub. L. 95–136
To authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972. (Oct. 18, 1977; 91 Stat. 1167.) Price: $.50.

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.

[3410-02]

Title 7—Agriculture

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 6]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Rules and Regulations

Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment clarifies the responsibilities of potato handlers regarding assessments. It elaborates on the rules and regulations concerning (1) who is responsible for paying assessments, particularly for seed potatoes, (2) the time of payment, and (3) the procedure for obtaining a refund.

EFFECTIVE DATE: October 25, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established by the Potato Research and Promotion Plan (7 CFR Part 1207). The Plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

Notice was published in the September 21 FEDERAL REGISTER (42 FR 47562) inviting written comment by October 7, 1977. None was received.

Findings. On the basis of all considerations it is believed that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the amendment set forth in this section by publication in the September 21 FEDERAL REGISTER, (2) prompt issuance of this amendment will be beneficial to the Potato Board in administering the Potato Research and Promotion Plan and Act and (3) no useful purpose will be served by postponing such issuance.

The amendment is as follows:

§ 1207.507 [Amended]

1. Change the reference in § 1207.507 (b) (1) from "§ 1207.513(c)" to "§ 1207.513(d)."

2. In § 1207.512 revise paragraph (a) (8) to read as follows:

§ 1207.512 Designated handlers.

* * * * *

(8) Producer utilizes potatoes of his own production for seed in planting his subsequent crop. Such seed potatoes do not enter the current of commerce. There is no designated handler in this instance since such potatoes have not been handled as heretofore defined and no assessment is due. However, seed potatoes sold or shipped to other producers for planting, or to other persons for subsequent disposition, enter the current of commerce and are subject to assessment. The producer of the seed potatoes is the designated handler and the assessment is due when the potatoes are first sold or otherwise handled by him.

* * * * *

§ 1207.513 [Amended]

3. Section 1207.513 is amended as follows:

A. Delete paragraph (a) (1).

B. Amend paragraph (b) (3) by adding the words "or pay the assessment themselves" after the words "from their accounts."

C. Revise the paragraph reference in (b) (1) from (c) to (d).

D. Reletter paragraphs (a), (b) and (c) as (b), (c) and (d) respectively.

E. Add a new paragraph (e) as follows:

(a) *Time of payment.* The assessment shall become due at the time a determination of assessable potatoes is made in the normal handling process, pursuant to § 1207.511. If no determination is made of the utilization of a lot, assessments shall be due on the entire lot when it enters the current of commerce.

* * * * *

4. Revise paragraph (a) of § 1207.514 to read as follows:

§ 1207.514 Refunds.

* * * * *

(a) *Application form.* A producer shall obtain a refund form from the Board by written request which shall bear the producer's signature. For partnerships, corporations, associations, or other business entities, a partner or an officer of the entity must sign the request and indicate his title.

* * * * *

(Title III of Pub. L. 91-670; 84 Stat. 2401; (7 U.S.C. 2611-2627).)

Dated October 17, 1977, to become effective October 25, 1977.

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

[FR Doc.77-30638 Filed 10-19-77;8:45 am]

[4410-01]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Designation of Paralegal Specialists as Immigration Officers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the regulations of the Immigration and Naturalization Service to designate paralegal specialists as immigration officers. This amendment is necessary in order to authorize paralegal specialists to administer oaths in connection with naturalization proceedings and is intended to improve the efficiency of the naturalization process.

DATES: Effective date: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Lowell R. Palmes, Deputy Assistant Commissioner for Naturalization, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone 202-376-8459.

SUPPLEMENTARY INFORMATION: This order amends 8 CFR 103.1(q) to designate paralegal specialists as immigration officers. This amendment is necessary to enable paralegal specialists to administer oaths and perform the full range of duties required of them to assist naturalization examiners in processing naturalization petition cases. 8 CFR 332d.1 provides that "All immigration officers * * * are designated to administer oaths or affirmations and take depositions in matters relating to the administration of the naturalization and citizenship laws". The amendment of 8 CFR 103.1(q) to include paralegal specialists, will empower them to administer oaths and take testimony in naturalization proceedings as provided in this regulation and enable the naturalization examiner to devote his time to determining the legal issues involved in naturalization petition cases.

The amendment contained in this order is issued pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment pertains to agency management and procedure.

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

In Part 103, § 103.1(q) is amended by adding paralegal specialists to the listing of officers enumerated in that paragraph. As amended, 8 CFR 103.1(q) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(q) *Immigration Officer.* Any immigration inspector, immigration examiner, border patrol agent, airplane pilot, deportation officer, detention officer, detention guard, investigator, general attorney (nationality), paralegal specialist, trial attorney (immigration), general attorney (immigration) or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

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

Effective date: This amendment becomes effective on October 20, 1977.

Dated: October 17, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-30636 Filed 10-19-77;8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0115 through FC-0119]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

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

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

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

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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

[FC-0115]

§ 226.7(k)—When a credit union provides a self-replenishing line of credit for use in connection with its members' overdrafts under a share draft plan, and such arrangement is functionally equivalent to an open end credit account used in connection with an overdraft checking plan, then for descriptive billing purposes the date of debiting the member's line of credit account is considered to be the transaction date.

SEPTEMBER 26, 1977.

This is in response to your letter of * * *, requesting staff's opinion about the applicability of § 226.7(k)(3)(ii) to certain credit plans operated by several credit unions that you represent. Your clients offer a share draft program which permits members to effect withdrawals from their accounts by means of a third-party payment instrument. As in the case of a check, the share draft is negotiable, may be made payable to any person, and results in the debiting of the member's account. The drafts are payable through a bank, and the member does not receive the cancelled instrument once it has been paid.

Your clients now propose to offer self-replenishing lines of credit to members in connection with their share draft program. Thus, if a draft which exceeds the member's account balance is presented for payment, the credit union will extend credit up to a preestablished limit to pay the draft. You contend that since the line of credit program which your clients propose to offer in connection with their share draft program is substantially the same as an overdraft checking plan, the provisions of footnote 9 (e) to § 226.7(k)(3)(ii) should govern the descriptive billing which your clients use on the periodic statements sent to members.

In Public Information Letter 990 staff concluded that a share draft plan similar to the one proposed by your clients was equivalent to an ordinary checking account with overdraft privileges for purposes of compliance with § 226.7(j). Staff believes that the same operational similarity supports your contention regarding § 226.7(k)(3)(ii). Consequently, your clients may disclose the date on which the amount of an overdraft is debited to a shareholder's open end account under their line or credit plan, and that date will be considered the transaction date for purposes of meeting the requirements of § 226.7(k)(3)(ii).

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC-0116]

§ 226.7(b)—Regulation does not require a statement that the finance charge resulting from the application of a periodic rate is the only finance charge imposed.

SEPTEMBER 26, 1977.

This will respond to your letter of * * *, in which you request a formal Board or official staff interpretation regarding § 226.7(b)(1)(iv) of Regulation Z. Your client's open end credit plan entails the imposition of a finance charge only by the application of a periodic rate to the average daily balance. The amount of the finance charge for a billing cycle, identified as "Finance Charge," is shown on the front of the periodic statement. You ask whether or not § 226.7(b)(1)(iv) requires your client to disclose that the application of a periodic rate to an average daily balance is the only component of the finance charge imposed on these open end accounts.

Section 226.7(b)(1)(iv) requires disclosure of any finance charge:

Itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge * * * using appropriate descriptive terminology.

Staff believes the regulation does not require a statement to the effect that no other type of finance charge is imposed on the account or, alternatively, that the finance charge resulting from the application of the periodic rate to the average daily balance is the only finance charge imposed. Consequently, in staff's view it is not a violation of the regulation for your client to furnish a periodic statement that has no such disclosure.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited in its application to the facts and issues set forth herein. It should not be construed as an approval or disapproval of the contents of your client's disclosure form. I hope this response will be helpful. If we can be of further assistance, please contact us.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC-0117]

§ 226.6(g)—Amounts expended by creditors to perform customer's obligations are "subsequent occurrences" and need not be disclosed as charges payable in the event of late payment.

§ 226.8(b)—Amounts expended by creditors to perform customer's obligations are "subsequent occurrences" and need not be disclosed as charges payable in the event of late payment.

§ 226.8(b)—Creditor's right to sue debtor and obtain judgment is not a security interest and need not be disclosed. Creditor need not disclose statutory limitation on deficiency judgments. Court costs, other sums awarded by a court and costs of repossession and sale on customer's default need not be disclosed as charges payable in the event of late payment.

SEPTEMBER 26, 1977.

This is in response to your letter of * * *, in which you request an official staff interpretation of Regulation Z.

You first ask whether the following items constitute "default, delinquency, or similar charges payable in the event of late pay-

ments" for purposes of § 226.8(b)(4): court costs and disbursements awarded by a court; costs of repossession, storage, preparation and sale of collateral in the event of default; and amount spent by a creditor to perform a customer's obligations.

The requirement in § 226.8(b)(4) refers to sums that will be automatically assessed because of a borrower's default or delinquency. It is staff's opinion that the regulation does not require disclosure of costs that may be imposed by a court incident to litigation, or of costs related to the repossession and sale of collateral (which will be deducted from the sale proceeds and, consequently, passed on to the customer if the customer is liable for any deficiency).

With regard to amounts that a creditor may spend if the customer fails to perform certain obligations under the contract, § 226.6(g) provides that such disbursements constitute "subsequent occurrences" and need not be disclosed. (See footnote 6 to § 226.6(g).)

Your second question relates to § 226.8(b)(5), which requires a creditor to disclose any security interest held or to be retained or acquired by the creditor in connection with an extension of credit. You ask whether a creditor is required to disclose that if the customer defaults on the contract, the creditor will have the right to sue and to obtain an attachment, garnishment, or judgment lien.

Section 226.2(gg) of the regulation defines "security interest" as "any interest in property which secures payment or performance of an obligation." In staff's opinion, the term is applicable only to an interest that gives the creditor a lien or priority right in property. A creditor's right to file a lawsuit and to obtain a judgment against the debtor does not meet that definition and, consequently, disclosure of such right is not required.

Your final question relates to a statutory limitation on deficiency judgments. You indicate that in your State, if a debtor defaults on a loan made to purchase goods and the creditor repossesses the goods, the debtor will not be liable for any deficiency if the unpaid loan balance at the time of default is less than $1,250. You ask whether disclosure of this statutory limitation is required. In staff's opinion, such a limitation does not fall within the scope of any item required by Regulation Z to be disclosed.

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

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC–0118]

§ 226.4(a)(5)—When the total cost of credit life insurance is indeterminable because premiums are assessed from time to time on the outstanding balance in an open end credit account, it is sufficient to disclose the manner in which premiums will be computed (e.g., 6 cents per $100 of outstanding balance).

§ 226.7(k)—In the sale of credit life insurance to open end credit account holders, the descriptive billing requirements of § 226.7(k)(2)(i) are satisfied by describing the debit as "credit life insurance premium," disclosing the amount of that premium, and disclosing the date on which the premium was debited to the customer's account.

SEPTEMBER 28, 1977.

This is in response to your letter of * * *, wherein you pose several questions about the application of various parts of Regulation Z to your client's open end credit card program. Two of your questions will be answered here; the answer to the third, in staff's opinion, is not appropriate for treatment as an official staff interpretation because it does not appear to be one on which a creditor may wish to rely. Consequently, an answer will be separately transmitted in an unofficial staff interpretation.

Your client intends to give each of its cardholders the option of having the balances periodically outstanding in the cardholder's account insured against the cardholder's death. If this option is exercised, a credit life insurance premium will be automatically debited to the cardholder's account at the end of each billing cycle and will be added to the account's outstanding balance. The amount of the premium will equal 0.06 percent of that outstanding balance and will insure repayment of both the new balance disclosed pursuant to § 226.7(b)(ix) plus any additional amount debited to the account during the next subsequent billing cycle.

Your first question is whether the premiums for such credit life insurance may be excluded from the financing charge. You ask us to assume that your client's forms and procedures sufficiently insure that the optional nature of the insurance is bona fide, and is communicated in a clear and conspicuous written fashion to the cardholder. We are further to assume that prior to receiving the insurance a cardholder will have given, pursuant to § 226.4(a)(5)(ii), a "specifically dated and separately signed affirmative written indication" that the insurance is desired. The only requirement of that section that you feel may be difficult for your client to meet is the disclosure of the cost of such insurance. Since insurance will be purchased from time to time, and in varying amounts, you state that it is impossible to give a total cost figure for the protection. You ask whether a description of the method by which insurance premiums will be calculated may be substituted for disclosing the dollar cost of such premiums, and propose the following language:

"If you desire credit life insurance it can be obtained from us at a charge of 6 cents for each $100, or portion thereof, of the outstanding balance in your account at the end of each billing cycle. For example; [sic] if the outstanding balance in your account at the end of a given billing cycle were $346.75 the amount of the premium for credit life insurance for that billing cycle would be 21 cents."

In Public Information Letter 1037 staff concluded that a disclosure such as you propose would suffice for purposes of § 226.4(a)(5). Thus compliance with the regulation can be achieved by disclosing the amount of the insurance premium applicable to a given amount of credit extended (in your case six cents per hundred dollars). This opinion should not, however, be construed as an approval or disapproval of the specific language of your proposal with respect to its compliance with the regulation.

The second of your questions addressed herein involves how to describe the charge for credit life insurance on the periodic billing statements sent to customers. Staff believes you are correct that § 226.7(k)(2)(i) governs identifications of that transaction since the transaction can be viewed as a credit sale in which your client is both the creditor and the seller. You intend to show the amount of the insurance premium, identifying it as "credit life insurance premium," and disclosing the date that the premium is debited to the account as the transaction date. Staff agrees that your proposal complies with the requirements of § 226.7(k)(2)(i). While your letter is not specific as to the precise nature of the contractual provisions governing the issuance of credit life insurance to cardholders, it does appear that the date on which premiums are debited to the cardholder's account will, from the cardholder's perspective, represent the date on which the purchase transaction took place.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) and limited in its application to the facts and issues discussed herein. We note from your letter that you have informed the Bank Commissioner of the State of Connecticut of this inquiry, since that State has been granted an exemption under the relevant portion of the Federal Act. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

[FC–0119]

§ 226.4(a)(5)—Where customer signs insurance authorization after being informed in writing that he or she must sign to obtain insurance coverage, there is sufficient "affirmative written indication" of customer's desire for insurance to comply with § 226.4(a)(5)(ii).

SEPTEMBER 29, 1977.

This is in response to your letter of * * *, in which you request an official staff interpretation of Regulation Z with regard to the requirements which must be met under § 226.4(a)(5) of the regulation in order for a creditor to exclude charges for credit life, accident and health insurance from the finance charge imposed in connection with a consumer credit transaction.

Section 226.4(a)(5) provides that charges for credit life, accident, health, or loss of income insurance written in connecion with a credit transaction are to be included in the finance charge imposed in connection with that transaction unless:

(i) the insurance coverage is not required by the creditor and this fact is clearly and conspicuously disclosed in writing to the customer; and

(ii) any customer desiring such insurance coverage gives specifically dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance.

You enclosed with your letter a copy of an Installment Sale Contract and Security Agreement which includes Truth in Lending disclosures and which is used by one of your corporation's subsidiary banks. You ask whether the form contains a sufficient affirmative indication of the customer's desire for credit life, accident and health insurance as required by § 226.4(a)(5)(ii) in order to exclude the charges for the insurance from the finance charge. While staff's authority to issue official interpretations of Regulation Z does not include any authority to approve a particular creditor's Truth in Lending disclosure form (see § 226.1(d)(3) of the regulation), staff believes that your letter raises a technical question regarding proper interpretation of the regulation and that the following comments in regard to the requirements of § 226.4(a)(5)(ii) are appropriate.

The bank's disclosure in regard to credit life, accident and health insurance states that no such insurance is required for the extension of credit and that to obtain such insurance the customer must sign for each type of coverage. Thereafter, each type of insurance and its respective cost is indicated followed by a space for the customer's signature and the date. There is no statement such as "I desire credit life insurance" or "By signing below, I indicate my desire for credit life insurance." You ask whether such a statement is required by the regulation. Staff is of the opinion that the customer's signing of an insurance authorization after being informed in writing that he or she must

sign to obtain insurance coverage is a sufficient "affirmative written indication" of the customer's desire for the insurance to comply with § 226.4(a)(5)(ii).

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts and issues discussed above. This interpretation is in no way intended to be, nor should it be construed as, a general approval of the disclosures made by your corporation's subsidiary bank. Since, I note from your letter, this matter was first discussed with you by a staff member of [a Federal Reserve bank], I am sending a copy of this letter to the bank for its information. I trust that this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, October 14, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-30657 Filed 10-19-77;8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-WE-7-AD; Amdt. 39-3060]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which requires inspection and modification of the main rotor ring gear drive shaft coupling assembly on Hughes 269 helicopters. This amendment authorizes an increase in the necessary inspection intervals after completion of certain modifications, deletes the option for a less rigorous inspection technique and reduces certain tolerance limits.

DATES: Effective date, November 25, 1977.

Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: Copies of Hughes Service Information Notice No. N-114.3 may be obtained by writing to: Hughes Helicoptrs, Division of Summa Corporation, Customer Service Department, Culver City, Calif. 90230.

A copy of the service information notice for this amendment is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Amendment 39-2797 (42 FR 1217, AD 77-01-02) requires an initial inspection and modification or replacement, as required, of the main rotor ring gear drive shaft assembly, P/N 269A5179, lower bearing cup bore and drive shaft coupling on parts which have accumulated less than 400 hours time in service or within an additional 25 hours time in service, whichever occurs later, on parts with an excess of 400 hours time in service and a recurring inspection at 300-hour intervals thereafter.

In addition, the AD requires that, before accumulating 3,000 hours time in service, the drive shaft coupling be removed from the gear drive shaft and mating surfaces thoroughly inspected for condition and proper clearance. Upon completion of this inspection, acceptable procedures for the proper reassembly of the ring gear drive shaft assembly are provided as well as for correcting the clearance in otherwise serviceable parts.

The AD further requires that these modified ring gear drive shaft assemblies be removed from service and discarded before accumulating 6,000 hours total time in service.

Subsequent to the issuance of AD 77-01-02, as a result of requests from operators for relief from the 300-hour recurring inspection requirement, the FAA surveyed operator service experience by means of an advance notice of proposed rulemaking published in the FEDERAL REGISTER, 42 FR 17137. The comments received were all from persons intimately involved in the inspections and modifications and showed a familiarity with the problems and the service history of a substantial sample of the helicopter fleet.

Comments on the existing AD included statements that frequent opening and closing of the transmission produced more harm than good. The FAA concurs that this position may be valid, given marginal maintenance practices; however, this in itself does not constitute justification for increasing the inspection interval.

Several commentators expressed the conviction that the Hughes Model 269 A's and B's should be exempt from the requirements of the AD because their service history showed no tendency to develop cracks in the gear driveshaft. However, the FAA has records of cracks or failures in four Model 269A helicopters and six 269B helicopters, and on the basis of this service history, it is not considered to be in the interest of safety to exempt these two models from the inspection requirements of the AD.

The majority of the comments received were in favor of increasing the interval between inspections to 1,000 hours with examples or documentation to support this change. However, there were at least three instances of crack origination in the vacated holes after modification which did not show up until the second 300-hour inspection after modification. This raises the question as to whether the inspection procedures are foolproof and whether the interference fit defined in HSIN 114.2 is adequate.

For these, and other reasons, the service information notice has been revised to decrease the allowable interference fit and to eliminate the use of the dye penetrant inspection to locate existing cracks. An analysis of the data received would indicate that those ring gear drive shaft assemblies which hvae been modified to the criteria in HSIN 114.2 could be permitted an increase in the interval between inspections to 500 hours while those assemples modified under HSIN 114.3 could be allowed 1,000 hours between inspections. The inspection interval on the lower bearing cup and ring gear drive shaft lower seat has also been increased to 1,000 hours.

After due consideration of the numerous comments received in response to the advance notice of proposed rulemaking the FAA has determined that the compliance times for the repetitive inspections can be increased while insuring a level of airworthiness commensurate with the intent of the Federal Aviation Regulations.

Since a situation exists that requires 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 John A. Kenworthy, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness Directive:

HUGHES HELICOPTERS. Applies to Hughes Model 269 series helicopters certificated in all categories, incorporating main rotor ring gear drive shaft assembly, P/N 269A5179.

Compliance required as indicated, unless already accomplished.

To detect conditions which can result in failure of the main rotor ring gear drive shaft assembly, accomplish the following:

(a) For Main rotor ring gear drive shaft assemblies P/N 269A5179, before exceeding 400 hours total time in service since new or an additional 25 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, and at intervals not to exceed 1,000 hours time in service since the last inspection, inspect the lower bearing cup and ring gear drive shaft lower seat per PART II-A of Hughes Service Information Notice N-114.3 dated September 19, 1977, or later FAA approved revision. Reassemble per Part III, paragraph (q), of the above noted service notice.

(b) For main rotor ring gear drive shaft assemblies, P/N 269A5179, before exceeding 400 hours total time in service since new or an additional 25 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, and

at intervals not to exceed 300 hours time in service since the last inspection, inspect the visible areas of ring gear drive shaft adjacent to the six locking collars per Part II-B, of Hughes Service Information Notice N-114.3 dated September 19, 1977, or later FAA approved revisions. Reassemble per Part III, paragraph (q), of the above noted service notice.

(c) Before accumulating 6,000 hours total time in service on the gear drive shaft, P/N 269A5180, remove it from service, and render the part unserviceable.

(d) For main rotor ring gear drive shaft assemblies, P/N 269A5179, for which the prior service history cannot be documented, within the next 25 hours time in service after the effective date of this AD, remove the shaft assembly from service and render the part unserviceable.

(e) The recurring 300-hour inspection interval defined in (b) above may be extended to 500 hours if the inspections and modifications to the ring gear drive shaft coupling, P/N 269A5112, and gear drive shaft, P/N 269A5180, described in Part III of Hughes Service Information Notice N-114.2 dated June 23, 1975, have already been accomplished. Parts modified in accordance with Part III of the above noted service notice must be removed from service before accumulating a total of 6,000 hours time in service.

(f) The recurring 300-hour inspection interval defined in (b) above may be extended to 1,000 hours upon completion of the inspections and modifications to the ring gear drive shaft coupling, P/N 269A5112, and gear drive shaft, P/N 269A5180, described in Part III of Hughes Service Information Notice 114.3 dated September 19, 1977, or later FAA approved revisions. Parts modified in accordance with Part III of the above noted service notice must be removed from service before accumulating a total of 6,000 hours time in service.

(g) The recurring inspections required by (a) and (b) or (e) and (f) above may be discontinued when a P/N 269A5194 main rotor drive ring gear assembly is installed per Hughes Service Information Notice N-142 dated December 24, 1976, or later FAA approved revisions. The initial service life of the P/N 269A5193 ring gear drive shaft used in this assembly is 6,000 hours.

(h) Operators whose helicopters, as of the effective date of this AD, experience sudden stoppage of the drive system or main rotor blade strikes resulting in damage to the rotor blade at the root fitting or damper attachment area, shall refer to maintenance inspections pertaining to this subject in Appendix B, Revision No. 2, and Appendix C, Revision No. 3, or latest revisions to the Hughes 269 Series Handbook of Maintenance Instructions.

(i) Equivalent inspection and modification procedures of the main rotor ring gear drive shaft assembly may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(j) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for the accomplishment of this AD.

This supersedes Amendment 39-2797 (42 FR 1217), AD 77-01-02.

This amendment becomes effective November 25, 1977.

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

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

Issued in Los Angeles, Calif., on October 5, 1977.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[FR Doc.77-30464 Filed 10-19-77;8:45 am]

[4910-13]

[Docket No. 77-WE-36-AD; Amdt. 39-3059]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal of the aileron/rudder spring cartridge interconnect on Lockheed models 188A and 188C airplanes. The AD is needed to prevent possible jamming of these primary flight controls in flight.

DATES: Effective date, November 25, 1977. Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Lockheed-California Co., Burbank, Calif. 91520. A copy of the service bulletin is contained in the Rules Docket, Regional Counsel, FAA Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

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 213-536-6381.

SUPPLEMENTARY INFORMATION: There have been scattered reports of jamming or binding of the aileron/rudder controls on Lockheed 188A or 188C airplanes since certification in 1958, caused by wear of the spring cartridge interconnect. Since this condition could affect safety of flight under certain circumstances, an FAA certification flight test program was accomplished which affirmed satisfactory lateral stability of the airplane with the aileron/rudder interconnect removed. Also, since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued to require removal of the aileron/rudder spring cartridge interconnect on Lockheed Models 188A and 188C airplanes.

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 William A. von Brockdorff, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA CO. Applies to Model 188A and 188C airplanes, certificated in all categories.

Compliance is required within 100 hours additional time in service after the effective date of this AD, unless already accomplished.

To prevent possible jamming of the aileron/rudder remove the aileron rudder balance interconnect mechanism, in accordance with instructions given in Lockheed Electra Service Bulletin Alert 68/SB-698, dated September 12, 1977, or later FAA approved revision.

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

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

Issued in Los Angeles, Calif., on October 5, 1977.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[FR Doc.77-30463 Filed 10-19-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-20]

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

Alteration of Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Barnegat, N.J., Control Area by expanding the boundaries approximately 25 miles northeast and lowering the 2,000 foot MSL floor in the present area to 1,200 feet and establishing a 700 foot floor in the expanded area. This amendment provides controlled airspace for charted IFR routes between the shoreline and numerous offshore oil exploration sites and improves and expedites movement of IFR traffic.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Ad-

ministration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone 202-426-3715.

HISTORY

On August 15, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Barnegat, N.J., Control Area by expanding the boundaries approximately 25 miles northeast and lowering the 2,000 foot MSL floor in the present area to 1,200 feet and to 700 feet in the proposed expanded area (42 FR 41137). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. We received four responses to the NPRM in which the commenters posed no objections to the proposal. Section 71.163 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 348).

THE RULE

This amendment to Subpart E of Part 71 of the Federal Aviation Regulations (FARs) alters the Barnegat, N.J., Control Area by expanding the boundaries approximately 25 miles northeast into the confines of portions of Warning Area W-107 and Control Area 1147 and by lowering the 2,000 foot MSL floor to 1,200 feet and establishing the floor of the expanded area at 700 feet.

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.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart E of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 348) is amended, effective 0901 GMT, December 1, 1977, as follows:

§ 71.163 [Amended]

BARNEGAT, N.J.

"2,000 feet MSL" is deleted and "700 feet MSL beginning at Lat. 39°40'00" N., Long. 73°29'00" W.; to Lat. 39°40'00" N., Long. 72°50'00" W.; to Lat. 39°34'00" N., Long. 72°50'00" W.; thence along Lat. 39°34'00" N., to the northeast edge of Control 1147; southeast along the northeast edge of Control 1147 to Lat. 39°19'00" N.; thence to Lat. 38°33'00" N., Long. 73°08'00" W.; west along Lat. 38°33'00" N., to the northeast edge of Control 1148; thence northwest along the northeast edge of Control 1148 to Long. 73°50'00" W.; to Lat. 38°58'00" N., Long. 73°50'00" W.; to Lat. 38°58'00" N., Long. 73°13'00" W.; to Lat. 39°09'00" N., Long. 73°13'00" W.; to Lat. 39°09'00" N., Long. 73°29'00" W.; to point of beginning; and that airspace extending upward from 1,200 feet MSL" is substituted therefor.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

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 October 11, 1977.

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

[FR Doc.77-30465 Filed 10-19-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-AL-5]

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

Designation of Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates an additional control area identified as Gulf of Alaska, west of the Yakutat, Alaska, transition area. This amendment provides controlled airspace for chartered IFR routes between the shoreline and numerous offshore oil exploration sites and improves and expedites movement of IFR traffic.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-2330), 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:

HISTORY

On August 4, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate an additional control area identified as Gulf of Alaska, west of the Yakutat, Alaska, transition area (42 FR 39401). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received two responses to the NPRM in which the commenters posed no objections to the proposal. Section 71.163 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 348).

THE RULE

This amendment to Subpart E of Part 71 of the Federal Aviation Regulations (FARs) designates the Gulf of Alaska Control 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.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart E of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 348) is amended, effective 0901 Gmt, December 1, 1977, as follows:

§ 71.163 [Amended]

From Lat. 60°09'00" N , Long. 144°30'00" W., thence eastward 3 NM offshore and parallel to the shoreline to Lat. 59°43'30" N., Long. 140°00'00" W., thence eastward along the south boundary of V-440 to Long. 144°30'-00" W., to point of beginning, excluding that portion that lies within transition areas at Yakataga and Yakutat, Alaska. is added

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

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 October 11, 1977.

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

[FR Doc.77-30299 Filed 10-19-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-63]

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

Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action postpones the effective date of three minor airway alterations west of Hartford, Conn. Such action is necessary since the inauguration of proposed local flow traffic management procedures at New York City has been delayed.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

Section 71.123 of Part 71 describes VOR Federal Airways and was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307). VOR Federal Airways V-58, V-167, and V-433 ap-

peared respectively on pages 316, 325, and 338. Several airway alterations have been made to provide for local flow traffic management procedures which were to have been inaugurated at New York City on December 1, 1977. Among these were minor alterations to V-58, V-167, and V-433 which were processed in Airspace Docket No. 77-EA-63. Accordingly, an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the FEDERAL REGISTER on September 1, 1977 (42 FR 43970), with a corresponding effective date of December 1, 1977. The effective date for inauguration of local flow traffic management procedures at New York City has been delayed until January 26, 1978. Therefore, action is taken herein to postpone the effective date of Airspace Docket No. 77-EA-63 from December 1, 1977, to January 26, 1978.

DRAFTING INFORMATION

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

ADOPTION OF THE REVISED EFFECTIVE DATE

Accordingly, pursuant to the authority delegated to me by the Administrator, in FEDERAL REGISTER Document No. FR Doc. 77-25441, on page 42 FR 43970, third column, second paragraph, the effective date is changed from "0901 GMT, December 1, 1977" to "0901 GMT, January 26, 1978."

(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 October 12, 1977.

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

[FR Doc.77-30466 Filed 10-19-77;8:45 am]

[4910-13]

[Docket No. 17310; Amdt. No. 1095]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

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; and $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 9) 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 impractical. 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 aeronautical 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:

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

* * * Effective December 15, 1977:

Hallock, Minn.—Hallock Municipal, VOR/DME Rwy 31, Amdt. 2.

* * * Effective December 1, 1977:

Boston, Mass.—General Edward Lawrence Logan Int'l, VOR/DME, Rwy 22L, Amdt. 1, cancelled.
Belzoni, Miss.—Belzoni Muni., VOR/DME Rwy 21, Amdt. 1.
Drew, Miss.—Ruleville Drew, VOR-A, Amdt. 1.
Holly Springs, Miss.—Holly Springs Marshall Co., VOR Rwy 18, Amdt. 2.
Indianola, Miss.—Indianola Legion Field, VOR/DME-A, Amdt. 4.
Cape Girardeau, Mo.—Cape Girardeau Muni., VOR Rwy 2, Amdt. 6.

Dexter, Mo.—Dexter Muni., VOR/DME Rwy 36, Amdt. 1.
Kennett, Mo.—Kennett Memorial, VOR Rwy 35, Amdt. 1.
Malden, Mo.—Malden Muni., VOR Rwy 31R, Amdt. 5.
New Madrid, Mo.—County Memorial, VOR/DME–A, Amdt. 1.
Hobbs, N. Mex.—Lea County (Hobbs), VOR Rwy 3 (TAC), Amdt. 16.
Hobbs, N. Mex.—Lea County (Hobbs), VOR/DME Rwy 21 (TAC), Amdt. 3.
Camden, Tenn.—Benton County, VOR/DME Rwy 3, Amdt. 1.
Humboldt, Tenn.—Humboldt Municipal, VOR/DME–A, Amdt. 2.
Lexington, Tenn.—Franklin-Wilkins, VOR Rwy 33, Amdt. 8.
Savannah, Tenn.—Savannah-Hardin County, VOR/DMT Rwy 18, Amdt. 1.
Trenton, Tenn.—Gibson County, VOR/DME–A, Amdt. 3.
Union City, Tenn.—Everett-Stewart, VOR/DME–A, Amdt. 4.
Rock Springs, Wyo.—Rock Springs-Sweetwater County, VOR/DME Rwy 25, Amdt. 3.

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

* * * Effective December 1, 1977:

Tucson, Ariz.—Tucson International, LOC Rwy 11L, Amdt. 7, cancelled.
Tucson, Ariz—Tucson International, LOC (BC) Rwy 29R, Amdt. 6, cancelled.
Tucson, Ariz.—Tucson International, LOC/DME Rwy 11L, Original.
Tucson, Ariz.—Tucson Int'l, LOC/DME (BC) Rwy 29R, Original.
Hobbs, N. Mex.—Lea County (Hobbs), LOC/DME (BC) Rwy 21, Amdt. 1.
Appleton, Wis.—Outagamie County, LOC BC Rwy 21, Original.

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

* * * Effective December 15, 1977:

Benson, Minn.—Benson Municipal, NDB Rwy 14, Amdt. 1.

* * * Effective December 1, 1977:

Montgomery, Ala.—Dannelly Field, NDB Rwy 9, Amdt. 14.
Clarion, Iowa—Clarion Muni., NDB Rwy 14, Original.
Boston, Mass.—General Edward Lawrence Logan Int'l, NDB Rwy 4R, Amdt. 20.
Boston, Mass.—General Edward Lawrence Logan Int'l, NDB Rwy 22L, Amdt. 7.
Charleston, Mo.—Mississippi County Airport, NDB Rwy 36, Amdt. 1.
Dexter, Mo.—Dexter Muni., NDB Rwy 36, Amdt. 2.
Poplar Bluff, Mo.—Earl Fields Memorial, NDB Rwy 36, Amdt. 3.
Gothenburg, Nebr.—Gothenburg Muni., NDB Rwy 32, Original.
Paris, Tenn.—Henry County, NBD Rwy 1, Amdt. 6.
Paris, Tenn.—Henry County, NBD Rwy 19, Amdt. 5.
Union City, Tenn.—Everett-Stewart, NDB Rwy 18, Amdt. 5.
Union City, Tenn.—Everett-Stewart, NDB Rwy 36, Amdt. 3.

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

* * * *Effective December 1, 1977:*

Montgomery, Ala.—Dannelly Field, ILS Rwy 9, Amdt. 19.
Tucson, Ariz.—Tucson International, ILS Rwy 11L, Amdt. 6.
Fort Wayne, Ind.—Fort Wayne Municipal (Baer Field), ILS Rwy 4, Amdt. 3.
Boston, Mass.—General Edward Lawrence Logan Int'l, ILS Rwy 15R, Amdt. 2.
Cape Girardeau, Mo.—Cape Girardeau Muni, ILS Rwy 10, Amdt. 4.
Hobbs, N. Mex.—Lea County (Hobbs), ILS Rwy 3, Amdt. 1.

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

* * * *Effective December 1, 1977:*

Boston, Mass.—General Edward Lawrence Logan Int'l, RADAR–1, Amdt. 5, cancelled.

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective December 1, 1977:*

Montgomery, Ala.—Dannelly Field, RNAV Rwy 3, Amdt. 3.
Hobbs, N. Mex.—Lea County (Hobbs), RNAV Rwy 12, Amdt. 1.

(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 FSP 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.

Issued in Washington, D.C., on October 14, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.77-30654 Filed 10-19-77;8:45 am]

[3510–25]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

Revision of General Licenses, Ship Stores and Plane Stores

AGENCY: Office of Export Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The general license provision for ship stores and plane stores have been revised to permit the export of equipment and spare parts on board a vessel or aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Groups Q, W, and Y if export of the equipment and spare parts could be authorized under General License G–DEST.

EFFECTIVE DATE: October 26, 1977.

FOR FURTHER INFORMATION, CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–4196.

SUPPLEMENTARY INFORMATION: The Export Administration Regulations currently provide that equipment and spare parts necessary for the proper operation of a vessel or aircraft may be exported on board such vessel or aircraft provided such vessel or aircraft is not registered in, owned or controlled by, or under charter or lease to a country included in Country Group Q, W, Y, or Z (excluding Cuba in the case of aircraft), or a national thereof. The Regulations have been revised to permit exports in those cases where the equipment and spare parts are authorized for export to Q, W, or Y destinations under General License G–DEST.

Accordingly, Part 371 of the Export Administration Regulations (15 CFR Part 371) is amended by revising §§ 37.19 (a)(2) and 371.10(a)(2) as follows:

§ 371.9 General license ship stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a country in County Group Q, W, Y, or Z or a national of such country. Notwithstanding the above, equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group Q, W, or Y or a national of such country if the equipment or spare parts are authorized to be exported to a destination in Country Group Q, W, or Y under General License G–DEST.

§ 371.10 General license plane stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a country in Country Group Q, W, Y, or Z (excluding Cuba) or a national of such country. Notwithstanding the above, equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft registered in, owned or controlled by, or under charter or lease to a country in Country Group Q, W, or Y or a national of such country if the equipment or spare parts are authorized to be exported to a destination in Country Group Q, W, or Y under General License G–DEST.

(Sec. 4, Pub. L. 91–184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization order 10–3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organiza-

tion and Function Orders 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended and 46-2, dated November 17, 1975, 40 FR 59761 (1975), as amended.)

RAUER H. MEYER,
Director, Office of Export Administration.

OCTOBER 14, 1977.

[FR Doc.77-30523 Filed 10-19-77;8:45 am]

[3510-25]

EXPORT OF HORSES BY SEA

Validated Licensing Requirements

AGENCY: Office of Export Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule makes the export of horses by sea subject to validated licensing requirements and authorizes the issuance of such licenses where no horse in a consignment is being exported for purposes of slaughter. This rule is issued to implement a new provision of the Export Administration Act of 1969, as amended.

EFFECTIVE DATE: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. Telephone 202-377-4196.

SUPPLEMENTARY INFORMATION: Section 109 of the Export Administration Amendments of 1977 (Pub. L. 95-52) added a new section 4(k) to the Export Administration Act of 1969, as amended (the "Act"), providing as follows:

(k) (1) Notwithstanding any other provisions of this Act, no horse may be exported by sea from the United States, its territories, and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

This revision implements Section 109. As of the effective date of these regulations, a validated license will be required for the export of horses by sea. Except as permitted under the saving clause below, as of the effective date such exports may not be made under General License. Applications for validated licenses may not cover more than one consignment of horses, and validate licenses will be issued only if the Department of Commerce, in consultation with the Department of Agriculture determines that no horse in such consignment is being exported by sea for purposes of slaughter.

SAVING CLAUSE

Shipments of horses for export from the United States by sea for purposes other than slaughter which are on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export prior to 12:01 a.m., November 11, 1977, pursuant to actual orders for export, may be exported under the previous general license provisions up to and including November 25, 1977. Any such shipment not laden aboard the exporting carrier on or before November 18, 1977, will require a validated license for export from the United States. This savings clause does not apply to shipments of horses for purposes of slaughter.

Accordingly, the Export Administration Regulations (15 CFR Part 368 *et seq*) are amended as follows:

PART 371—GENERAL LICENSES

1. Section 371.4 is revised to read as follows:

§ 371.4 General license GIT, intransit shipments.

* * * * *

(b) *Shipments Excepted from the Provisions of General License GIT.* In addition to the prohibited shipments listed under § 371.2(c), the following may not be exported or reexported from the United States under General License GIT:

(1) Commodities shipped to the United States under the provisions of an International Import Certificate, Form DIB-645P or FC-826;

(2) Commodities disposed of by U.S. Government agencies under foreign excess property disposal programs; (3) Commodities destined for the Republic of South Africa or Namibia (South West Africa); and (4) Horses for export by sea.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

2. The following § 376.3 is added to Part 376:

§ 376.3 Horses for export by sea.

An application for a license to export horses by sea may not cover more than one consignment. In addition to the documentation required by Part 375 of this chapter, the application shall be accompanied by a statement from the applicant detailing the purpose or purposes for which the horses are being exported. The license will be granted only if the Department, in consultation with the Department of Agriculture, determines that no horse in that consignment is being exported for the purpose of slaughter.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

3. Section O of the Commodity Control List, incorporated by reference at 15 CFR § 399.1(a).

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. app. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated Nov. 17, 1975, 40 FR 56876 (1975), as amended; and Domestic and International Business Administration Organization and Function Orders 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended and 46-2, dated November 17, 1975, 40 FR 59761 (1975), as amended.)

RAUER H. MEYER,
Director, Office of Export Administration.

OCTOBER 14, 1977.

[FR Doc.77-30566 Filed 10-19-77;8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—FLAMMABLE FABRICS ACT REGULATIONS

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5-74)

Method for Establishment and Use of Alternate Laundering Procedures

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: In this document the Commission sets out procedures manufacturers must follow to apply for Commission approval of alternate laundering procedures for flammability testing, as provided in the Standards for the Flammability of Children's Sleepwear in Sizes 0-6X and 7-14. The document also describes the criteria the Commission will follow in evaluating applications. The Commission has had similar procedures in effect on an interim basis since August 19, 1974.

EFFECTIVE DATE: These rules are effective immediately on October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret Neily, Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6604.

SUPPLEMENTARY INFORMATION: Section 1615.4(g)(4)(ii) of the standard for children's sleepwear in sizes 0 through 6X (FF 3-71, 16 CFR Part 1615) and § 1616.5(c)(4)(ii) of the standard for children's sleepwear in sixes 7 through 14 (FF 5-74, 16 CFR Part 1616) require that all fabrics and certain garments subject to the standards be tested for flammability as produced (or after one washing and drying), and after the items have been washed and dried 50 times in prescribed household washing and drying machines, using the procedure spec-

ified in AATCC Test Method 124–1969.[1] This procedure is designed to simulate actual use of finished garments and to help evaluate the permanence of the flame retardant treatments that were applied during manufacture of fabrics and garments. The paragraphs in the standards also provide that, alternatively, items may be laundered a different number of times under another washing and drying procedure if the Commission finds that such an alternate laundering procedure is equivalent to the laundering procedure specified in the standards.

Three separate but related petitions with respect to the laundering provisions in the children's sleepwear standards were submitted to the Commission.

On October 25, 1973, "Ramcon, Inc.," research and management consultants, filed an application (FP 74–4) on behalf of itself, Cotton Incorporated (stated to be the research and marketing organization of American cotton growers), National Cotton Council, and "other organizations, manufacturers, and individuals," for approval of an alternate washing procedure, employing a newly invented machine called the Laundri-Lab Tester." Ramcon stated that the machine and its proposed washing procedure can simulate the effect of the laundering procedure of the standards, insofar as removal of fire retardant treatments is concerned, and accomplish this in a much shorter time period (approximately one hour) with much less water and energy expenditure than is possible under the 50 cycle AATCC procedure.

"M. Lowenstein & Sons, Inc.," filed an application (FP 74–10) on October 25, 1973, requesting that the number of launderings required for its Firegard (R) 100 percent polyester fabric be reduced to zero. It based this request on submitted test data indicating that the flammability of such fabric is unaffected by, or perhaps slightly reduced by, the 50 launderings prescribed in the standards.

"Man-Made Fiber Producers Association, Inc.," filed an application (FP 74–12) on December 20, 1973, requesting exemption of flame resistant acetate fabric from the prescribed production unit laundering procedure, also on the basis of submitted data indicating that the flammability of such fabric is unaffected by, or perhaps slightly reduced by the 50 prescribed launderings.

In response to these petitions, the Commission published a proposed method to be used for approval of alternate laundering procedures (39 FR 29951, August 19, 1974). The Commission solicited public comment and stated that the proposed method could be used on an interim basis pending final adoption. These interim approvals as well as subsequent revalidations shall continue in effect.

The regulations issued herein provide criteria for determining approval of alternate laundering procedures and constitute final disposition of the three petitions described above.

RESPONSE TO PROPOSAL OF AUGUST 19, 1974

In response to the proposal, comments were received from a manufacturer of soaps and detergents, a retailer, a consulting firm, an association of cotton producers, an association of fiber producers, an association of textile manufacturers, and an association of apparel manufacturers.

Five commenters express general approval of the proposal; however, all commenters request modification of one or more of the provisions of the proposed method for approval of alternate laundering procedures. The principal issues raised by the comments and the Commissions' response to those issues are as follows:

A. *Criteria for approval.* Section 3 of the proposed method (which is found at section (f) of the final procedures published below) requires that applications to the Commission for use of an alternate laundering procedure be accompanied by test data that compare results obtained by testing 20 specimens after laundering using the 50-cycle procedure specified in the standards with results obtained by testing 20 specimens after laundering using the alternate procedure set out in the application. This paragraph further requires that before the Commission will approve the laundering procedure, testing of the 20 specimens laundered with the alternate laundering procedure must yield as many or more char lengths in excess of five inches as testing of the 20 specimens laundered by the 50-cycle procedure specified in the standards.

For the purposes of this method, an alternate laundering procedure may consist of but would not be limited to accelerated laundering procedures, of less than the 50-cycle laundering procedures specified in the standards, or zero laundering. However, for zero launderings as for all other proposed alternate laundering procedures the equivalence of test results must be periodically reverified as required herein. (While acceptance by the Commission of zero launderings as an alternate laundering procedure is equivalent to an exemption from the laundering procedure during production testing, this factor in no way eases the other requirements for production testing set forth in the standards.)

1. *Showing of equivalence.* The manufacturer of soaps and detergents suggests that this paragraph should be changed to require that testing after use of the proposed alternate laundering must produce char lengths in excess of seven inches to assure the Commission that the alternate laundering procedure procedure is capable of accurately predicting quality control failures. (The test criteria of both standards include a requirement that the average char length of specimens shall not exceed seven inches).

The Commission declines to make the change requested because both standards provide that the Commission may approve the use of an alternate laundering procedure if that procedure is the "equivalent" of the 50-cycle procedure specified in the standards. The change requested in this comment would add an additional requirement for the alternate laundering procedure, which would make the alternate procedure more stringent than the 50-cycle method specified in the standards.

Fabric and garment production units tested after exposure to an approved alternate procedure must still provide an average char length of five specimens which does not exceed seven inches; therefore, the Commission does not believe the requested change is necessary.

2. *Other test criteria of the standards.* The association of textile manufacturers suggests that a statement should be added to section 3 (now section (f) below) to provide that the alternate laundering procedure must produce results which meet the test criteria for the applicable standard, in addition to producing as many char lengths in excess of five inches as the 50-cycle laundering procedure. The Commission believes it is unnecessary to add the suggested statement because it is clear that substituting an alternate laundering procedure does not relieve manufacturers from meeting all the other requirements in the standards. Therefore, the Commission has not made the suggested change.

3. *Char lengths.* The retailer notes that section 3 of the proposal requires that test results of an alternate laundering procedure must yield as many or more char lengths in excess of 5 inches as do test results of the 50-cycle laundering procedure and suggests that, instead, the average char lengths obtained from testing specimens laundered by the alternate laundering procedure should be compared with the average of char lengths obtained from testing specimens after laundering by the 50-cycle procedure specified in the standards to assure a sufficiently stringent basis for approval.

In developing the proposal, the Commission considered using a comparison of average char lengths for each of the 20 samples to determine acceptability or unacceptability of an alternate laundering procedure. However, the Commission decided that if it relies on a comparison of averages, it may not detect individual specimen char lengths approaching the maximum 10-inch char length permitted in the standards.

The test criteria in the standards (16 CFR 1615.3(b) and 16 CFR 1616.3(b)) establish limiting requirements for both average char lengths and the number of full specimen burns. Any criterion used to approve an alternate laundering procedure must demonstrate that the alter-

[1] Available in Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

nate procedure conditions the fabric in the same manner as the 50-cycle laundering procedure with respect to these two characteristics for the tested fabrics.

The Commission believes comparison of the count of the number of chars exceeding five inches in length for specimens laundered both ways is a simple and fair criterion to determine equivalency of the two laundering procedures. The criterion reveals both the average char lengths and the number of full length chars. If all specimen chars are less than five inches in length regardless of laundering method, then the alternate method is automatically accepted. For fabrics which may have a high probability of being marginally acceptable or unsafe after laundering according to the 50-cycle procedure, a mathematical analysis shows only a small risk that an alternate laundering procedure would accept these fabrics.

The Commission concludes that the criterion for approval of an alternate laundering procedure specified in the proposal of August 19, 1974, provides adequate safeguards that a CPSC-approved alternate laundering procedure would have no higher likelihood of accepting marginal or unacceptable items than does the 50-cycle laundering procedure. The criterion for approval of alternate laundering procedures in the proposal has the additional advantage of simplicity in computation and administration. Therefore no change has been made to the criteria for approval of alternate laundering procedures, which are found at section (f) of each of the procedures issued below.

4. *Guaranties.* The retailer points out that both of the children's sleepwear standards allow a sleepwear manufacturer to rely on a guaranty issued under section 8 of the Flammable Fabrics Act that the fabric used in the specific garments meets the acceptance criterion of the respective standards after laundering, and therefore all reference to the submission of comparative laundering test data on garments is unnecessary and should be removed from this proposal.

This comment appears to be based on the erroneous assumption that all sleepwear manufacturers receive guaranties from fabric manufacturers. There is no statutory requirement that fabric manufacturers provide a guaranty and, if they do not, the sleepwear manufacturer must test garments after laundering. In addition, sleepwear garment manufacturers must launder and test items that are produced from fabrics that were not intended or promoted for use in children's sleepwear.

For these reasons the Commission considers the procedures issued below to apply to both garment and fabric testing.

5. *Independent laboratory testing.* The proposal advised that the Commission would verify equivalency of any procedure by independent testing by or on behalf of the Commission. The consulting firm questioned whether independent laboratory tests of alternate laundering procedures performed on behalf of manufacturers would be acceptable to the Commission. The Commission has never excluded such an arrangement between a manufacturer and an independent testing laboratory. However, the manufacturer would have the ultimate responsibility for assuring that the requirements are met.

B. *30-day period to determine approval.* Section 4 of the proposal set a period of 30 days in which the Director of Compliance (now the Associate Executive Director for Compliance and Enforcement (AED, C&E)) would affirmatively reject, either orally or in writing, an application for a proposed alternative laundering procedure. If a rejection were not received within the prescribed time, the applicant would consider the proposal to be acceptable and begin applying it in production. Provision was also made for the AED, C&E to extend the consideration period at his or her discretion. The provisions for approval and use of alternate laundering procedures are found at sections (c) of the procedures issued below.

1. *Need for 30-day period.* The association of cotton producers and the consulting firm object to the 30-day waiting period set out in this section because they claim that the criteria for determining acceptability of the alternate laundering procedures are so well defined as to negate the need for prior Commission approval.

The Commission observes that the language of the standards requires that each alternate laundering procedure shall have "previously been found to be equivalent by the Consumer Product Safety Commission." This procedure permits persons to submit appropriate data and thereby expedites Commission review. The decision on equivalency, however, must be made on an individual basis. Every effort will be made to expedite the review process, even where further information may need to be submitted by an applicant. However, the Commission believes that the 30-day period for review is reasonable and necessary, and the AED, C&E may, of course, extend the review period as specified in section (c)(1).

2. *Written approval.* Section 4 of the proposal states that an applicant for an alternate laundering procedure may begin to use the procedure 30 days after the application is received by the AED, C&E unless oral or written notification to the contrary is received by the applicant.

The Commission notes that approvals to use alternate laundering procedures were made in writing during the interim period following publication of the proposal. Since approvals in writing assure the manufacturer an accurate record and since written approvals already made have not caused administrative inconvenience, sections (c)(1) below provide that applicants will now normally be sent written approvals to begin alternate laundering procedures within 30 days of receipt of the application by the AED, C&E but the AED, C&E may extend the time and may at his or her discretion, allow the applicant to use the alternate procedure pending his final action.

3. *Different fabrics.* The same association of cotton producers raises the question as to what constitutes a "particular fabric" as used in the opening sentence of section 4 of the proposal.

The Commission intends the term to apply to a fabric with a specific set of specifications and specific identity. In meeting those specifications, deviations resulting from normal operating tolerance will not be considered as different fabrics under this definition. On the other hand, if a change in fabric construction, i.e., from a woven fabric to a knit, was intentionally instituted by the manufacturer, the fabric in question would no longer be considered to be a "particular fabric" within the meaning of this section. To clarify this matter, sections (a)(3) have been added below.

C. *Three-month revalidation requirement.* Section 5 of the proposal (see sections (d) in the procedures issued below) specifies that all the testing described in section 3 (now sections (b) below) shall be repeated for fabrics or garments from current production at least once for every three-month period during which any such fabrics or garments are produced. It further requires that the original test data be submitted to the Commission and that the subsequent data be maintained and be available for Commission inspection.

1. *Need for revalidation requirement.* The consulting firm and the association of cotton producers oppose as unnecessary and burdensome the idea of having to confirm every three months that the alternate laundering procedure adopted continues to show correlation.

The Commission does not agree with this comment. The variability within the various finishing processes necessitates the revalidation of the alternate laundering procedures at periodic intervals to demonstrate that the alternate method is a valid substitute for the 50-cycle laundering specified in the standards, and that the comparison of test results remains consistent. Therefore, the Commission declines to remove the three-month revalidation requirement. However, a modification has been made in the revalidation requirement. See paragraph, 2 following.

2. *Number of revalidations.* The consulting firm and the association of textile manufacturers propose a limitation on the reconfirmation requirement. The former proposes that the requirement should be reduced to a reconfirmation every twelve months after three successful efforts. The latter asks that the reconfirmation test be made at no less than six-month intervals.

The Commission has reconsidered that part of section 5 of the proposal requiring reconfirmation of an alternate laundering procedure every three months for the duration of the production of the fabric or garments in question. It is the decision of the Commission that after four successive consistently acceptable correlations between the alternate laun-

dering procedure and the 50-cycle laundering procedure of the standard performed at the prescribed three-month intervals, a sufficient showing will have been made to demonstrate that the alternate laundering procedure is an acceptable substitute for the 50-cycle laundering procedure and no further revalidation will be required. The four successive tests as described above may begin at any time after initial approval has been granted. The appropriate language is being added to sections (d) of the procedures issued below to reflect this change.

3. *Revalidation test failures.* The association of fiber producers, the association of textile manufacturers and the association of apparel manufacturers objected to sections 5 and 6 of the proposal which require that if any items do not meet the criteria in revalidation testing, the use of the alternate laundering procedure must be stopped immediately. They state the procedure does not take into account the occurrence of an occasional "anomalous" test result before automatically rejecting the correlation between the alternate procedure and the 50-cycle procedure. They suggest that an expanded revalidation procedure be permitted to confirm or refute the test failure prior to that invalidation.

The Commission recognizes the possibility that an occasional abberational result may occur in making the required correlations and agrees that it would be unfair to automatically reject an alternate laundering procedure on this basis. Therefore, the Commission will give an applicant a "second chance" to achieve the necessary validation in such situations. In order to do this, the Commission is adding additional criteria that must be met in order to revalidate in the event of the occurence of the above discussed situation. This additional language encompassing a double sampling plan is found at the end of sections (e) (2) of the procedures below.

D. *Reapplication requirement.* Section 7 of the proposal specifies that the use of an alternate laundering procedure for a particular fabric or garment which has been discontinued because of its failure to meet the criteria of section 3 shall not be resumed without making a written reapplication to the Commission requesting such resumption. The application should give facts or reasons to show that the alternate procedure is reliable, notwithstanding the previous failure of the procedure to meet the criteria of section 3.

1. *Need for reapplication.* The association of cotton producers and the consulting firm object to the requirement that after an alternate laundering procedure has been discontinued because of its failure to meet the requisite criteria of section 3, an applicant is required to reapply before renewing use of that method.

As discussed earlier in this notice, these same two commenters questioned the need for soliciting prior Commission approval before initially instituting an alternate laundering procedure. The Commission stated it believes that prior approval, in addition to being required by the standards, provides better control over the use of alternate laundering procedures that may be questionable or of a borderline nature. Possible problems involving revalidation tests illustrate the importance of prior approval to assure that any proposed alternate laundering procedure is proven acceptable by experience.

For this reason the Commission retains the reapplication requirements of section 7 of its proposal in section (e) (2) below.

2. *Purpose of reapplication.* The association of fiber producers and the association of apparel producers suggest that in order to clarify section 7, the phrase "* * * to give equivalent results as defined in paragraph 3," be added to the final sentence of section 7.

The Commission agrees that the last sentence of section 7 is in need of clarification in order to avoid any confusion as to the meaning of the word "failure" as used therein. Accordingly, the Commission is clarifying sections (e) (2) as issued below.

E. *Retention of 50-cycle procedure for compliance testing.* Section 8 of the proposal states that for the purpose of determining compliance with the standards, the Commission will rely on testing using the 50-cycle laundering procedure prescribed therein.

The consulting firm, while accepting the Commission's decision to rely on the 50-cycle procedure in determining compliance, reiterated an earlier position taken by them to the effect that the 50-cycle laundering procedure is awkward and purely arbitrary, having no demonstrable relationship to home laundering and drying.

In responding to this comment it will be helpful to give a brief background on how the 50-cycle laundering procedure became part of the Standards for Flammability of Children's Sleepwear.

When the standards were being developed, the 50-cycle procedure using AATCC Method 124–1969 was selected as the method for evaluating the durability of flame-retardant treatments because it (1) most nearly duplicated actual conditions by utilizing a conventional washer and dryer such as may be found in an average home, and (2) involved a standard acceptable test method for evaluating the overall durability of any flame retardant system. Further, the AATCC method was an existing voluntary standand which could readily be adopted by reference.

The Commission is unaware of data on any other procedure now in existence that shows the same acceptability for measuring the durability of flame-retardant system as does AATCC Method 124–1969 and is therefore satisfied that it should be retained.

F. *Different colors or print patterns.* Section 9 of the proposal states that alternate laundering procedures shall not be used for determining whether different colors or print patterns of the same fabric may be included in a single fabric or garment production unit.

The association of cotton producers objects to this limitation and suggests that retesting of a fabric should not be required when the only change from a previously tested fabric is the print pattern of the same color composition.

It is the Commission's opinion that altering the color and/or print pattern of a fabric or garment may have an effect on its flammability by increasing or decreasing one of the factors which may be responsible for flame spread. No evidence has been offered by this or any other commenter to refute this opinion. Therefore, it is the Commission's decision that section 9 be retained as proposed with the exception of an editorial deletion. The words "prototype testing or" were mistakenly included in section 9. The standards do not require laundering of prototypes, and inclusion of such a requirement in any alternate laundering procedure is inappropriate. Therefore, these words are being excluded from sections (a) (3) as issued below.

G. *Recordkeeping provision.* Section 10 of the proposal requires that records of all applications for alternate laundering procedures filed with the Commission and of all correlation tests be maintained by the applicant for the duration of the usage of those procedures and for three years thereafter.

In response to this proposal comments were received from the association of textile manufacturers, the association of fiber producers and the association of apparel manufacturers claiming that the requirement would become quite cumbersome for units produced over a span of years. They therefore proposed that only the records supporting the original application and the original correlation data be maintained for the period specified in section 10 and that the records of the interim verification data be maintained only for three years.

As discussed earlier in this notice and reflected below in sections (d), the Commission is limiting the correlation requirement to four consistently acceptable correlations done at three month intervals following initial approval of the alternate laundering procedure. It is the Commission's belief that this change will substantially lessen the recordkeeping requirements described below in sections (h).

H. *Effective date.* Because these rules are procedural, the delayed effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553(d) do not apply, and these rules become effective on October 20, 1977. However, even if these provisions of the Administrative Procedure Act were considered to apply, the Commission finds for good cause that these rules should be effective upon publication. The Commission makes this finding because, in essence, the rules have been in effect since the proposal was published on an interim basis on August 19, 1974 (39 FR 29951). Also, it would be of assistance to persons subject to the rules, to have the regulations effective as soon as possible, so that they can proceed to comply with the requirements.

Any approval of an alternative laundering procedure that was granted under the interim procedures published at 39 FR 29951, as well as subsequent revalidations, will continue in effect under these rules.

CONCLUSION AND ADOPTION OF METHOD FOR ESTABLISHMENT AND USE OF ALTERNATE LAUNDERING PROCEDURES

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–13, amended 81 Stat. 571; 15 U.S.C. 1194), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission adopts the following method for establishing alternate laundering procedures under the Standards for the Flammability of Children's Sleepwear, FF 3–71 and FF 5–74. Accordingly, Title 16, Code of Federal Regulations, Chapter II, Subchapter B is amended as follows:

1. By adding a new § 1615.32 to read as follows:

§ 1615.32 Method for establishment and use of alternate laundering procedures under section 4(g)(4)(ii) of the standard.

(a) *Scope.* (1) Section 4(g)(4)(ii) of the Standard for the Flammability of Children's Sleepwear in sizes 0–6X (16 CFR 1615.4(g)(4)(ii)) requires that all fabrics and certain garments subject to the standard be tested for flammability as produced (or after one washing and drying) and after the items have been washed and dried 50 times in prescribed household washing and drying machines, using the procedure specified in AATCC Test Method 124–1969.[3] This section also provides that items may be laundered a different number of times under another washing and drying procedure if the Commission finds that such an alternate laundering procedure is equivalent to the procedure specified in the standard.

(2) This rule provides the procedures to be followed by persons seeking Commission approval for alternate laundering procedures. It also provides the criteria the Commission will use in evaluating the applications.

(3) The alternate laundering procedures provided for in this section apply only to procedures under section 4(g)(4)(ii) of the standard and shall not be used for determining whether different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit.

(4) As used in this section, fabric means fabric or related material promoted or intended for use in children's sleepwear made to identical specifications and containing the same identity while in production.

(b) *Application procedure.* (1) Applicants seeking approval for use of an alternate laundering procedure under section 4(g)(4)(ii) of the standard must submit the following information in writing to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207:

(i) A detailed description of the proposed alternate laundering procedure, and a 6 in. by 6 in. swatch of the fabric or garment for which the procedure is proposed.

(ii) Upon request of the Commission staff, any other information concerning the procedure and/or any machine used in connection with it.

(iii) With regard to each fabric or garment for which an alternate laundering procedure is sought, test data comparing twenty test specimens washed and dried by the proposed alternate laundering procedure and twenty specimens tested in accordance with the 50-wash and dry cycle procedure required in section 4(g)(4)(ii) of the standard. (For purposes of applications, similar fabrics or garments of different finishes shall be considered as different fabrics or garments and therefore separate test results must be submitted). Each group of twenty specimens upon which these data are based must be cut for testing, half in the machine direction and half in the cross machine direction. Where the applicant manufactures the fabric or garments in more than one plant, the data described in this paragraph must be submitted separately for the fabric or garments of each plant for which the proposed alternate laundering procedure is intended to be used. Subsequent applications for use of the same procedure for additional fabrics and garments may incorporate portions of the original application by reference, as appropriate.

(2) Applications shall be certified by the chief executive officer of the applicant or the official to whom the duty to certify has been delegated in writing. The Commission's Associate Executive Director for Compliance and Enforcement (AED, C&E) must be notified and in writing of any such delegation.

(c) *Use of alternate laundering procedure.* (1) The applicant may begin to use the alternate laundering procedure 30 days after the application is received by the AED, C&E unless notified to the contrary. The AED, C&E will normally furnish an applicant with written notice of approval within 30 days. The applicant may be notified that a longer time is needed for evaluation of the application and, in the discretion of the AED, C&E may be authorized to use the alternate laundering procedure pending the final decision. The notice of approval shall be kept by the applicant with other written records required to be maintained in connection with the use of an alternate laundering procedure. So that applicants may ascertain that the application has been received and when the 30-day period has elapsed, it is suggested that applications be sent by certified mail, return receipt requested.

(2) As provided in detail in paragraph (e) of this section, applicants must immediately discontinue use of an alternate procedure and must immediately notify the AED, C&E if there are test failures during revalidation testing.

(d) *Revalidation testing.* (1) In order to assure a continued satisfactory correlation between the alternate laundering procedure and the laundering procedure of the standard, applicants shall perform all the testing described in paragraph (b)(1)(iii) of this section for fabrics or garments from current production at least once for every three-month period during which any of the fabric or garments are produced.

(2) If following initial approval, four successive comparisons of the alternate and the 50-cycle methods as described in paragraph (d)(1) of this section, consistently show acceptable results under the criteria specified by paragraph (f) of this section, the Commission will deem such comparisons to be sufficient demonstration of the equivalence of the alternate laundering procedure with the 50 launderings required in the standard and further revalidation testing will not be required.

(3) Records of revalidation testing need not be submitted to the AED, C&E. However such records must be maintained in accordance with paragraph (h) of this section.

(e) *Revalidation testing failures.* (1) If revalidation testing for any fabric or garment does not meet the criteria of paragraph (f) of this section, the applicant must immediately discontinue use of the alternate laundering procedure for that fabric or garment and must immediately notify the AED, C&E in writing of the failure to meet the criteria. Also, the testing from the production unit from which the non-correlating samples were taken and the testing from subsequent production units (if any) must be repeated immediately using the laundering procedure prescribed in the standard. These repeat tests shall then be the tests applicable to such production unit(s) and the tests previously performed on the production unit(s) shall be considered invalid.

(2) When use of an alternate laundering procedure for a particular fabric or garment has been discontinued because of a failure to meet the criteria of paragraph (f) of this section, the alternate laundering procedure shall not be used again unless a new application for approval is submitted to the AED, C&E and he or she approves the application in writing. In addition to the other information required for applications, the additional application should give facts or reasons showing why the applicant believes the procedure should be considered reliable with the fabric or garments involved, in view of previous failure.

(f) *Commission criteria for evaluating applications.* (1) The AED, C&E will approve the alternate laundering procedure as equivalent to the laundering procedure specified in section 4(g)(4)(ii) of the standard if testing from the 20 specimens laundered by the proposed alternate pro-

[3] American Association of Textile Chemists and Colorists. Technical Manual. Vol. 46, 1970.

cedure yields as many or more char lengths in excess of five inches as does testing from the twenty specimens laundered by the 50-laundering cycle method prescribed in the standard.

(2) If the alternate laundering procedure yields fewer char lengths in excess of five inches than does the 50-wash and dry cycle, then the AED, C&E will not consider the alternate procedure equivalent, with the following exception: If the number of five-inch chars for the alternate procedure is within one of the number of five-inch chars obtained for the 50-cycle procedure, the applicant may repeat the original test with new specimens and if the combined results of both tests show the count of chars exceeding five inches for the alternate is equal to, or greater than, the count for the 50-wash cycle procedure, the AED, C&E will approve the alternate laundering procedure.

(g) *Commission testing for compliance.* (1) For the purpose of determining compliance with the standard, the Commission will rely on testing employing the laundering procedure now prescribed in section 4(g)(4)(ii) of the standard.

(2) The Commission may verify equivalency of any procedure submitted by independent testing and evaluation, by or on behalf of the Commission.

(h) *Recordkeeping.* The applicant must maintain a record of all applications filed with the Commission and of all equivalency tests for as long as the procedures to which they relate are in use and for three years thereafter.

2. By adding a new § 1616.32 to read as follows:

§ 1616.32 Method for establishment and use of alternate laundering procedures under section 5(c)(4)(ii) of the standard.

(a) *Scope.* (1) Section 5(c)(4)(ii) of the Standard for the Flammability of Children's Sleepwear in sizes 7–14 (16 CFR 1616.5(c)(4)(ii)) requires that all fabrics and certain garments subject to the standard be tested for flammability as produced (or after one washing and drying) and after the items have been washed and dried 50 times in prescribed household washing and drying machines, using the procedure specified in AATCC Test Method 124–1969.[3] This section also provides that items may be laundered a different number of times under another washing and drying procedure if the Commission finds that such an alternate laundering procedure is equivalent to the procedure specified in the standard.

(2) This rule provides the procedures to be followed by persons seeking Commission approval for alternate laundering procedures. It also provides the criteria the Commission will use in evaluating the applications.

(3) The alternate laundering procedures provided for in this section apply only to procedures under section 5(c)(4)(ii) of the standard and shall not be used for determining whether different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit.

(4) As used in this section, fabric means fabric or related material promoted or intended for use in children's sleepwear made to identical specifications and containing the same identity while in production.

(b) *Application procedure.* (1) Applicants seeking approval for use of an alternate laundering procedure under section 5(c)(4)(ii) of the standard must submit the following information in writing to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207:

(i) A detailed description of the proposed alternate laundering procedure, and a 6 in. by 6 in. swatch of the fabric or garment for which the procedure is proposed,

(ii) Upon request of the Commission staff, any other information concerning the procedure and/or any machine used in connection with it,

(iii) With regard to each fabric or garment for which an alternate laundering procedure is sought, test data comparing twenty test specimens washed and dried by the proposed alternate laundering procedure and twenty specimens tested in accordance with the 50-wash and dry cycle procedure required in section 5(c)(4)(ii) of the standard. (For purposes of applications, similar fabrics or garments of different finishes shall be considered as different fabrics or garments and therefore separate test results must be submitted). Each group of twenty specimens upon which these data are based must be cut for testing, half in the machine direction and half in the cross machine direction. Where the applicant manufactures the fabric or garments in more than one plant, the data described in this paragraph must be submitted separately for the fabric or garments of each plant for which the proposed alternate laundering procedure is intended to be used. Subsequent applications for use of the same procedure for additional fabrics and garments may incorporate portions of the original application by reference, as appropriate.

(2) Applications shall be certified by the chief executive officer of the applicant or the official to whom the duty to certify has been delegated in writing. The Commission's Associate Executive Director for Compliance and Enforcement (AED, C&E) must be notified in writing of any such delegation.

(c) *Use of alternate laundering procedure.* (1) The applicant may begin to use the alternate laundering procedure 30 days after the application is received by the AED, C&E unless notified to the contrary. The AED, C&E will normally furnish applicant with written notice of approval within 30 days. The applicant may be notified that a longer time is needed for evaluation of the application and may be authorized to use the alternate laundering procedure pending the final decision. The notice of approval shall be kept by the applicant with other written records required to be maintained in connection with the use of an alternate laundering procedure. So that the applicants may ascertain that the application has been received when the 30-day period has elapsed, it is suggested that applications be sent by certified mail, return receipt requested.

(2) As provided in detail in paragraph (e) of this section, applicants must immediately discontinue use of an alternate procedure and must immediately notify the AED, C&E if there are test failures during revalidation testing.

(d) *Revalidation testing.* (1) In order to assure a continued satisfactory correlation between the alternate laundering procedure and the laundering procedure of the standard, applicants shall perform all the testing described in paragraph (b)(1)(iii) of this section for fabrics or garments from current production at least once for every three-month period during which any of the fabric or garments are produced.

(2) If following initial approval, four successive comparisons of the alternate and the 50-cycle methods as described in paragraph (d)(1) of this section consistently show acceptable results under the criteria specified by paragraph (f) of this section, the Commission will deem such comparisons to be sufficient demonstration of the equivalence of the alternate laundering procedure with the 50 launderings required in the standard and further revalidation testing will not be required.

(3) Records of revalidation testing need not be submitted to the AED, C&E. However such records must be maintained in accordance with paragraph (h) of this section.

(e) *Revalidation testing failures.* (1) If revalidation testing for any fabric or garment does not meet the criteria of paragraph (f) of this section, the applicant must immediately discontinue use of the alternate laundering procedure for that fabric or garment and must immediately notify the AED, C&E in writing of the failure to meet the criteria. Also, the testing from the production unit from which the non-correlating samples were taken and the testing from subsequent production units (if any) must be repeated immediately using the laundering procedure prescribed in the standard. These repeat tests shall then be the tests applicable to such production unit(s) and those tests previously performed on the production unit(s) shall be considered invalid.

(2) When use of an alternate laundering procedure for a particular fabric or garment has been discontinued because of a failure to meet the criteria of paragraph (f) of this section, the alternate laundering procedure shall not be used again unless a new application for approval is submitted to the AED, C&E and he approves the application in writing. In addition to the other information required for applications, the additional application should give facts or reasons showing why the applicant believes the

[3] American Association of Textile Chemists and Colorists, Technical Manual/Vol. 46, 1970.

procedure should be considered reliable with the fabric or garments involved, in view of the previous failure.

(f) *Commission criteria for evaluating applications.* (1) The AED, C&E will approve the alternate laundering procedure as equivalent to the laundering procedure specified in section 5(c)(4)(ii) of the standard if testing from the 20 specimens laundered by the proposed alternate procedure yields as many or more char lengths in excess of five inches as testing from the twenty specimens laundered by the 50-laundering cycle method prescribed in the standard.

(2) If the alternate laundering procedure yields fewer char lengths in excess of five inches than does the 50-wash and dry cycle, then the AED, C&F will not consider the alternate procedure equivalent, with the following exception: If the number of five-inch chars for the alternate procedure is within one of the number of five-inch chars obtained for the 50-cycle procedure, the applicant may repeat the original test with new specimens and if the combined results of both tests show the count of chars exceeding five inches for the alternate is equal to, or greater than, the count for the 50-wash cycle procedure, the AED, C&E will approve the alternate laundering procedure.

(g) *Commission testing for compliance.* (1) For the purpose of determining compliance with the standard, the Commission will rely on testing employing the laundering procedure now prescribed in section 5(c)(4)(iii) of the standard.

(2) The Commission may verify equivalency of any procedure submitted by independent testing and evaluation, by or on behalf of the Commission.

(h) *Recordkeeping.* The applicant must maintain a record of all applications filed with the Commission and of all equivalency tests for as long as the procedures to which they relate are in use and for three years thereafter.

(Sec. 5, 67 Stat. 112–13, as amended 81 Stat. 571; (15 U.S.C. 1194).)

Dated: October 14, 1977.

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

[FR Doc.77-30597 Filed 10-19-77;8:45 am]

[4210-01]

Title 24—Housing and Urban Development

[Docket No. R-77-468]

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEBENTURE INTEREST RATES

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for those loans or mortgages issued under the Act's section 221(g)(4) provision, committed or endorsed on or after July 1, 1977. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to raise interest rates for appropriate mortgages.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda Brothers, Procedures Branch, Office of Finance and Accounting, Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202–755–5300.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has determined in accordance with the provisions of section 224 of the National Housing Act, as amended, that the interest rate for the month of May 1977 is 7¼% and has approved the establishment of debenture interest rates at 7¼% to be effective as of July 1, 1977.

The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

NOTE.—It is hereby certified that the economic and inflationary effects of these amended regulations have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher.

The following interest rates are effective for the dates listed:

	On or after		Prior to	
Effective rate (percent):				
6⅛	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7⅛	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977	July	1, 1977
7¼	July	1, 1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after		Prior to	
Effective rate (percent):				
6⅛	Jan.	1, 1971	July	1, 1971
5½	July	1, 1971	Jan.	1, 1972
5⅝	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7⅛	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅝	Jan.	1, 1977	July	1, 1977
7¼	July	1, 1977		

(Sec. 211, 52 Stat. 23; U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.59 paragraph (e)(6) is amended to read as follows:

§207.259 Insurance benefits.

* * * * *

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after		Prior to	
Effective rate (percent):				
6⅛	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5¾	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7⅛	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅞	Jan.	1, 1977	July	1, 1977
7¼	July	1, 1977		

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713.)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

	On or after		Prior to	
Effective rate (percent):				
6⅛	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5¾	Jan.	1, 1972	July	1, 1972
5½	July	1, 1972	Jan.	1, 1973
5¼	Jan.	1, 1973	July	1, 1973
6	July	1, 1973	Jan.	1, 1974
6¼	Jan.	1, 1974	July	1, 1974
6⅜	July	1, 1974	July	1, 1975
7	July	1, 1975	Jan.	1, 1976
7⅛	Jan.	1, 1976	July	1, 1976
7	July	1, 1976	Jan.	1, 1977
6⅞	Jan.	1, 1977	July	1, 1977
7¼	July	1, 1977		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.)

Issued at Washington, D.C., October 3, 1977.

MORTON BARUCH,
Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc.77-30445 Filed 10-19-77;8:45 am]

[4310-10]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

AGENCY: Office of the Secretary, Interior.

ACTION: Final regulations.

SUMMARY: 41 CFR 114-38.55 published in the FEDERAL REGISTER on August 31, 1976 (41 FR 36654) established Departmental guidelines and procedures for the acquisition, management, and safe operation of watercraft. Several changes have since been suggested, and this revision reflects the changes that have been incorporated in the regulations.

DATE: This revision is effective immediately.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone 202-343-3185.

SUPPLEMENTARY INFORMATION: Because this revision relates only to internal Departmental procedures, the proposed rulemaking procedures are inapplicable. The primary author of this document is Charles H. Young, Property Management Officer, Office of Administrative and Management Policy, telephone number 202-343-3185.

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 No. A-107.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 11, 1977.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

Subpart 114-38.55—Watercraft

Sec.

114-38.5500 Scope of subpart.
114-38.5501 Definition.
114-38.5502 Basic policy.
114-38.5503 Official use.
114-38.5504 Responsibility.
114-38.5505 Requirements for new watercraft.
114-38.5506 Modification of other watercraft.
114-38.5507 Identification requirements.
114-38.5508 Training.
114-38.5509 Associated equipment requirements.
114-38.5510 Fire controls.
114-38.5511 Inspection requirements.
114-38.5512 Operating requirements.

Subpart 114-38.55—Watercraft

§ 114-38.5500 Scope of subpart.

This subpart provides policies and guidelines pertaining to the acquisition, management, and safe operation of watercraft.

§ 114-38.5501 Definition.

"Watercraft" means boats and ships collectively, including airboats, sailboats, and every description of watercraft except seaplanes, which are:

(a) Used, or capable of being used, as a means of transportation on water, and

(b) Propelled by machinery whether or not such machinery is the principle source of propulsion.

§ 114-38.5502 Basic policy.

It is Departmental policy that the acquisition and operation of watercraft shall, as a minimum, be in compliance with U.S. Coast Guard Boating Safety Regulations and Standards (33 CFR Subchapter S and 46 CFR Part 25). Some of these are included or referenced herein for the purpose of ensuring that personnel responsible for watercraft are aware of these requirements. In the event of any conflict, the more stringent requirement shall apply.

§ 114-38.5503 Official use.

No officer or employee of the Federal Government shall use, or authorize the use of, any Government-owned or leased watercraft for other than official purposes as defined in 114-38.50.

§ 114-38.5504 Responsibility.

The head of each bureau and office having watercraft is responsible for establishing:

(a) Operating programs and procedures to ensure compliance with this subpart;

(b) Requirements for records and reports needed for management purposes.

§ 114-38.5505 Requirements for new watercraft.

When the purchase of new watercraft is contemplated, the head of the bureau or office shall establish procedures that will ensure compliance with the following requirements:

(a) Custom-built watercraft in excess of 35 feet long: Specifications must be reviewed by a qualified marine architect.

(b) Watercraft 26 feet or more in length: Prior compliance with the provisions of Office of Management and Budget Circular No. A-76.

(c) Watercraft of less than 20 feet in length: Must meet U.S. Coast Guard flotation standards published in 33 CFR 183 (42 FR 20242) which shall be mandatory on manufacturers as of August 1, 1978. (must have sufficient buoyancy to float in an approximately level attitude when swamped, thus providing a platform from which the occupant(s) can be rescued).

(d) Any new watercraft: Must meet or exceed U.S. Coast Guard Boating Safety Regulations for comparable watercraft. (Watercraft subject to U.S. Coast Guard standards will have a manufacturer's certification label.)

(e) Engine horsepower rating: Not to be in excess of that recommended by the hull manufacturer and shown on the capacity marking label.

(f) Environmental regulations concerning the discharge of waste materials into navigable waters: Among other things, these regulations prohibit the use of marine toilets with overboard discharge.

§ 114-38.5506 Modification of other watercraft.

All existing watercraft shall be modified to meet the requirements for new watercraft except in those instances where such modification is neither practicable nor economically feasible.

§ 114–38.5507 Identification requirements.

(a) Bureau or office identification shall be conspicuously displayed on all watercraft except those used in connection with law enforcement undercover work.

(b) Registered watercraft shall have the registration number displayed on each side of the bow in accordance with U.S. Coast Guard Boating Safety Regulations.

(c) All watercraft shall be marked to indicate the maximum horsepower allowed for propulsion, the maximum permissible number of occupants, and any other standards for safe loading that may be required to ensure safe operation.

(d) Emergency flotation information shall be prominently displayed on each watercraft when it is determined that such information will serve a useful purpose.

§ 114–38.5508 Training.

(a) The head of each bureau and office having watercraft shall require that all employees who operate or work in watercraft receive sufficient first aid instruction to ensure the availability of artificial respiration in an emergency. Permanent employees shall be required to take the Standard Red Cross First Aid Course or its equivalent.

(b) All employees who operate watercraft shall be required to participate, as appropriate, in one or more of the following courses:

(1) U.S. Coast Guard Auxiliary courses in boating safety and seamanship.

(2) United States Power Squadrons (USPS) Boating Course.

(3) Water safety courses offered by local chapters of the American National Red Cross.

(4) State boating safety education programs as available.

(5) The "Skipper's Course," a programmed learning text. ($1.50 by mail. Order from the Government Printing Office, P.O. Box 1821, Washington, D.C. 20013, or from the Consumer Product Information Center, Pueblo, CO 81009.)

(6) Other bureau-approved courses in boating safety and seamanship.

(c) Employees classified as boat operators should be required to take the necessary courses and obtain appropriate U.S.C.G. licenses.

§ 114–38.5509 Associated equipment requirements.

(a) *Personal flotation devices.* (1) Each watercraft shall have aboard and readily available for the operator and each occupant a serviceable Personal Flotation Device (PFD) of suitable size and at least equivalent to Performance Type I, II, or III Personal Flotation Device as specified in U.S. Coast Guard Boating Safety Regulations (33 CFR 175) (i.e., designed to keep a person afloat in a vertical or slightly backward position and having at least 15.5 pounds of buoyancy).

(2) The operator and occupant(s) of any watercraft less than 26 feet in length shall wear the above PFD when water or weather conditions are such that there is a possibility of an accident or of a person being thrown over the side.

(3) Each watercraft 16 feet or more in length shall also be equipped with at least one Type IV (throwable) Personal Flotation Device.

(b) *Distress signaling devices.* Each watercraft shall have aboard distress signaling devices effective for all weather conditions and in compliance with any regulations issued by the U.S. Coast Guard for that type watercraft.

(c) *Bailing devices and bilge pumps.* All watercraft shall carry suitable and readily available bailing devices, and watercraft of 26 feet or more in length should be equipped with bilge pumps.

(d) *Running lights.* Each watercraft operated during hours of darkness shall display lights meeting U.S. Coast Guard requirements for "Lights required on boats underway between sunset and sunrise." For watercraft operated on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road, these requirements are in 46 CFR 27.05. For watercraft operated in international waters, these requirements are in the 1972 Collision Regulations, 33 CFR Subchapter DD (42 FR 17111).

(e) *Radio.* All watercraft operated on open waters should have ship to shore radio communications capability. For carriage and authorization of such radio equipment, refer to Part 313 of the Departmental Manual and the related Radio Communications Handbook.

(f) *Navigational aids.* Any watercraft operated outside the sight of land shall be equipped with navigational aids suitable to the mission.

(g) *Dead-man's switch.* Watercraft frequently used for solo operation should, wherever possible, be equipped with a device, switch, or line which would reduce the engine speed to an idle if the operator should lose control.

(h) *Anchor and anchor line.* In all waters where anchoring is reasonably possible, all watercraft (except those capable of being safely beached) shall be equipped with an anchor and line adequate to securely anchor the watercraft.

(i) *First aid kits.* Each watercraft shall carry a readily identifiable and accessible first aid kit containing at least the same items listed by the U.S. Coast Guard in 46 CFR 16.041–4.

(j) *Compliance checklist.* When appropriate to ensure compliance with State and local regulations, each watercraft should have a compliance checklist for each State in which that watercraft shall be operated. Any such checklist should be coordinated with, or developed by, safety personnel and shall include all required accessories and equipment such as anchor lights, running lights, and sound warning devices.

§ 114–38.5510 Fire controls.

(a) Every inboard gasoline engine in a watercraft shall be equipped with a means of backfire flame control acceptable to the U.S. Coast Guard on the basis of 46 CFR 25.35.

(b) Each gasoline powered inboard and inboard/outdrive watercraft shall have ventilation systems meeting U.S. Coast Guard regulations (46 CFR 25).

(c) Each watercraft shall carry, as a minimum, the number and type of fire extinguishers required by U.S. Coast Guard regulations (46 CFR 25) for that particular type and size of craft, and such fire extinguishers shall be maintained and serviced in accordance with the procedures set forth in Occupational Safety and Health Administration Standard 29 CFR 1910.157.

§ 114–38.5511 Inspection requirements.

(a) Each watercraft shall be thoroughly inspected at least once annually to determine that the watercraft is seaworthy and being maintained in a safe operating condition. Inspections shall be more frequent in those situations where unusual conditions such as heat, humidity, or ice may have an effect on the hull or engine. Each inspection shall be made by qualified personnel, and U.S. Coast Guard inspection services shall be utilized to the extent they are available.

(b) Each inspection shall include an examination of Personal Flotation Devices to ensure they are being properly treated and maintained in a serviceable condition.

(c) All deficiencies affecting seaworthiness or safety shall be corrected before the watercraft is returned to service.

§ 114–38.5512 Operating requirements.

(a) Watercraft shall be operated at all times with safety as a primary requirement, and the employee in charge of any watercraft is responsible for:

(1) Operation of the watercraft in a safe manner with due regard to the safety of its crew, passengers, and cargo;

(2) Compliance with applicable laws and regulations, including those relating to use for official purposes only;

(3) Reporting all accidents and incidents involving watercraft on Form DI–134, Report of Accident/Incident, and using Coast Guard Form CG–3865, Boating Accident Report, to report any accident which results in the loss of life, injury causing incapacitation in excess of 72 hours, or property damage in excess of $100.

(b) The solo operator of any watercraft shall wear a Personal Flotation Device.

(c) Airboat operators and occupants shall wear some type of hearing protection.

(d) The employee in charge of any watercraft with a crew of three or more (including the captain) shall:

(1) Hold safety meetings at least once each month during the operating season.

(2) Conduct fire and abandon ship drills at least once each month during the operating season, and record each drill in the ship's log.

(3) Post, in a conspicuous place, a "Station Bill" covering fire drills, abandon ship drills, man overboard drills, and other emergency procedures.

[FR Doc.77–30633 Filed 10–19–77;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 1068]

MILK IN THE UPPER MIDWEST MARKETING AREA

Proposed Suspension of a Certain Provision of Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend a requirement under the Upper Midwest milk marketing order that handlers make a partial payment for milk received from producers by the 25th day of the month. Handlers indicate that their producers want such payments to be made about 8 days later so that their partial payments and final payments for milk will be spaced about 15 days apart. The proposed suspension would be for November 1977 through April 1978.

DATE: Comments are due on or before October 27, 1977.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of paragraph (a)(4) of § 1068.73 of the order regulating the handling of milk in the Upper Midwest marketing area is being considered for the period November 1, 1977, through April 30, 1978.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before the 7th day after FEDERAL REGISTER publication. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Paragraph (a) of § 1068.73 requires handlers to make a partial payment to cooperative associations and nonmember producers on or before the 25th day of the month for milk delivered during the first 15 days of the month. Suspension of paragraph (a)(4) would remove this requirement only with respect to producers for whom a cooperative association is not collecting payments; the requirement would remain in effect for milk purchased from a cooperative association.

Paragraph (a)(4) of § 1068.73 has been suspended since November 1976 (41 FR 51389 and 42 FR 22360). Several handlers request that the suspension be extended for an additional period of six months pending a hearing to amend said provision of the order to allow a partial payment on or before the 3rd day of the month, 15 days prior to the final payment date which is the 18th day of the month. This enables such handlers to accommodate their producers who request that their payments be spaced about 15 days apart.

Signed at Washington, D.C., on October 14, 1977.

IRVING W. THOMAS,
Acting Deputy Administrator, Program Operations.

[FR Doc.77-30637 Filed 10-19-77;8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-35-AD]

McDONNELL DOUGLAS DC-10 SERIES AIRPLANES

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require the incorporation of FAA Approved Airplane Flight Manual Limitation prohibited Category III operation until a specified modification is accomplished on DC-10 series airplanes. The proposed AD is needed to prohibit Category III landings pending the elimination of a known design deficiency, that is, a single failure which could occur below the alert height and could cause a total Automatic Landing System disengagement. Such a disengagement below the alert height in Category III weather requires pilot take-over and is considered potentially hazardous.

DATES: Comments must be received on or before November 28, 1977.

ADDRESSES: Send comments on the proposal in duplicate to:

Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The applicable DC-10 service bulletin may be obtained from:

McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: L. A. Eilsenberg, CI-750, 54-60.

The applicable Attitude Monitor and Switching Unit (AMSU) service bulletin may be obtained from:

Sperry Flight Systems, Sperry Rand Corp., P.O. Box 21111, Phoenix, Ariz. 85036, Attention: Supervisor, Field Engineering Department.

Also, a copy of these service bulletins may be reviewed at, or copies 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 Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

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. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Administration, at the address given in the opening section of this AD. 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 the 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.

Some DC–10 series airplanes are equipped with an Automatic Landing System (ALS) certificated for use to Category IIIa weather minima (visibility as low as 700-foot runway visual range). Laboratory testing has revealed a design deficiency in the Attitude Monitor and Switching Unit (AMSU) which is a Line Removable Unit (LRU) built by Sperry Flight Systems as part of the DC–10 ALS equipment. The design deficiency is such that with some single attitude signal failures the AMSU could provide erroneous logic to the ALS which would cause a total ALS disengagement at any altitude of use. A total ALS disengagement at altitudes below the alert height (100 feet) in Category III weather conditions is considered potentially hazardous.

Since this situation is likely to exist or develop on other airplanes of the same type design the proposed AD would require the incorporation of a FAA Approved Airplane Flight Manual Limitation. The limitation would prohibit use of the Automatic Landing System in Category II weather minima unless DC–10 Service Bulletin 34–84 is accomplished.

For accomplishment of the AMSU modification, testing and revised maintenance procedures McDonnell Douglas DC–10 Service Bulletin 34–84 refers the reader to Sperry Flight Systems Service Bulletin 34–5, Publication No. 21–2554–12. FAA approval for incorporation of the modified AMSU into the DC–10 is via the DC–10 service bulletin. For this proposed AD, revisions to the Sperry bulletin must be approved by revision(s) of the DC–10 Service Bulletin 34–84.

DRAFTING INFORMATION

The principal authors of this document are Herbert G. Peters, 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 DC–10 –10, –10F, –30, –30F, and –40 series airplanes, certificated in all categories.

Compliance required within the next 30 days unless already accomplished.

a. To prevent a total Automatic Landing System disengagement below the alert height during a Category III approach because of a single failure, accomplish the following:

Incorporate revisions in the FAA Approved Airplane Flight Manual, Flight Guidance Appendices IV, IVA, etc., as applicable, Documents MDC–J1010, MDC–J1030, MDC–J5830, MDC–J1040 and MDC–J2140, as follows:

Add the following as the last entry in Section I Limitations:

CATEGORY III AUTOMATIC LANDING

In addition to the Automatic Landing System limitations listed above, the following limitation applies:

Do not use automatic landing system for Category III operation until DC–10 Service Bulletin 34–84 or production equivalent is incorporated.

b. Equivalent modifications, procedures, or revisions may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (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 Los Angeles, Calif., on October 7, 1977.

WILLIAM R. KRIEGER,
Acting Director, FAA Western Region.

[FR Doc.77–30653 Filed 10–19–77;8:45 am]

[4910–13]

[14 CFR Parts 47 and 49]

[Docket No. 17311; Notice No. 77–24]

AIRCRAFT REGISTRATION AND RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Consent of Conditional Vendor to Recording of New Interest in Aircraft and Registration of Aircraft to New Owner

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking (ANPRM) is being issued to obtain ideas from the public on how to protect persons who buy or sell aircraft and on how to place on equal footing all sellers who retain rights in aircraft. This action is taken in response to a petition for rulemaking submitted by the Cessna Finance Corporation (CFC).

DATES: Comment period closes December 19, 1977.

ADDRESSES: Send comments in response to this ANPRM to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24) Docket No. 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Virginia Swimmer, Aircraft Registration Branch, (AAC–250), Airmen and Aircraft Registry, Aeronautical Center, P.O. Box 25082, Oklahoma City, Okla. 73125; Telephone 405–686–2284.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking (ANPRM) is being issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule-making problem.

Interested persons are invited to participate in this process by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number. All communications received on or before December 19, 1977, will be considered by the Administrator before taking action on this ANPRM. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Contacts with program officers and staff are recorded and filed in the Rules Docket.

Any person may obtain a copy of this ANPRM 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 ANPRM. Persons interested in being placed on a mailing list for future ANPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

This ANPRM is prompted by a petition for rule making which was submitted by Mr. E. D. Chase on behalf of CFC. In that petition, dated August 11, 1975, CFC requested revisions to §§ 47.11, 47.31, and 49.17 (14 CFR 47.11, 47.31, and 49.17) of the Federal Aviation Regulations to provide all persons who hold a security interest in aircraft, and all purchasers of an aircraft subject to a security interest, the same protection currently afforded the seller and buyer of an aircraft under a conditional sales contract. Under a conditional sales contract, the conditional seller retains legal title until the buyer meets the conditions listed in the contract.

With respect to conditional sales contracts involving aircraft, the Federal Aviation Regulations currently provide that an assignment of the buyer's interest cannot be recorded, and the aircraft cannot be registered to the assignee, without the consent of the conditional seller. However, if a seller holds any other kind of security interest in an aircraft, his consent is not required for recordation of the assignment and registration of the aircraft to the assignee.

CFC states that, under the Uniform Commercial Code (UCC), the former distinctions between such instruments as conditional sales contracts, chattel mortgages, and trust deeds have been abolished. According to petitioner, all of these instruments are now considered agreements under which a creditor holds an interest in property. Petitioner also notes that, under section 101(17) of the Federal Aviation Act, both conditional sales contracts and mortgages are defined as conveyances that affect title to, or interest in, property.

CFC states that, under the Federal Aviation Regulations, the buyer of an aircraft which is subject to a conditional sales contract, and the conditional seller, are protected since a change in registration cannot be made without the release of the contract or the consent of the conditional seller or his assignee. Peti-

tioner contends that like protection should be given to all persons who buy, and who hold a security interest in, aircraft. Therefore, it requests an amendment to the Fedefal Aviation Regulations that would accomplish this result.

The purpose of the recording system established by the Federal Aviation Act of 1958 is to provide notice of interests in aircraft. Thus, section 503(a) of the Act requires the establishment and maintenance of a system for recording conveyances such as contracts of conditional sale and mortgages, affecting title to, or interest in, a civil aircraft. Under the Act, neither recordation nor registration is conditioned upon the consent of a person holding a security interest in an aircraft.

The requirement to obtain the consent of the conditional seller to the assignment of the original buyer's interest, before the assignment can be recorded and the aircraft registered to the assignee, has been reflected in the regulations of the FAA, and its predecessor, since 1955. This requirement is based on the theory that a conditional seller, unlike other persons holding a security interest in aircraft, holds a special interest in that he retains legal title to the aircraft until the conditions set forth in the contract with the buyer are met. However, the modern trend, as reflected in the U.C.C., is to treat alike all persons retaining an interest in an item sold (UCC 9–202) and to encourage the transfer of a debtor's rights by providing that he may voluntarily transfer the item even if his agreement with the seller prohibits a transfer or provides that it will constitute a default (UCC 9–311).

In light of this recent trend, the FAA is considering rulemaking to eliminate the current requirement to obtain the consent of the conditional seller to the assignment of the original buyer's interest before the assignment can be recorded and the aircraft registered to the assignee. This would have the effect of pomoting transfer of the conditional buyer's rights and would place on equal footing all persons holding security interests in aircraft.

However, this contemplated rule-making action would only partially accomplish the objectives of the CFC petition. While it would result in equal treatment for all sellers retaining interests in aircraft, it would not provide those persons with the "protection" currently given the conditional seller under a conditional sales contract.

As previously noted, an amendment similar to that recommended by CFC would be contrary to the spirit of the U.C.C. in that it would discourage transfer of the buyer's interest in the aircraft. Morever, such an amendment would result in an extreme burden on the FAA Aircraft Registry in that it would involve substantial increases in administrative costs and workload.

In light of CFC's request for rule making and the problems that would result from initiating the rule-making action requested, the FAA solicits the views of all interested persons concerning selection of a course or alternate courses of action which are consistent with the U.C.C. and administratively reasonable, but which also would afford protection to persons who hold security interests in aircraft.

The principal authors of this document are Florine Crockett, Aeronautical Center, and Danvers E. Long, Office of the Chief Counsel.

(Secs. 307, 313, 501, 503, 505, 506, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354, 1401, 1403, 1405, and 1406); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1.47(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).)

Issued in Oklahoma City, Okla., on October 11, 1977.

THOMAS J. CRESWELL,
Director, Aeronautical Center.

[FR Doc.77-30656 Filed 10-19-77;8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-45]

PROPOSED ALTERATION OF FEDERAL AIRWAYS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes alteration of V–17, V–68, V–161, V–163, V–198, V–222, and V–358 as a result of an extensive evaluation of the present and future requirements for airways in the San Antonio, Tex., area. Additional airway changes will be proposed as new and relocated navigation aids are commissioned in response to the evaluation. The action proposed at this time will assist in reducing the congestion and improving the control of air traffic in the area.

DATES: Comments must be received on or before November 17, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 77–SW–45, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 17, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviations Regulations (14 CFR Part 71) that would accomplish the following:

1. Realign a segment of V–17 from Cotulla, Tex., via the INT of the Cotulla 048°T (039°M) and the San Antonio, Tex., 198°T (189°M) radials; San Antonio, including an east alternate via the INT of the Cotulla 048°T (039°M) and the San Antonio 183°T (174°M) radials; INT of the San Antonio 042°T (033°M) and the Austin, Tex., 229°T (220°M) radials; Austin, including an east alternate via the INT of the San Antonio 057°T (048°M) and the Austin 211°T (202°M) radials, and also including a west alternate via the INT of the San Antonio 027°T (018°M) and the Austin 244°T (235°M) radials. The description of the main airway between San Antonio and Austin is not a change, but is included to describe the east and west alternates.

2. Extend V–68 eastward from its present terminal at San Antonio, Tex., via the INT of San Antonio 064°T (055°M) and Industry, Tex., 267°T (259°M) radials; Industry; INT Industry 101°T (093°M) and Hobby, Tex., 290°T (282°M) radials; to Hobby.

3. Extend V–161 to begin at Llano, Tex., and go via the INT of Llano 025°T (017°M) and Millsap, Tex., 193°T (184°M) radials; Millsap; Bridgeport, Tex.; thence as presently described.

4. Realign and extend a segment of V–163 to extend from Three Rivers, Tex., via the INT of Three Rivers 345°T

(336°M) and San Antonio, Tex., 168°T (159°M) radials; San Antonio, including a west alternate via the INT of Three Rivers 326°T (317°M) and San Antonio 183°T (174°M) radials; Lampasas, Tex.; Acton, Tex., including a west alternate from San Antonio to Acton via Stonewall, Tex., Llano, Tex., and the INT Llano 025° T (017°M) and Acton 215°T (206°M) radials; Bridgeport, Tex.; thence as presently described.

5. Add a north alternate in V–198 to extend from Junction, Tex., via Stonewall, Tex., and the INT of the Stonewall 112°T (103°M) and Eagle Lake, Tex., 270°T (262°M) radials to Eagle Lake.

6. Realign a segment of V–222 between Junction, Tex., and Industry, Tex., via Stonewall, Tex.; and the INT of Stonewall 112°T (103°M) and Industry, Tex., 267°T (259°M) radials.

7. Extend V–358 to begin at San Antonio, Tex., and go via Stonewall, Tex.; Lampasas, Tex.; the INT of Lampasas 041°T (033°M) and Waco, Tex., 248°T (240°M) radials; and Waco, thence as presently described.

The proposed action would improve the traffic handling capability in the San Antonio area and help to reduce fuel consumption by the use of bypass routing.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to further amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) and amended (42 FR 55863 and 42 FR 41112) as follows:

1. In V–17 all between "Laredo, Tex.;" and "Waco, Tex.," is deleted and "Cotulla, Tex.; INT Cotulla 048° and San Antonio, Tex., 198° radials; San Antonio, including an east alternate via INT Cotulla 048° and San Antonio 183° radials; INT San Antonio 042° and Austin, Tex., 229° radials; Austin, including an east alternate via the INT of San Antonio 058° and Austin 211° radials, and also including a west alternate via the INT of San Antonio 027° and Austin 244° radials;" is substituted therefor.

2. In V–68 "San Antonio 290° radials." is deleted and "San Antonio 290° radials; INT San Antonio 064° and Industry, Tex., 267° radials; Industry; INT Industry 101° and Hobby, Tex., 290° radials to Hobby." is substituted therefor.

3. In V–161 "From Bridgeport, Tex., via" is deleted and "From Llano, Tex., via INT Llano 025° and Millsap, Tex., 193° radials; Millsap; Bridgeport, Tex.;" is substituted therefor.

4. In V–163 all between "Corpus Christi;" and "Ardmore, Okla.;" is deleted and "Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate via INT Three Rivers 326° and San Antonio 183° radials; Lampasas, Tex.; Acton, Tex., including a west alternate from San Antonio to Acton via Stonewall, Tex., Llano, Tex., and INT Llano 025° and Acton 215° radials; Bridgeport, Tex." is substituted therefor.

5. In V–198 "San Antonio, Tex.; Eagle Lake, Tex.;" is deleted and "Eagle Lake, Tex., including a north alternate via Stonewall, Tex., and INT Stonewall 112° and Eagle Lake 270° radials;" is substituted therefor.

6. V–222 all between "Junction, Tex.;" and "Industry;" is deleted and "Stonewall, Tex.; INT Stonewall 112° and Industry, Tex., 267° radials;" is substituted therefor.

7. In V–358 "From Waco, Tex., via" is deleted and "From San Antonio, Tex., via Stonewall, Tex.; Lampasas, Tex.; INT Lampasas 041° and Waco 248° radials; Waco, Tex.;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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 October 18, 1977.

LOWELL L. LUNN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77–30756 Filed 10–19–77;8:45 am]

[4910–13]

[14 CFR Part 71]

[Airspace Docket No. 77–SW–48]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Venice, La., to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Garden Island Bay Seaplane Base, using the newly established NDB located at latitude 29° 07'06'' N., longitude 89°12'20'' W.

DATES: Comments must be received on or before November 17, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76106.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW–536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone: 817–624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G71.181 (42 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Venice, La., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 17, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing data for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817–624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Venice, La. The FAA believes this action will enhance IFR operations at the Garden Island Bay Seaplane Base by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the newly established NDB located at latitude 29°07'06'' N., longitude 89°12'20'' W. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) by adding the Venice, La., transition area as follows:

VENICE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garden Island Bay Seaplane Base (latitude 29°05'46" N., longitude 89°11'55" W.) and within 3.5 miles each side of the 344° bearing from the Venice NDB (latitude 29°07'06" N., longitude 89°12'20" W.) extending from the 5-mile radius to 13.5 miles from the seaplane base.

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

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

Issued in Fort Worth, Tex., on October 6, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.77-30467 Filed 10-17-77;8:45 am]

[4910-13]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 77-WA-15]

RESTRICTED AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the dimensions of Restricted Area R-6904 (Hardwood Range, Volk Field, Wis.) laterally and vertically and also redesignate the expanded areas as R-6904A and R-6904B. These actions are designed to effectively accommodate the maneuvering airspace requirements of military aircraft engaged in air-to-ground ordinance delivery at this facility.

DATES: Comments must be received on or before November 21, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 77-WA-15, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed 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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before November 21, 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 Avenue, SW., Washington, D.C. 20591, or by calling, 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amendments to Subparts D and B of Parts 71 and 73 (respectively) of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to alter the dimensions of Restricted Area R-6904 (Hardwood Range, Volk Field, Wis.) laterally and vertically and also redesignate the expanded areas as R-6904A and R-6904B. These actions are designed to effectively accommodate the maneuvering airspace requirements of military aircraft engaged in air-to-ground ordinance delivery at this facility.

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.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subparts D and B of Parts 71 and 73 (respectively) of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (42 FR 345 and 703) as follows:

In Part 71 § 71.151:

"R-6904 Volk Field, Wis." would be deleted and "R-6904A Volk Field, Wis." and "R-6904B Volk Field, Wis." would be added.

In Part 73 § 73.69:

"R-6904 Volk Field, Wis. "Title and Text" would be deleted and the following substituted therefor.

R-6904A VOLK FIELD, WIS.

Boundaries. Beginning at Lat. 44°18'00" N., Long. 89°59'00" W.; to Lat. 44°10'00" N., Long. 89°59'00" W.; to Lat 44°10'00" N., Long. 90°11'00" W.; to Lat. 44°18'00" N., Long. 90°11'00" W.; thence to point of beginning excluding that airspace within R-6904B.
Designated altitudes. 150 feet AGL to 17,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

R-6904B VOLK FIELD, WIS.

Boundaries. Beginning at Lat. 44°15'00" N., Long. 89°59'00" W.; to Lat. 44°13'00" N., Long. 89°59'00" W.; to Lat. 44°13'00" N., Long. 90°07'00" W.; to Lat. 44°15'00" N., Long. 90°07'00" W.; thence to point of beginning.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency, Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 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 October 13, 1977.

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

[FR Doc.77-30652 Filed 10-19-77;8:45 am]

[4910-13]

[14 CFR Part 121]

[Docket No. 16985; Reference Notice No. 77-9]

CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Proposed Line Check Requirements and Use of Advanced Flight Monitoring System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws Notice No. 77-9 (42 FR 33345; June 30, 1977) in which the FAA proposed to require a line check for all pilot flight crewmembers and to provide for the approval for

use by a certificate holder of an advanced flight monitoring system (AFMS). The intended effect is to terminate the proposed rule making. This action is being taken because evaluation of the proposal in the light of comments received indicates that further study and development of the proposal is necessary.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION: The FAA received 11 comments in response to Notice No. 77-9 and most of them expressed opposition to part or all of the proposal. The proposal was objected to on the grounds that it would impose undue administrative and economic burdens upon air carriers. In addition, commenters expressed the opinion that an AFMS program has not yet been sufficiently perfected to serve as an adequate substitute for the current system of checking pilot performance in flight and might adversely affect safety.

Upon careful consideration of all the comments received, the FAA has concluded that amendment of the regulations as proposed is not warranted. However, the FAA believes that the current line check requirements should be improved and will continue its efforts to determine the most appropriate way of achieving that objective.

In consideration of the foregoing, the FAA has determined that rule-making action on Notice No. 77-9 is not warranted at this time and that the notice should be withdrawn for further study and evaluation. However, withdrawal of the notice does not preclude the FAA from issuing similar notices in the future due to a change in circumstances, nor does it commit the FAA to any course of action.

DRAFTING INFORMATION

The principal authors of this document are Joseph N. Cate, Jr., Air Carrier Regulations Branch, Flight Standards Service, and R. G. Leary, Office of the Chief Counsel.

Accordingly, Notice 77-9, published in the FEDERAL REGISTER on June 30, 1977 (42 FR 33345), is hereby withdrawn, effective immediately. (Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1424) and section 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 October 14, 1977.

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

[FR Doc.77-30655 Filed 10-19-77;8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Exemption of Mebendazole From Child-Protection Packaging Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes and requests public comment on an exemption from requirements for child-resistant packaging. The proposed exemption applies to mebendazole, an antihelminthic drug used to treat common worm infestations in man, in packages containing a total of 600 mg. of mebendazole in tablet form. The Ortho Pharmaceutical Corp. petitioned the Commission to take this action. The Commission has granted the petition for the reasons stated in this document.

DATE: Comments on this proposed exemption should be submitted on or before November 21, 1977. If the Commission issues a final regulation concerning the exemption, the Commission proposes that the exemption be effective on the date the final regulation is published in the FEDERAL REGISTER.

ADDRESS: Comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6477.

SUPPLEMENTARY INFORMATION: On July 11, 1974, the Consumer Product Safety Commission received a petition (PP 75-2) from the Ortho Pharmaceutical Corp., Raritan, N.J. 08869, requesting an exemption from special packaging for "Vermox" (mebendazole) in tablet form in packaging containing not more than 600 mg. of the drug. Vermox is an antihelminthic drug used in the treatment of common worm infestations in man. Special packaging is currently required for this drug by the Commission's regulation covering human prescription drugs in oral dosage form at 16 CFR 1700.14 (a)(10). The Commission denied the Ortho petition on June 5, 1975, citing the lack of an approved New Drug Application (NDA) that would preclude the existence of meaningful human experience data. After the denial of the petition, Ortho Pharmaceutical Corp. reported that a New Drug Application (NDA 17-481) had been approved on June 28, 1974. On June 23, 1975, the company submitted information as a supplement to their original petition. Additional information was furnished by the company on October 21, 1975, and February 10, 1976. The Commission has considered the supplementary information to be a new petition (PP 77-2) requesting an exemption from special packaging for mebendazole in tablet form in packages containing not more than 600 mg. of the drug.

Currently Vermox is supplied in child-resistant blister strips of six 100 mg tablets each. The tablets are distributed in boxes of 12's (2 strips) and 60's (10 strips).

GROUNDS FOR EXEMPTION

The company bases its petition for an exemption on the low acute oral toxicity of the drug, indicated in experimental animal data; the low absorption and rapid excretion of the drug shown in metabolic studies; and few adverse reactions involving symptoms such as transient abdominal pain and diarrhea related to the expulsion of worms and not the drug itself.

The Commission's decision to propose the exemption is based on the following factors: (1) The low acute oral toxicity of the drug. The acute oral toxicity of the drug has been investigated in twelve species of experimental animals and found to be of a low order. Extrapolating from the LD-50 values which were calculated in three species in which it was possible to induce death, a 10 kg. child would have to ingest in excess of 12.8 grams of mebendazole in order to approach the estimated LD-50 dosage. The proposed exemption extends to 600 mg. of mebendazole, a much lower dosage.

In addition, a review of available medical literature supports the petitioner's assertion that the drug has a low order of toxicity. Mebendazole is believed to exert its antihelminthic effect by interference with glucose uptake in susceptible worms while having no effect on human glucose metabolism. The observed low order of toxicity is caused by this mechanism of action, combined with the very small amount of drug which is systemically absorbed ($\frac{5}{10000}$ of a dose is absorbed with rapid convertibility to an inactive metabolite and excretion).

(2) Human experience data indicating few accidental ingestions and few adverse reactions.

The poison control center data from the National Clearinghouse for Poison Control Centers for the years 1974 and 1975 do not tabulate mebendazole, possibly since the drug was introduced into the U.S. market in January of 1975. However, since the drug was developed in Belgium and has been marketed there for some time, the Commission's staff

contacted the Belgium Poison Control Center for a summary of ingestion data. The Belgium Poison Control Center indicated that of 15,000 reports received during 1975 (for all ages) only three or four were for ingestions of mebendazole and none of the reports was for a serious injury. A review of the Commission's NEISS in-depth investigations indicated no reported ingestions of mebendazole.

Studies submitted by the petitioner for the NDA indicate that mebendazole has been evaluated in 4,657 patients including 177 children less than six years old. Of those 4,657 individuals studied, only 16 (0.34 percent) experienced minimal gastrointestinal side-effects, apparently related to the expulsion of worms and not the drug itself.

Based on an overall review of toxicity information and human experience data as reported in the literature, and laboratory data submitted by the petitioner, the Commission finds that this drug in the dosage and form specified does not pose a risk of serious personal illness or injury to children. The Commission emphasizes that this proposed exemption is limited to mebendazole in tablet form in packages containing not more than 600 mg. of the drug, and containing no other substance subject to the requirements for special packaging under 16 CFR 1700.14(a)(10). The applicability of the requirement of special packaging at 16 CFR 1700.14(a)(10) is not affected by this proposal. Products within the scope of this proposal must continue to be in special packaging until the effective date of any final regulation.

Having considered the petition, human experience data as reported to the National Clearinghouse for Poison Control Centers, and other medical and scientific literature, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Consumer Product Safety Commission concludes that an exemption from the requirement of special packaging, at 16 CFR 1700.14(a)(10), for mebendazole in tablet form in packages containing not more than 600 mg. should be proposed as set forth below.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601; secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–572; sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by adding a new paragraph (a)(10(xiii) as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal Law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of section 1700.15 (a), (b), and (c) except for the following:

* * * * *

(xiii) Mebendazole in tablet form in packages containing not more than 600 mg. of the drug, and containing no other substance subject to the provisions of this section.

Interested persons are invited to submit, on or before November 21, 1977, written comments regarding this proposed amendment. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may been in the Office of the Secretary, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

Dated: October 17, 1977.

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

[FR Doc.77-30651 Filed 10-19-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19759; RM-1633; RM-1656; RM-1747; RM-1761; RM-1793; RM-1841; FCC 77-682]

[47 CFR Part 95]

TERMINATION OF PROCEEDING CONCERNING CREATION OF A NEW CLASS OF CITIZENS RADIO SERVICE

AGENCY: Federal Communications Commission.

ACTION: Termination of Rulemaking Proceeding (Memorandum Opinion and Order in Docket 19759).

SUMMARY: The FCC is terminating Docket 19759, in which we had proposed a new Class "E" Citizens Radio Service in the 220–225 MHz frequency range. Since the 1973 release of our proposals the character of personal radio communications has undergone radical change. We believe any further allocation of frequencies for personal radio communications should be the subject of a new rulemaking proceeding.

ADDRESS: FCC, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Gregory M. Jones, Personel Radio Division, 202–634–6619.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER

(PROCEEDING TERMINATED)

Adopted: October 5, 1977.

Released: October 18, 1977.

By the Commission: Chairman Wiley not participating; Commissioner Lee absent.

In the matter of: The creation of a new class of Citizens Radio Service and the reallocation of frequencies between 224 and 225 MHz in the band 220–225 MHz now allocated for shared use by stations in the Amateur Radio Service and Government Radiolocation Stations for that purpose; Docket 19759, RM–1633, 1656, 1747, 1761, 1793, 1841.

1. In June 1973, the Commission issued a Notice of Inquiry and Notice of Proposed Rule Making in which it proposed to allocate spectrum in the 220–225 MHz band for a new Citizens Radio Service to be designated as Class E. This new radio service was to be similar to the then established Class D service, but was to operate under new rules and enforcement procedures.[1] The proceeding stemmed primarily from a petition of the Electronic Industries Association (EIA).[2] The petition stated that there was a "demonstrated strong, current and growing need for personal two-way radio communications for both safety and convenience of individual citizens in conducting their daily activites of both a personal and business nature." Support for the petition came from potential manufacturers of Class E equipment and from land mobile users groups, who viewed the new frequency allocation as a possible source of relief from crowded land mobile channels and high equipment costs.

2. In issuing the June 1973 proposal, the Commission noted that it had always recognized that the 27 MHz region was not ideally suited for the CB Radio Service because of the sporadic long distance transmission characteristics of this band. It was further noted that the purpose of the Class E proposal was to better meet the requirements of the general public for improved radio communication services, and to relieve the concentration of stations at 27 MHz.[3] Therefore, the Commission requested comments directed to these specific topics:

a. Services and types of operations which should be provided.

b. Economic, sociological, and other possible public interest benefits.

c. Effects on CB operations at 27 MHz.

d. The nature and probable impact of limitations resulting from interagency and international objections.

e. Detailed technical parameters, including recommendations on the amount of spectrum needed, channeling, power antennas, receivers, et al.

f. Automatic transmitter identification (ATIS).

g. Licensing methodology and record keeping.

h. Continuation vs. elimination of 27 MHz CB operation.

i Confiscation of illegal equipment.

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[1] The Class D Service has been redesignated the Citizens Band (CB) Radio Service.

[2] RM–1747, filed on February 5, 1971.

[3] The number of licensees had increased from 49,000 in 1959 to 836,924 in June 1973.

3. Several thousand Comments and Reply Comments were received. A careful analysis of the comments revealed no consensus of opinion on any issue. The largest volume of comments came from amateur service licensees who protested that the proposed reallocation would, in effect, be penalizing their service to reward CB violators. Many comments from CB licensees opposed the proposal because they feared it might result in their loss of the present 27 MHz allocation. Although EIA, E. F. Johnson, other manufacturers, NABER, and other land mobile user groups supported the essence of the Class E proposal, they disagreed among themselves on what the specific characteristics of the new service should be.

4. Subsequent to the adoption of the Class E proposal, the Commission conducted tests which indicated that a personal radio service operating in the 220–225 MHz band might generate serious interference to television reception on the VHF channels. The Commission does not yet know how severe this interference might be, or whether this interference might be prevented. This has delayed all further rule making in the docket. In the meanwhile, a number of major changes have occurred:

a. The number of CB licensees has increased dramatically, to 10,406,828 as of May 1977. Accompanying this growth has been a change in the nature of how the service is used.

b. In February 1976, the Commission formed the Personal Radio Planning Group (PRPG) to conduct a broad-based, in-house study of personal radio services. In April 1976, the Commission solicited the assistance of the industry and users by establishing the Personal Use Radio Advisory Committee.

c. In July 1976, the Commission provided interim relief from congestion at 27 MHz by increasing the number of authorized CB Radio Service channels from 23 to 40.[4]

d. In April 1977, the PRPG completed the initial phase of its frequency evaluation study.[5] The results of this study, together with other information available to the Commission leads to the conclusion that other frequencies as well as the 220–225 MHz band should be considered as a possible location for a personal radio service.

5. As a result of these and other developments, the comments and reply comments received on this docket have become obsolete. Further, the Commission believes that the specific topics set forth in the June 1973, NOI/NPRM are no longer adequate to lay the basis for authorization of a personal radio service. New rule making will have to be framed with information which has been developed recently, and which will be developed in the next few months. Leaving this docket open may only mislead the public about the Commission's intention to fully investigate the future of personal radio. For these reasons, the Commission has determined to terminate Docket 19759, and to address the issue of new personal radio services in some future rule making.

6. In view of the foregoing, we believe that the public interest, convenience, and necessity is best served by termination of this proceeding. Accordingly, pursuant to authority contained in Sections 4(i), 303 of the Communications Act of 1934, as amended, it is ordered, that this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-30635 Filed 10-19-77;8:45 am]

[4] Docket No. 20120, Second Report and Order, Adopted July 27, 1976.

[5] The repirt, entitled Spectrum Alternatives for Personal Radio Services was released to the public for comment by News Release April 25, 1977.

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.

[3410-15]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CONSIDERATION OF INDUSTRIAL HYDROCARBONS PILOT PROGRAM

Section 1420 of the Food and Agriculture Act of 1977, Pub. L. 95-113, authorizes the Secretary of Agriculture to formulate and carry out a pilot program for the production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest products as follows:

(a) The Secretary is authorized and directed to formulate and carry out a pilot program for the production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products for the purpose of stabilizing and expanding the market for such commodities and products and expanding the Nation's supply of industrial hydrocarbons.

(b) The Secretary shall provide for four pilot projects for the production of industrial hydrocarbons and alcohols from agricultural commodities and forest products by guaranteeing loans, not to exceed $15,000,000 per each such project, to public, private, or cooperative organizations organized for profit or nonprofit, or to individuals for a term not to exceed twenty years at a rate of interest agreed upon by the borrower and lender.

(c) No loan may be guaranteed under this section unless (1) research indicates the total energy content of the products and byproducts to be manufactured by the loan applicant will exceed the total energy input from fossil fuels used in the manufacture of such products and byproducts, and (2) such other conditions as the Secretary deems appropriate to achieve the purposes of this section are met.

(d) In order to assure that the recipients of loans made under this section have a dependable supply of agricultural commodities at a stable price for use in the pilot projects provided for in this section, the Secretary is authorized to enter into long-range contracts, not exceeding five years, with the recipients of such loans. Such contracts shall guarantee the recipients of such loans a specified quantity of agricultural commodities annually at mutually agreed upon prices, but the agricultural commodities shall not be sold under any such contracts at less than the price support level prescribed for the commodity concerned unless the commodities are out of condition, unstorable, or sample-grade or lower, as prescribed in Department of Agriculture standards.

(e) The Secretary shall supply from Commodity Credit Corporation stocks or, to such extent or in such amounts as are provided in appropriation Acts, purchase such quantities of agricultural commodities as may be necessary to comply with the terms of agreements entered into under this section.

(f) The provisions of this section shall be carried out through the Commodity Credit Corporation.

The purpose of this notice is to invite the submission of tentative descriptions of potential pilot projects. Submissions should be sent, in duplicate, to Mr. Ed Nichols, Office of the Deputy Secretary, USDA, 14th and Independence Avenue, Washington, D.C. 20250. Only those submissions received after October 31, 1977, and on or before February 1, 1978, will be considered.

At this time, the submissions need not identify financing sources, but should provide a description of general technological and economic feasibility features of possible proposals.

It is expected that, following Department review of such preliminary submissions, definitive proposals will be solicited by the Department for possible award of loan guarantees for pilot projects in accordance with regulations to be published hereafter. Such definitive proposals will be considered if based upon preliminary submissions which are received pursuant to this notice and which the Department determines have reasonable potential for accomplishing the Act's objectives.

Dated: October 18, 1977.

JOHN C. WHITE,
Deputy Secretary,
Department of Agriculture.

[FR Doc.77-30807 Filed 10-19-77; 10:23 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-10-24]

AIR CARRIERS AND SWISS FOREIGN AIR CARRIERS

Order Granting Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1977.

In the matter of charter trips between the United States and Switzerland by Air Carriers and Swiss Foriegn Air Carriers.

On July 27, 1977, an exchange of letters was completed between the American Embassy in Bern and the Swiss Federal Air Office, replacing the November 24, 1975 U.S.-Switzerland Memorandum of Understanding on Charters. If no written notice of termination is received by either Government by December 31st of this or any subsequent year, the period of the Understanding's effectiveness shall continue for one-year periods beyond the annual March 31st expiration date. In principal substantive effect the understanding provides that:

1. Subject to compulsory clauses of their national air laws the air transport authorities of each country will accept as charter worthy air charter traffic which originates in the territory of the other and which is organized and operated pursuant to the rules of the other air transport authority, or according to waivers of such rules granted for exceptional reasons.

2. The air transport authorities of the country where a passenger charter is originated have the primary responsibility for enforcement of charterworthiness rules.

3. Passenger charterworthiness rules will be applied and enforced in a nondiscriminatory manner.

4. Modifications which alter the basic character of an existing charter rule or establish a new charter type will be brought to the attention of the other air transport authorities, who may deny or revoke with immediate effect acceptance of those changes.

The Understanding represents the recognition by both the Swiss aviation authorities and the United States Government that if passenger charter operations between their territories are to be facilitated, there must be an accommodation as to the differing rules governing charter operations in effect under the laws and regulations of the two countries. In some respects the Swiss charter rules are more restrictive than those applied by the Board, and in some respects they are more liberal, involving concepts which are contrary to those applied by the Board. However, considering the primary responsibility of the Swiss aviation authorities with respect to Swiss-originating charters (which are composed primarily of Swiss citizens), and the similar primary responsibility of the U.S. with respect to United States-originating charters, and the provisions of the agreement, the Board finds that the public interest requires waiver of those requirements of the U.S. charter regulations which would otherwise preclude U.S. and Swiss carriers from operating Swiss-originating charters in accordance with Swiss regulations. This is not to say that the Board would necessarily conclude that the regulations applied by Switzerland for Swiss-originating passenger charters would be satisfactory to meet Board requirements for U.S.-originating charters operated in accordance with U.S. regulations.

Under current Board charter regulations U.S. carriers are required to conform to the U.S. charter rules for Swiss-originating as well as U.S.-originating charters, in the absence of the grant of a waiver or other exception in the regulations. The same is true with respect to

Swiss scheduled carriers. With the exception noted below, Swiss charter carriers have authority in their permits which provides for the application of Swiss rules for Swiss-originating inclusive-tour charters, but not for other types of charters. Each of the Board's charter regulations provides, nevertheless, for waiver of the requirements contained there upon a finding that such waiver is in the public interest and that there are special or unusual circumstances warranting its grant.[1] The grant of waivers will, in accordance with section 1102 of the Act, permit implementation of the obligations assumed by the United States in the new Understanding.

In view of the foregoing, and in consideration of the Understanding effectuated by the exchange of diplomatic notes completed July 27, 1977, the Board's responsibilities under section 1102 of the Act, and the effect of the Understanding in providing assurance that the United States-originating public will have the opportunity to travel to Switzerland under charter rules found by the Board to be in the public interest, the Board finds that the provisions of the Understanding represent a special circumstance which warrants granting of waivers of the Board's various charter regulations to the extent necessary to permit U.S. certificated carriers and Swiss carriers to operate charters originating in Switzerland pursuant to the Swiss charter rules, and that the grant of such waivers would be in the public interest. Similarly, the Board finds that it is in the public interest to exempt U.S. indirect air carriers, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act insofar as is necessary to permit any such air carrier to organize Switzerland-originating charters operated under Swiss rules pursuant to the provisions of the renewed Understanding.[2]

In light of the Understanding providing for acceptance as charterworthy of those Swiss-originating charters operated pursuant to Swiss charter regulations, no useful purpose would be served by requiring waiver applications with respect to individual charter flights or series of flights. Accordingly, the Board finds that it is in the public interest to grant a blanket waiver from the charter regulations for all U.S. certificated carriers, and for Swiss carriers holding foreign air carrier permits issued by the Board, extending for the duration of the Understanding (or the Understanding as it may be extended). The exemptions for indirect air carriers will extend for the same duration.

[1] See sections 207.16, 208.3a, 212.13, 214.3, 371.3, 372.3, 372a.3, 373.30, 378.30, and 378a.3 of the Board's Economic and Special Regulations.

[2] The Board has declined to exercise jurisdiction over foreign indirect air carriers organizing foreign-originating charters. Accordingly, no additional authority is needed to permit Swiss indirect air carriers to organize Switzerland-originating charters according to Swiss rules.

Pursuant to Order 75-4-101, Societe Anonyme de Transport Aerien (SATA), a Swiss charter foreign air carrier, was granted a foreign air carrier permit authorizing charter service between Switzerland and the United States, and from certain named European countries to the United States. Condition (3) of that permit provides, inter alia, that:

(3) The authority of the holder to perform inclusive tour charters originating in the Swiss Confederation shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Swiss Federal Air Office (or other appropriate aviation authority) authorizing the performance of such charters: *Provided, however*, That, except as may be otherwise authorized by the Board, such inclusive tours shall also conform to the provisions of section 378.2(b)(4) of the Board's Special Regulations, or any other provision of the Board's Regulations governing the minimum charge to passengers for an inclusive tour (including land or other accommodations) * * *

The July 27, 1977 charterworthiness Understanding with the Swiss Federal Air Office does not prescribe any specific minimum price for inclusive-tour charters. Moreover, Ballair, the other Swiss charter carrier, is not subject to any similar minimum price requirement for Swiss-originating inclusive tours. Accordingly, consistent with the provisions of the Understanding pursuant to which Swiss-originating charters should be governed by Swiss rules with respect to price as well as other matters, the Board finds, in accordance with the provision of condition (3) of the SATA permit for the Board to "otherwise authorize," that it is in the public interest to authorize SATA to operate Swiss-originating inclusive tours subject to the terms, conditions, and limitations contained in licenses to be issued by the Swiss Federal Air Office (or other appropriate aviation authority) authorizing the performance of such charters, without conforming to the minimum price requirements of section 378.2(b)(4), or other minimum price requirements in the Board's inclusive-tour charter regulations.

Accordingly, it is ordered: 1. That to the extent respectively applicable, waivers of the provisions of sections 207.11, 208.6, 212.8, and 214.7 of the Board's Economic Regulations (except with respect to the provisions of such sections governing charters to direct air carriers and direct foreign air carriers for commercial traffic), and of such other provisions of the Board's charter regulations as would otherwise be inconsistent with the waivers granted here, be granted to all U.S. air carriers authorized to provide charter service (including off-route charter service) between Switzerland and the United States,[3] and all foreign air carriers of Swiss nationality holding foreign air carrier permits authorizing charter service (including off-route charter service) between Switzerland and the United States,[4] insofar as is necessary to permit such air carriers and foreign air carriers to operate charters originating in Switzerland and destined for the United States in accordance with rules governing the charterworthiness of such charters as applied by the Swiss Federal Air Office: *Provided, however*, That such waivers shall apply only to the extent contemplated by the Understanding incorporated in the exchange of letters between the Government of the United States and the Swiss Federal Air Office, completed July 27, 1977 (or such Understanding as it may be amended, modified, or extended); and *Provided, further*, That the waivers granted here shall not relieve such carriers from the requirements contained in Parts 207, 208, 212, and 214 of the Board's Economic Regulations, other than those relating to the charterworthiness of charters performed pursuant to those regulations;

2. That all U.S. indirect air carriers of passengers be relieved pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act, insofar as is necessary to permit any such indirect air carrier to organize Swiss-originating passenger charters pursuant to the rules governing the charterworthiness of such charters as applied by the Swiss Federal Air Office in accordance with the provisions of the Understanding incorporated in the exchange of letters between the Government of the United States and the Swiss Federal Air Office, completed July 27, 1977;

3. That Societe Anonyme de Transport Aerien (SATA) be authorized, pursuant to the provision for such authorization contained in condition (3) of the permit issued to the carrier by Order 75-4-101, to perform inclusive tour charters originating in the Swiss Confederation subject to the terms, conditions and limitations contained in licenses to be issued by the Swiss Federal Air Office (or other appropriate aviation authority) authorizing the performance of such charters, without conforming to the provisions of section 378.2(b)(4) of the Board's Special Regulations, or any other provision of the Board's regulations governing the minimum charge to passengers for an inclusive tour (including land or other accommodations);

4. That this order may be modified, amended, or revoked by the Board without notice or hearing;

5. That the waivers, exemptions, and authorization granted here shall terminate upon the expiration of the Understanding concerning the charterworthiness of charters originating in their respective territories, incorporated in an exchange of letters between the Government of the United States and the Swiss Federal Air Office, completed July 27,

[3] Pursuant to section 401(e)(6) of the Act, and in the absence of any Board regulations precluding such operations, U.S. carriers holding certificates of public convenience and necessity issued by the Board pursuant to section 401(d)(1) of the Act, are authorized to provide off-route charter service between Switzerland and the United States in accordance with Board regulations.

[4] Such carriers presently include Swissair, Balair, and SATA.

1977, or such Understanding as it may be amended, modified or extended; and

6. That this order shall be served upon all U.S. air carriers holding a certificate of public convenience and necessity issued by the Board; all Swiss holders of, and applicants for, a foreign air carrier permit; the Departments of State and Transportation; and the Ambassador of Switzerland.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30639 Filed 10-19-77;8:45 am]

[6320-01]

[Docket No. 31521; Order 77-10-68]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October, 1977.

In the matter of "Super Jackpot" discount fares to Las Vegas proposed by Trans World Airlines, Inc.

By tariff revisions[1] marked to become effective October 17, 1977, Trans World Airlines, Inc. (TWA) proposes to add new individual tour-basing fares, which it calls "Super Jackpot," to Las Vegas from New York, Chicago, Philadelphia, Boston, Detroit, and Pittsburgh. Three levels of fares are proposed—peak, shoulder, and off-peak—and the discounts range from 25 to 49 percent.[2] (See Appendix B.) Reservations must be made and tickets purchased at least 14 days in advance; a minimum stay of two nights is required; and a ground package of at least $25 must be purchased. Finally, the plan is subject to capacity-control which limits the seats available for "Super Jackpot" travel to 50 percent of all nonstop seats from cities designated as Las Vegas gateways. These include the six cities where the fares would apply and also those cities over which a convenient routing to Las Vegas can be operated. The fares will be available for travel from December 1, 1977, through May 31, 1979, and holiday blackouts will be handled by means of the capacity-control rule.

In support of its proposal, TWA alleges that the economics of its operations in many of its major Las Vegas markets have not been acceptable in recent years, citing a decline in scheduled-service traffic, and a shift of passengers to charter services. The carrier states that it lost $3.6 million on its New York/Chicago–Las Vegas scheduled services in the year-ended July 1977. TWA believes that the pricing structure it proposes with its "Super Jackpot" fares, together with the capacity-control mechanism, will enable it to improve overall load factors and, in particular, ameliorate the extremes in traffic peaks and valleys now being experienced.

TWA estimates that the proposed fares will be 40-percent generative and, assuming that "Super Jackpot" fares are offered by the major scheduled carriers in each of the six markets, total market size will increase from five to fifteen percent. Priced on the basis of an incremental cost per generated passenger ranging from $16.88 to $20.11, TWA expects a net profit impact of $3.3 million for the six markets combined.[3]

Five complaints have been filed against the proposal, one by the National Air Carrier Association (NACA), and four others representing various charter-tour operators or charter-tour trade organizations. These complaints, together with TWA's answer, are summarized in Appendix A.

The Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

The question of whether to permit the "Super Jackpot" fares is a close one. On the one hand, we recognize TWA's desire to prevent further diversion of its passengers in these markets to charter services and, as a general proposition, there would seem to be logic and efficiency in its attempt to induce passengers to travel on those days when load factors are low. On the other hand, the fact that introduction earlier this year of the transcontinental "Super-Saver" discount fares resulted in large-scale charter cancellations cannot be ignored. Nor can the fact that the "Super Apex" discount fares recently introduced on North Atlantic scheduled service pose a very real threat to charter operators in this market. Here we have a proposal to introduce scheduled-service fares into the largest domestic charter market at very low levels and with relatively liberal conditions of travel. This should make them very attractive to otherwise potential OTC passengers. In our view, the cumulative effect of "Super-Saver", "Super Apex", and now "Super-Jackpot" fares may well be to weaken seriously some supplemental carriers and a number of charter-tour operators. As a result, a known and currently active spur to low-fare service may be lost in these markets, and this may in turn discourage charter initiatives in other markets. Complicating the situation is the fact that one major change has just been made in our charter regulations—elimination of the 15-day advance-purchase requirement—and further liberalizations are entirely possible.

How these changes will affect the ability of charter operators to compete with low fares on scheduled services cannot, of course, be estimated at this time. In view of these uncertainties, we have decided to proceed in a way which we believe will allow some experimentation with low scheduled-service fares in these markets while, at the same time, preventing the potentially great adverse impact on charters which the "Super-Jackpot" proposal, in its present form, might will produce.

First, we will suspend the entire proposal to the extent it would make the fares applicable for 18 months. Because of the potential damage to the charter-carrier industry, 18 months is simply too long in this instance. In our opinion, a shorter period of no more than six months would be best. Within that period the Board should be able, with the reporting requirements we are imposing, to evaluate how the total market (both scheduled and charter) reacts to the two services. By the same token, an experiment of six months is not likely to seriously damage the supplemental-carrier industry for the longer term.

Second, we will entertain a refiling which would not offer "Super-Jackpot" fares on the two peak travel days of Thursdays and Sundays. The majority of OTC's are now operated on those days, and such a limit on availability of the "Jackpot" fares may enable the charter/tour operators to carry out, at least for six months, back-to-back Thursday–Sunday, Sunday–Thursday Las Vegas tours already programmed, without incurring extensive cancellations. We recognize that this depends on how many passengers shift to "shoulder" and "low" "Jackpot"-fare days, and are inclined to believe a substantial shift of passengers is likely because of the large differential between the fares which will remain available on Thursday and Sunday (e.g., individual tour-basing and individual excursion fares, both discounted 15 to 20 percent) and the "low" and "shoulder" "Super-Jackpot" fares as now priced. Moreover, we are not convinced that discounts as high as 49 percent are needed to redistribute traffic to low load factors days, which TWA contends is one of the objectives of its proposal.[4] For these reasons, we would be

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[5] All Members concurred.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs, C.A.B. Nos. 259 and 142.

[2] Thursday and Sunday are designated peak days; Monday and Friday shoulder days; and Tuesday and Wednesay off-peak days. Saturday is designated a "shoulder" day June through October, and an off-peak day November through May.

[3] United Air Lines, Inc. (United) has filed to match the fares. United has not, however, included the $25 minimum ground package, contending that it serves no useful purpose since the "Jackpot" fares plus the minimum ground package are still below the regular coach fare. United also indicates that, while it has serious reservations about the economic soundness of the "Super Jackpot" fares, competitive necessity requires that it protect its traffic by meeting TWA's fares.

[4] TWA has used incremental costing to justify its proposal. The Board recently addressed this proposition in connection with the counter-proposals to Laker's "Skytrain" service (Order 77-9-55), and found that shortrun marginal cost is not a sufficient test for evaluating the acceptability of scheduled-service fares in competition with charters.

disposed to suspend a refiling of fares for travel on "shoulder" and "low" which involves discounts as steep as here proposed. We will leave to TWA the ultimate determination of what "shoulder" and "low" fare levels it chooses to file but, in no event can we now conclude that the discount for the "low" days should exceed 40 percent.[5]

Finally, we expect TWA to address itself to one other issue. Since "Super Jackpot" is intended to divert passengers now using charters, there is a likelihood that some charters may be cancelled. Should TWA refile "Super-Jackpot" fares we believe it should discuss the question of whether it would be equitable for it to waive its charter cancellaton penalty for those charters cancelled as a result of the "Super-Jackpot" fares, as American Airlines, Inc. and United Air Lines, Inc. did subsequent to the introduction of the transcontinental "Super-Saver" discount fares.

Our action here is taken with some reluctance in view of our position that, as a general proposition, fare competition should be given free rein. However, we must also recognize that, on our initiative, charter rules are changing. During this period of new charter-policy formulation, we believe that the overall public interest will be better served if we make our decisions in a manner least disruptive to that segment of the industry.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002, *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix C, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix C are suspending and their use deferred to and including January 14, 1978, unless otherwise ordered by the Board; and that no changes be made during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted, the complaints in Dockets 31393, 31396, 31404, 31408, 31409, 31468, 31469, 31470, and 31473 are dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order to be filed in the aforesaid tariffs and be served upon Trans World Airlines, Inc., United Air Lines, Inc., the National Air Carrier Association, International Leisure Time Association of Rochester, N.Y., David Travels, Inc., OTC Tours, Inc., the Air Charter Tour Operators of America, Miller Tours, Inc., Hamilton, Miller, Hudson & Fayne Travel Corp., Deluxe Travel, Inc., Vacation Ventures/Carefree Travel, Inc., and the American Society of Travel Agents which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—SUMMARY OF COMPLAINTS AND ANSWERS

COMPLAINTS

The National Air Carrier Association (NACA), International Leisure Time Association of Rochester, N.Y. (ILTA), David Travels, Inc., OTC Tours, Inc., Air Charter Tour Operators of America (ACTOA), and Miller Tours, Inc. (Miller) have filed complaints against the proposed fares.[1] These parties allege, inter alia, that the "Super-Jackpot" fares ar eset below cost and are designed to eliminate charter competition and divert traffic from the tour operators. The complainants contend that, because Las Vegas is the single most popular domestic charter destination and the six markets chosen by TWA for its proposed discount fare are the prime charter markets, "Super-Jackpot" poses a more serious threat to the continued existence of the domestic charter industry than any previous discount-fare proposal considered by the Board. Some complainants state that the advent of the "Super-Saver" fare marked the beginning of a predatory effort by the scheduled-carrier industry to destroy the charter industry. These complainants allege that "Super-Saver" fares have had a disastrous effect on transcontinental charters, as evidenced by cancellation of all pending New York–West Coast ABC-charter programs. The complainants argue that "Super-Jackpot" fares would similarly drive charter competition out of the Las Vegas market.

Most of the complainants express concern that TWA's Jackpot offers scheduled-carrier frequency at charter rates. The complainants note that the "Super-Jackpot" fare would be only nominally higher, and in some cases even lower, than the prices of charter service. The tour operators allege that they are at a competitive disadvantage in light of the fact that "Super-Jackpot" offers the advantage of convenient and frequent service with limited restrictions, and does not subject the passenger to cancellation risk. David Travels, Inc. and OTC Tours, Inc. note that TWA will be able to prominently advertise its lowest seat price available in the market, and include only in fine print the required $25 minimum ground package. On the other hand, tour operators must advertise total tour-package costs without any breakdown.

In regard to the economics of the "Super-Jackpot" fare, NACA and ILTA contend that TWA has failed to provide cost data to justify the fare in relation to overall costs. These parties allege that the proposed fares, which range as low as 4.1¢ per passenger mile, are far below TWA's fully-allocated cost of service.

Complainants also object to the "Super-Jackpot" proposal on the grounds that TWA does not show that it will generate traffic, rather than merely diverting traffic from its competitors. A corollary objection is that, although TWA will experience self-diversion of charter traffic, since it is among the leading charter carriers to Las Vegas, TWA has not included the loss of revenue which would result from this self-diversion in calculating the economics of the "Super-Jackpot" fare. They also challenge TWA's claim that the proposed fares will facilitate a leveling of traffic peaks and valleys in the six markets in which they would apply. Miller contends that, since the fares are available on all days, TWA's peaking problems will be exacerbated. Miller concludes that normal-fare passengers will realize added inconvenience since TWA is not adding capacity on peak days. NACA contends that TWA's average Sunday load factor of 79 percent (New York–Las Vegas) and 76 percent (Chicago–Las Vegas) during the first half of 1977 must already be causing significant passenger inconvenience. Moreover, the complainants state that, if TWA genuinely expects to generate 120,000 Chicago–Las Vegas passengers with its now fare, then the average load factor each day would be as high as 81.7 percent.

Finally, certain complainants feel that "Super Jackpot" would in effect be tantamount to authorizing TWA as a charter/tour operator as well as a direct air carrier, contrary to Board regulations. They contend that TWA would assume responsibility for air transportation at charter rates and also for marketing the minimum land package of $25 required with the "Super-Jackpot" fare.

ANSWER

TWA acknowledges that its proposed fares are intended to compete with charter services—"and, indeed, to do so vigorously—", but it does not concede that they are predatory or otherwise destructive. TWA believes that scheduled services must have at least an equal claim to the traffic moving to and from Las Vegas, and that it was not intended that the charter carriers and tour operators be afforded protection from scheduled competition. The carrier further asserts that there is a $44 difference between "Super-Jackpot" and charter charges on the days when charter operations are performed. With respect to challenges of its diversion estimate, TWA states that it has no desire to suffer excessive downgrading and believes that, with the capacity controls attached to the fares, it can monitor and allocate traffic so as to induce a shift from peak days to low-demand days.

[5] The maximum discount for the transcontinental "Super-Saver" discount fares is 45 percent. However, those fares are considerably more restrictive, having a 30-day advance purchase, a 7-day minimum stay, and are limited to 35 percent of aircraft capacity. "Super-Jackpot", on the other hand, has a 14-day advance purchase, two-night minimum stay, and is limited to 50 percent of capacity on a weekly basis, although there is a very nominal $25 tour add-on requirement.

[6] All Members concurred.

[1] Two charter-tour firms, Hamilton, Miller, Hudson & Fayne Travel Corp. and Vacation Ventures/Carefree Travel, Inc. plus the American Society of Travel Agents have filed answers in support of the complaints. In addition, numerous letters have been received from charter-tour operators protesting the "Super-Jackpot" fares.

Trans World Airlines, Inc.; proposed Super Jackpot fares

[Round trip fares]

Between Las Vegas and—	Coach	"Super Jackpot" fares*					
		Peak [1]		Shoulder [2]		Low [3]	
		Amount	Discount (percent)	Amount	Discount (percent)	Amount	Discount (percent)
New York	$392	$259	33	$239	39	$199	49
Chicago	288	209	27	189	34	159	45
Philadelphia	382	259	32	239	37	199	48
Pittsburgh	344	239	31	219	36	179	48
Boston	412	269	35	249	40	209	49
Detroit	320	239	25	219	32	199	38

*When travel involves different pricing periods, TWA's rules provide that the fare is the sum of 50 pct of the round-trip fare applicable on the day of departure and 50 pct of the round-trip fare on the day of return. For example, the round-trip jackpot fare between New York and Las Vegas going on Wednesday and returning Sunday is 50 pct of $199 or $99.50, plus 50 pct of $259 or $129.50 for a total of $229.

[1] Thursday and Sunday all year.
[2] Monday and Friday all year, Saturday June through October.
[3] Tuesday and Wednesday all year, Saturday November through May.

APPENDIX C

TARIFF C.A.B. NO. 259, ISSUED BY AIRLINE TARIFF PUBLISHING CO., AGENT

On 28th and 29th Revised Pages 647, the YHOE77, YHWE77, and YHXE77 fare class applications.

On 26th Revised Page 648, the YHOE77, YHWE77, YHXE77, and YLOE77 fare class applications.

On 28th Revised Page 648, the YLOE77, YLWE77, and YLXE77 fare class applications.

On 18th Revised Page 648-A, the YLWE77 and YLXE77 fare class applications.

All YHWE77, YHXE77, YHOE77, YLOE77, YLWE77, and YLXE77 class fares and the reference marks used in connection therewith on the following pages:

On 42d, 43d, 44th, 45th, 46th and 47th Revised Pages 655, between Boston and Las Vegas.

On 40th, 41st, 42d, 43d, and 44th Revised Pages 657, between Chicago and Las Vegas.

On 36th, 37th, 38th, and 39th Revised Pages 663, between Detroit and Las Vegas.

On 48th, 49th, 50th, 51st, 52d, and 53d Revised Pages 667, between Las Vegas, on the one hand, and New York/Newark, Philadelphia, and Pittsburgh on the other.

On 43d Revised Page 683, the YHOE77, YHWE77, YHXE77, YLOE77, YLWE77, and YLXE77 fare class applications.

On 42d, 43d and 44th Revised Pages 686-A, the "e" reference mark insofar as it applies to the YHOE77, YHWE77, YHXE77, YLOE77, YLWE77, and YLXE77 class fares.

All YHWE77, YHXE77, YHOE77, YLOE77, YLWE77, and YLXE77 class fares on the following pages:

On 36th, 37th and 38th Revised Pages 700, between Boston and Las Vegas.

On 48th and 49th Revised Pages 707, between Chicago and Las Vegas.

On 37th and 38th Revised Pages 718, between Detroit and Las Vegas.

On 47th and 48th Revised Pages 735, between Las Vegas, on the one hand, and New York/Newark, Philadelphia, and Pittsburgh, on the other.

TARIFF C.A.B. NO. 142, ISSUED BY AIRLINE TARIFF PUBLISHING CO., AGENT

On 20th and 21st Revised Pages 81 and 82, Rule 186.

[FR Doc.77-30640 Filed 10-19-77;8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of 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 Illinois Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m. on Monday, November 14, 1977, at 230 South Dearborn Street, MWRO Conference Room, Chicago, Ill. 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss the status reports on the Chicago Desegregation Project and the possibility of it continuing on as a Regional Project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-30574 Filed 10-19-77;8:45 am]

[6335-01]

INDIANA ADVISORY COMMITTEE

Agenda and Notice of 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 Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m. on November 20, 1977 and again on November 21, 1977 at 10:00 a.m. to 12 noon in the Ramada Inn, 1530 North Meridian, Indianapolis, Ind. 46202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn St., 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to discuss the SAC transition to Regional Advisory Committees, also discuss plans for closing our activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 17, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-30575 Filed 10-15-77;8:45 am]

[6335-01]

WYOMING ADVISORY COMMITTEE

Agenda and Notice of 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 8:30 a.m. on November 10, 1977 and will end at 5 p.m. on November 11, 1977, at Allison Hall, First Methodist Church, E 18th Street between Central and Warren, Cheyenne, Wyo. 82001.

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 St., Denver, Colo. 80202.

This will be a two day consultation on civil rights in Wyoming.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 14, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-30576 Filed 10-19-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 11-77]

EASTERN DISTRIBUTION CENTER, INC.

Application for a Foreign-Trade Subzone at Olivetti Corporation of America Assembly Plant, Harrisburg, Pennsylvania

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Eastern Distribution Center, Inc., a non-profit Pennsylvania corporation, and grantee of Foreign-Trade Zone No. 24 (Wilkes-Barre/Scranton Customs Port of Entry), requesting a grant of authority to establish a special-purpose subzone at the assembly plant of the Olivetti Corporation of America (Olivetti), which is located within the Harrisburg, Pennsylvania, Customs Port of Entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on October 11, 1977. The Eastern Distribution Center, Inc. is authorized to apply for foreign-trade zones under Pennsylvania law (Act No. 126, approved June 10, 1935, Pub. L. 291).

The proposal calls for the establishment of a special-purpose foreign-trade subzone, under the sponsorship of the Eastern Distribution Center, Inc., at the

typewriter assembly plant of Olivetti at 2800 Valley Rd., Harrisburg, Pa. The facility, which occupies 264,000 square feet, is located on a 100 acres tract on the south side of U.S. Highway 81, about 1 mile west of the junction of U.S. Highways 81 and 83.

The application indicates that the reason for requesting subzone status is to permit Olivetti to make its Customs entries on completed typewriters rather than imported parts. The firm had been importing typewriter parts free of duty under the Customs "entireties" concept, as typewriters are duty-free. A recent Customs decision, however, denied Olivetti's use of the entireties provision because its parts shipments were not coming in together. This has caused the firm to consider moving its assembly operation overseas from where it can ship typewriters to the U.S. duty-free.

Olivetti employs approximately 1000 persons in the Harrisburg area, with an annual payroll of approximately $14 million, and purchases approximately $18 to $20 million of goods and services from other domestic sources. Pennsylvania state officials, after consultations with U.S. Customs, requested that the sponsor of the nearest foreign-trade zone to Harrisburg undertake the sponsorship of a subzone at the Olivetti plant in an effort to prevent its relocation overseas.

Copies of the Eastern Distribution Center's application are available for inspection at:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW., Room 6886–B, Washington, D.C. 20230.

In accordance with the Board's regulations, an Examiners Committee will review the application and report thereon to the Board. Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the above address and be postmarked on or before November 4, 1977.

Dated: October 14, 1977.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.77–30573 Filed 10–19–77;8:45 am]

[3510–03]

Maritime Administration

APPLICANT AS TRUSTEE

Approval

Notice is hereby given that First National Bank and Trust Co. of Evanston, Ill., with offices at 800 Davis Street, Evanston, Ill., has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: October 5, 1977.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77–30675 Filed 10–19–77;8:45 am]

[3510–03]

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on November 15, 1977, at 10 a.m. in the Board Room at the U.S. Merchant Marine Academy, Kings Point, N.Y.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The Agenda for the meeting is:

1. Call meeting to order;
2. Approval of the minutes of the May 3, 1977, meeting:
3. Status report of engineering program accreditation;
4. Status report of diesel engine program;
5. Status of fiscal year 1978 Budget; and
6. Board members' reports and recommendation for calendar year 1977.

This meeting is open to public observation and comment. Approximately 20 seats will be available for the public on a first come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Arthur W. Friedberg, Office of Maritime Manpower, Room 3069A, Main Commerce Building, telephone 202–377–3018.

Dated: October 17, 1977.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77–30676 Filed 10–19–77;8:45 am]

[3125–01]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under Section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

On Thursday, October 27, 1977, the TSCA/ITC will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place, NW. The Committee will review draft dossiers and discuss the outline for the proposed progress report to the EPA Administrator. Interested persons are invited to attend. A closed executive session will follow the meeting.

Dated: October 17, 1977.

WARREN R. MUIR,
Chairman, TSCA/ITC.

[FR Doc.77–30579 Filed 10–19–77;8:45 am]

[3810–71]

DEPARTMENT OF DEFENSE

Department of the Navy

SEA SYSTEMS DEVELOPMENT

Limited Exclusive Patent License Granted

Pursuant to the provisions of Part 746 of Title 32, Code of Federal Regulations (41 FR 55711–55714, December 22, 1976), the Department of the Navy announces that on September 20, 1977, it granted to Sea Systems Development, a partnership in the State of California, with partners being Stanley A. Black, Leroy W. Tucker, and Steve Sergev, a revocable, nonassignable, limited exclusive license for a period of five years under Government-owned United States Patent Number 3,884,216, issued May 20, 1975, entitled "Electrochemical Energy Source for Diver Suit Heating," inventor Joseph F. McCartney.

Copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice contact:

Dr. A. C. Williams, Staff Patent Advisor, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy St., Arlington, Va. 22217, telephone no. 202–692–4005.

Dated: October 14, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77–30599 Filed 10–19–77;8:45 am]

[3810–70]

Office of the Secretary

BOARD OF VISITORS OF THE NATIONAL DEFENSE UNIVERSITY

Meeting

The President of the National Defense University has scheduled a meeting of the Board of Visitors of the National Defense University on Tuesday and Wednesday, November 1–2, 1977, from 0830–1145 and 1330–1630 each day. Meetings will be held in the Hill Study Lounge of the National War College except for the morning sessions of November 2, in which case subcommittee meetings will be held in both National War College and Industrial College Conference Rooms. The agenda will include a progress report on the National Defense University and the curricula of both Colleges. The meeting is open to the public, and the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested persons should write the National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319, or phone the Assistant to the President at 202–693–1074.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Secretary of Defense (Comptroller).

OCTOBER 13, 1977.

[FR Doc.77–30600 Filed 10–19–77;8:45 am]

[6360–01]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, October 26, 1977, commencing at 1 p.m. The hearing will be held in the Hearing Room (Room 215) of the Sullivan County Government Center, Monticello, N.Y. The subject of the hearing will be application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to section 3.8 of the Compact:

1. *Pennsylvania Fish Commission (D–77–88 CP).* A wastewater treatment project at the Commission's existing Pleasant Mount fish hatchery located in Mount Pleasant Township, Wayne County, Pa. A settling basin and lagoon will be constructed to provide treatment to a wastewater flow of 4.3 million gallons per day. The facility will provide removal of 90 percent of BOD_5 and 92 percent of suspended solids. Treated effluent will discharge to the West Branch Lackawaxen River.

2. *City of Philadelphia (D–75–134 CP).* Construction of a bulkhead and fill along the east bank of the Schuylkill River from South Street to Fairmount Dam. The project will provide a riverbank park area on the western fringe of the City and will connect with Fairmount Park.

3. *New Castle County Dept. of Public Works (D–74–165 CP).* A sewage treatment plant and Part A of a regional collection system serving the communities of Middletown, Odessa and Townsend, New Castle County, Del. The treatment plant will provide removal of 95 percent of BOD_5 and suspended solids from a sewage flow of about 1 million gallons per day. Treated effluent will discharge to Appoquinimink River.

4. *Kent County Levey Court (D–77–89 CP).* A receptional facility to be developed by the County along the Tidbury Creek, Kent County, Del. An 18-acre site along the creek will be developed into a public park area.

5. *Crompton and Knowles Corp. (D–76–98).* A well water supply project at the company's Dyes and Chemicals Division plant in Robeson Township, Berks County, Pa. The project involves the withdrawal of 720,000 gallons per day from new wells nos. 3 and 4.

6. *Maurice Castellini Jr. (D–77–76).* A farm well at the subject farm located in Vineland, Cumberland County, N.J. The new facility is expected to yield 120,000 gallons per day.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to notify the Secretary prior to the date of the hearing.

W. BRINTON WHITALL,
Secretary.

OCTOBER 14, 1977.

[FR Doc.77–30601 Filed 10–19–77;8:45 am]

[6170–01]

DEPARTMENT OF ENERGY

SOLAR WORKING GROUP

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Solar Working Group will hold a meeting on November 9 and 10, 1977, beginning at 9 a.m. each day in Room 4222C at 20 Massachusetts Ave., NW., Washington, D.C.

The Working Group was established to provide guidance and evaluation by making an assessment of ERDA's solar programs.

The purpose of the meeting is to discuss with the Stanford Research Institute (SRI) the analytical study they are performing for the Solar Working Group.

The meeting is open to the public. The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Advisory Committee Management Office, 202–566–9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on October 13, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc.77–30596 Filed 10–19–77;8:45 am]

[6560–01]

[FRL 807–5; OPP–50290A]

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF THE INTERIOR

Issuance of Experimental Use Permit To Use Sodium Monofluoroacetate in Toxic Collars for Predator Control Evaluation

On June 10, 1977, the Environmental Protection Agency (EPA) announced in the FEDERAL REGISTER (42 FR 29953), the receipt of an application from the Fish and Wildlife Service of the U.S. Department of the Interior (USDI), for an experimental use permit allowing for the use of approximately 300 grams of sodium monofluoroacetate (1080) in toxic collars. The permit was requested to determine the feasibility of the toxic collar concept and to gather efficacy data to be used in support of possible registration. The program was to be carried out in the States of Idaho, Montana, and Texas. Since the Administrator, EPA, determined that issuance of the permit might be of regional or national significance, interested persons were invited to submit written comments regarding the application. Only one comment was received. The commenter was against the use of 1080 on the grounds that it was inhumane and environmentally unsafe

Based on the data received and other available information, an experimental use permit has been issued to the Fish and Wildlife Service of the USDI, Washington, D.C. 20240. Such permit is in accordance with, and subject to, the provisions of 40 CFR 172 (Section 5) of the amended Federal Insecticide, Fungicide, and Rodenticide Act (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.); Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6704–EUP–14) allows the use of 0.66 pounds of the predacide sodium monofluoroacetate in toxic collars to evaluate control of coyotes preying on sheep. The program is authorized only in the States of Idaho, Montana, and Texas. The experimental use permit is effective from September 6, 1977, to October 30, 1978. Special precautions have been taken to prevent any adverse effects on man or the environment as a result of this permit. The permit is subject to the following conditions:

1. The toxic collar will not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; and (6) Areas where exposure to the public and family pets is probable.

2. The 1080 toxic collar will not be used in areas where threatened or endangered species might be adversely affected.

3. In all areas where the use of the toxic collar is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the first aid measures required for treatment of 1080 poisoning.

4. The toxic collar will not be used on sheep on any Federal lands as defined under Section 2 of Executive Order 11643.

5. All sheep that are collared must be conspicuously marked to facilitate early visual recovery.

6. A system of comprehensive observations on any secondary poisoning and all adverse effects on nontarget organisms must be recorded and reported to EPA.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: October 14, 1977.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.77-30679 Filed 10-19-77;8:45 am]

[6560-01]

[FRL 807-1; OPP-42053]

STATE OF ALABAMA

Submission of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.) and 40 CFR Part 171, 39 FR 36446 (October 9, 1974), and 40 FR 11698 (March 12, 1975), the Honorable George C. Wallace, Governor of the State of Alabama, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IV, to approve this plan.

A summary of this plan follows:

The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Division of Agricultural Chemistry, Alabama Department of Agriculture and Industries, Montgomery, Ala. 36109.

Environmental Protection Agency, Pesticides Branch, 345 Courtland Street NE., Atlanta, Ga. 30308.

Environmental Protection Agency, Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

SUMMARY OF ALABAMA STATE PLAN

The Alabama Department of Agriculture and Industries has been designated as the State lead agency for administering all pesticide regulatory activities, including any provisions pertaining to private and commercial applicators, and the use of restricted use pesticides under FIFRA.

The cooperating agencies and boards include the Pesticide Advisory Committee, the Examining Board and the Cooperative Extension Service. The Extension Service will be responsible for the applicator certification training courses, preparation of examination questions for commercial applicators, and distribution of applicator core manuals. Written examinations to be given all commercial applicators will be prepared, given and graded by the examining board.

Legal authority for the program is contained in Act No. 1949 and regulations, Legislature of 1971 (Regular Session), Acts of 1971, Volume IV, Page 3151, as amended by Act No. 580, Legislature of 1977, approved May 12, 1977, and Act No. 1957, Legislature of 1971 (Regular Session) Acts of 1971, Volume IV, Page 3177, Title 2, Chapter 7, Code of Alabama (1940), as last amended by Act No. 796 of the Legislature of 1969 (Regular Session).

The plan indicates the State lead agency and cooperating agencies and Boards have sufficient qualified personnel and funds necessary to carry out the proposed programs. Funding in support of the programs for fiscal year 1977-78 is adequate.

The State estimates approximately 16,000 private applicators and 1,000 commercial applicators need to be certified. Restricted Use Permits will be issued to all certified applicators. These permits will contain code numbers specifying those pesticides the applicator is authorized to purchase and use.

The State lead agency will submit an annual report to EPA by March 1 of each year and special reports as required.

The commercial applicator categories proposed are those listed in 40 CFR 171.3 with the following modifications:

Under the major category of Industrial, Institutional, Structural and Health Related Pest Control, three subcategories were established. These are (1) Industrial, Institutional, and Structural Health Related Pest Control, (2) Wood Destroying Organisms Pest Control, and (3) Fumigation Pest Control.

The major category of "Demonstration and Research Pest Control" has been made a subcategory under the major category "Regulatory Pest Control."

In addition, "Aerial Application" and "Public Employee" will be listed as subcategories under the applicable major categories.

The State of Alabama plans to certify commercial applicators by written examinations that will cover the general standards included in "core" materials and, as appropriate, the specific standards for each category or subcategory. Aerial applicators will be required to take an additional examination on aerial application. Training sessions for commercial applicators covering the Federal Standards (40 CFR 171.4 and 171.6) will be conducted by the Extension Service. These standards are covered in the EPA core manual for commercial applicators and the specific category manuals. Information about the courses and examinations may be obtained from the County Extension Agents.

Private applicators will be certified by the following method. An applicant will fill out a form stating the Restricted Use Pesticide he wishes to purchase and the intended use of that pesticide. The County Extension Agent will then provide the applicant with educational information and discuss the proper use of the pesticide, its hazards, limitations, proper safety precautions and possible consequence of pesticide poisoning resulting from misuse of the products listed. In addition, the County Extension Agent will instruct the applicant in disposal of pesticides and containers and what to do in case of pesticide poisoning.

After this educational process, the County Extension Agent certifies on the back of the form that he has provided and discussed the educational information required. This form is then forwarded to the Department of Agriculture where the decision is made as to whether a restricted use pesticide use permit should be issued to the applicant.

Private applicators with poor reading comprehension or who cannot read will be provided verbal and visual educational information on those restricted use pesticides the applicant desires to use. This information will cover the standards defined in 40 CFR 171.5 and 171.6. After completing this instruction, visual material including the complete label for the restricted pesticide in question will be shown to the applicant. Other needed information about the pesticide, its proper use, handling and other significant data will be given to the applicant. The Extension Professional Staff member will communicate with the applicant to determine if the applicant comprehends the information.

The application complete with the Extension Professional staff member's comments will be forwarded to the lead agency for determination as to whether a permit should be issued.

Sample examinations are attached to the plan as provided for by 40 CFR 171.7 (e)(1)(i)(D). However, in view of the need to preserve the confidentiality of the examination format, the State of Alabama requests the examinations not be made available for public inspection. The Agency agrees with this position,

and has removed the sample examinations from the public inspection copies of the plan.

The Alabama State Plan indicates that applicators under a Government Agency Plan will meet standards and requirements specified in the State Plan for the category in which they desire certification.

Alabama does not have reciprocity agreements with other states regarding commercial or private applicator certification. If reciprocity agreements are developed, they will meet the requirements of 40 CFR 171.7(e)(6).

Additional regulatory activities listed in the State Plan that will supplement the Alabama certification program are State registration, inspection and sampling of pesticide products. All dealers will be licensed and records will be subject to inspection by the Department of Agriculture.

The duration of the commercial applicator's certification will be one year. Annual recertification will be accomplished by attendance at a program in the appropriate category, as approved by the commissioner or by reexamination.

Private applicator certification is valid for 3 years unless revoked by the commissioner. Renewal of certification after 3 years will be by the same process as for initial certification.

Enforcement of the Alabama certification program will be carried out by inspectors who will spot check commercial and private applicators to insure that they comply with State laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Alabama to Chief, Pesticides Branch, Region IV, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308. The comments must be received on or before November 21, 1977, and should bear the identifying notation (OPP-42053). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: October 6, 1977.

JOHN A. LITTLE,
Deputy Regional Administrator, Region IV.

[FR Doc.77-30680 Filed 10-19-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 880]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

OCTOBER 17, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20031-CD-AL-78 Robert W. Forsythe, Jr. d.b.a. Spring Communications Co. Consent to assignment of license from Robert W. Forsythe, Jr. d.b.a. Spring Communications Company, assignor to Radio Contact Corp., assignee. Station: KWU329, Colorado Springs, Colo.

20032-CD-P-(3)-78 Charles L. Slocum (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Loc. No. 1: 2.5 miles south of Corry, on Legislative Rt. 25076, Corry, Pa.; and for 152.24 MHz and 454.275 MHz at Loc. No. 2: Coalbed Rd., Elk Township, six miles northeast of Warren, Pa.

20033-CD-P-78 Two-Way Radio of Carolina, Inc. (KLF612). C.P. to relocate facilities, and change antenna system operating on 152.24 MHz at Loc. No. 1: 400 S. Tryon Street, Charlotte, N.C.

20034-CD-P-78 South Shore Radio-Telephone, Inc. (KQZ707). C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.21 MHz located 3.5 miles SW. of Osceola, 1.5 miles west of Elkhart Co. line on Kern Road, Osceola, Ind.

20035-CD-P-78 South Shore Radio-Telephone, Inc. (KTS281). C.P. to relocate facilities and change antenna system operating on 1522.12 MHz located 3.5 miles southwest of Osceola, 1.5 miles west of Elkhart Co. line, Osceola, Ind.

20036-CD-P-78 Arnold Anderson d.b.a. Concho Communications (new). C.P. for a new 1-way signaling station to operate on 152.24 MHz to be located on Hwy. 377, 3.5 miles south of intersection with Hwy. 84, Brownwood, Tex.

20037-CD-P-(2)-78 Arnold Anderson d.b.a. Concho Communications (new). C.P. for a new station to operate on 1522.06 and 152.18 MHz to be located on Hwy. 377, 3.5 miles south of intersection with Hwy. 84, Brownwood, Tex.

20038-CD-P-(2)-78 Imperial Communications Corp. (KMA262). C.P. to replace transmitter operating on 454.025 MHz at Loc. No. 2: San Miguel Mountain, 13 miles east of San Diego, Calif.

20039-CD-MP-(2)-78 The Pacific Telephone and Telegraph Co. (KMD999). C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.54 and 152.78 MHz, standby at Loc. No. 2: 3.5 miles NE. of San Marcos, Calif.

20040-CD-P-78 Airsignal International of Pittsburgh, Pa., Inc. (KGA805). C.P. to change antenna system operating on 35.22 MHz at Loc. No. 6: Rts. 519 and I-79, 2 miles NE. of Canonsburg, Pa.

20041-CD-P-78 Otis L. Hale d.b.a. Mobilfone Communications (KLF633). C.P. to relocate facilities and change antenna system operating on 454.25 MHz, control at Loc. No. 3: Worthen Building, 200 West Capitol, Little Rock, Ark.

20042-CD-AL-78 Edwards Plateau Mobile Communications. Consent to assignment of license from Edwards Plateau Mobile Communications, assignor to Marie Hanson, assignee. Station: KUC974, Ozona, Tex.

20043-CD-P-78 Texoma Mobilfone, Inc. (KFJ886). C.P. to relocate facilities and change antenna system operating on 152.06 MHz located south edge of city limits, Bowie, Tex.

20044-CD-P-78 United Telephone Co. of Minnesota (KFL953). C.P. to relocate facilities operating on 152.60 MHz to 601 Irving Street, Alexandria, Minn.

20045-CD-P-78 United Telephone Co. of the Northwest (KOK335). C.P. to change antenna system operating on 152.81 MHz to 5 miles southeast of Cutler City, Oreg.

20046-CD-P-78 Trenton Telephone Co., Inc. (new). C.P. for a new station to operate on 454.400 MHz to be located 0.5 miles northwest of West Brow Chapel on Ga. Hwy. 157, West Brow, Ga.

20047-CD-MP-(3)-78 Ram Broadcasting of Colorado, Inc. (KUC862). C.P. to relocate facilities and change antenna system operating on 454.250, 454.275, and 454.300 MHz to be located at Marriott Motor Hotel, Interstate Hwy. 25 at Hampden Avenue, Denver, Colo.

20048-CD-P-(6)-78 E. B. Brownell d.b.a. Worland Services (KOP254). C.P. to change antenna system operating on 152.09 MHz, base and 459.100 MHz, repeater and for additional facilities to operate on 152.03 MHz, base and 459.175 MHz, repeater at Loc. No. 1: Copper Mountain, 18 miles southeast of Thermpolis; change antenna system operating on 454.100 MHz, control and for additional facilities to operate on 454.175 MHz, control at Loc. No. 2: 1212 Robertson Avenue, Worland, Wyo.

20049–CD–P–(3)–78 Fresno Mobile Radio, Inc. (KLF649). C.P. for additional facilities to operate on 43.58 MHz at Loc. No. 1: Alder Springs, 30 miles northeast of Fresno; same facilities at Loc. No. 2: On Joaquin Ridge, near Coalinga; and same facilities at Loc. No. 3; 160 North Broadway, Fresno, Calif.

20050–CD–P–78 Houser Communications, Inc. (KSA265). C.P. to change antenna system operating on 152.09 MHz at Loc. No. 2: 5700 Block of Humboldt Street, Peoria Heights, Ill.

RURAL RADIO SERVICE

60026–CR–P–78 The Lincoln County Telephone System, Inc. (WAF848). C.P. to relocate facilities operating on 459.60MHz to T 11 S R 62 E, Approx. 46.1 KM SSE Alamo, Coyote Springs, Nev.

CORRECTION

60399–CR–P–77 The Mountain States Telephone and Telegraph Co. Correct call sign to read: (KOU48). All other particulars are to remain as reported on PN No. 876, dated September 19, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE

AK—8–CF–P–78 RCA Alaska Communications, Inc. (WAD93), 2.5 miles east of Talkeetna, Alaska (Lat. 62°19'57" N., Long. 150°01'57" W.). C.P. to change polarization from horizontal to vertical on frequencies 11285, 11605, and from vertical to horizontal 11365, 11525, and 11685 MHz toward Scotty Lake.

NM—3–CF–P–78 The Mountain States Telephone and Telegraph Co. (KTQ88), 605 E 12 Street Alamogordo, N. Mex. (Lat. 32°54' 07" N., Long. 105°57'14" W.). C.P. to add frequency 2112.0V MHz toward Sac Peak on azimuth 2.0°.

NM—4–CF–P–78 Same Sac Peak 1.8 miles northeast of Sunspot, N. Mex. (Lat. 32°48' 26" N., Long. 105°47'57" W.). C.P. to add frequency 2162.0V MHz toward Alamogordo on azimuth 2.0°.

AK—7–CF–P–78 RCA Alaska Communications, Inc. (WAD95), Scotty LK 8 miles west of Talkeetna (Lat. 62°19'07" N., Long. 150°17'55" W.). C.P. to change polarization from horizontal to vertical on frequencies 10835, 11155, and from vertical to horizontal on 10755, 10915, and 11075 MHz toward Talkeetna.

HI—13–CF–P–78 Hawaiian Telephone Co. (KZA47), 84–280 Farrington Hwy. Makaha, Hawaii (Lat. 21°28'58" N., Long. 158°13'29" W.). C.P. to change polarization from horizontal to vertical 5952.6 and 6071.2 MHz toward Mauna Kapu N.

HI—14–CF–P/ML–78 Same Mauna Kapu N 6.3 miles ESE of Waianae, Hawaii (Lat. 21° 24'17" N., Long. 158°06'03" W.). C.P. to change polarization from vertical to horizontal on frequencies 6204.7 and 6323.3 MHz toward Makaha.

AR—17–CF–P–78 American Telephone and Telegraph Co. (KPT98), 5.6 miles WSW of Kelvin, Ariz. (Lat. 33°04'10" N., Long. 111° 03'13" W.). C.P. to add frequency 4050V MHz toward Oracle, Ariz.

AR—18–CF–P–78 Same (KPT99), 14.5 miles NW. of Oracle, Ariz. (Lat. 32°45'48" N., Long. 110°56'13" W.). C.P. to add frequency 4090V MHz toward Tucson.

WI—23–CF–P–78 Wisconsin Telephone Co. (KSN96), 17 S. Fairchild Street, Madison, Wis. (Lat. 43°04'23" N., Long. 89°23'06" W.). C.P. to change frequencies 6315.9H to 6256.5H, 6404.8V to 6286.2V, 6256.5H to 6345.5H and 6375.2H to 6404.8H MHz toward New Glarus.

WI—24–CF–P–78 Same (KSN97), 5.5 miles NW. of New Glarus, Wis. (Lat. 42°50'20" N., Long. 89°43'35" W.). C.P. to change frequencies 5974.8H to 5945.2H, 6093.5H to 6004.5H, 6004.5V to 6093.5V and 6034.2H to 6152.8H MHz toward Madison and 5974.8V to 6093.5V, 6093.5V to 6004.5V and 6004.5H to 5974.8H MHz toward Dodgeville.

WI—25–CF–P–78 Same (KSN98), Division Street South of Dodgeville, Wis. (Lat. 42° 57'06" N., Long. 90°08'17" W.). C.P. to change frequencies 6197.2V to 6404.8V, 6315.9V to 6256.5V and 6404.8H to 6375.2H MHz toward New Glarus.

TX—34–CF–MP–78 East Texas Transmission Co. (KLH75), North Glenwood Blvd. and West Claude, Typer, Tex. (Lat. 32° 21'13" N., Long. 95°19'11" W.): Construction permit to replace antenna and to add 6345.5H MHz toward Jacksonville, Tex., on azimuth 175.0°.

NC—35–CP–P–78 American Television & Communications, Corp. (WBA 979), Sharon Amity Road at SBC RR, Charlotte, N.C. (Lat. 35°10'50" N., Long. 80°46'32" W.): Construction permit to add 5960.0V MHz toward Catawba, S.C., via power split, on azimuth 202.6°.

SC—36–CF–P–78 American Television & Communications, Corp. (new) 2 miles NW of Catawba, S.C. (Lat. 34°52'30" N., Long. 80°55'47.5" W.): Construction permit for new station—6049.0V MHz toward Ridgeway, S.C., on azimuth 177.5°.

SC—37–CF–P–78 American Television & Communications, Corp. (new) 4.5 miles NE of Ridgeway, S.C. (Lat. 30°20'23.3" N., Long. 80°54'06" W.): Construction permit for new station—6167.6H MHz toward Columbia, S.C., on azimuth 197.5°.

DTF–3069–CF–R–77 Pacific Northwest Bell Telephone Co. (KPR 65) developmental—temporary fixed—36 units within the territory of the grantee. Received timely filed renewal for the above mentioned radio station.

DTF—3497 – CF – P/ML – 77 The Mountain States Telephone and Telegraph Co. (KAQ 85) developmental—temporary fixed within the territory of the grantee. Construction permit and modification of license to add transmitters operating in the frequency bands—2110–2130, 2160–2180, 3700–4200, 5925–6425 and 10700–11700 MHz.

MAJOR AMENDMENT

FL—3373–C1–P–73 Southern Pacific Communications Co. (new) Auburndale, Fla. (Lat. 28°02'58" N., Long. 81°48'22" W.) Amended application to change 3910H MHz to 6197.2H MHz towards Keysville, Fla. on azimuth 231°.

FL—3375–C1–P–73 Same (new) Keysville, Fla. (Lat. 27°51'04" N., Long. 82°05'13" W.) Amended application to change 4050V MHz to 5945.2V MHz towards Auburndale, Fla. on azimuth 50°. (Rest remains the same as reported on Public Notice dated August 27, 1973.)

[FR Doc. 77–30629 Filed 10–19–77;8:45 am]

[6712–01]

[Docket No. 20271]

INTERNATIONAL RADIO REGULATIONS

Notice of Inquiry Concerning Preparation for a General World Administrative Radio Conference of the International Telecommunication Union To Consider Revision of the International Radio Regulations; Order Extending Time for Filing Reply Comments Corrected

AGENCY: Federal Communications Commission.

ACTION: Corrected extension of time for filing of reply comments to late filed comments of National Aeronautics and Space Administration.

SUMMARY: Fifth Notice of Inquiry in Docket 20271. The date for filing reply comments to the late filed comments of National Aeronautics and Space Administration has been extended until October 21, 1977.

DATES: Date for reply comments: on or before October 21, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Robert L. Cutts; Chief, International and Operations Division, Office of Chief Engineer, 202–632–7025.

Adopted: October 7, 1977.

Released: October 13, 1977.

By the Chairman, FCC WARC Steering Committee.

1. On May 20, 1977, the Commission adopted the Fifth Notice of Inquiry in the above-styled proceeding (42 FR 27755). The date for filing comments was established as August 1, 1977, and the reply comment date was August 22, 1977.

2. On July 14, 1977 a petition was filed seeking to extend the comment and reply comment deadlines. These deadlines were subsequently extended to August 15, 1977 and September 2, 1977, respectively.

3. On October 6, 1977, the Commission received comments from NASA, which address substantive issues contained in the Fifth Notice of Inquiry in this proceeding. In view of the above, we believe that an extension of time for reply comments limited to issues addressed in the NASA comments is appropriate. Therefore, we will extend the time for filing reply comments to the NASA comments to October 21, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
HARRY FINE,
Chairman, FCC WARC Steering Committee.

[FR Doc.77–30650 Filed 10–19–77;8:45 am]

[6740–02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. CI77–833]

AMERADA HESS CORP.

Limited-Term Application

OCTOBER 13, 1977.

Take notice that on September 26, 1977, Amerada Hess Corp (Applicant), 1200 Milam, Sixth Floor, Houston, Tex. 77002, filed in Docket No. CI77–833 an application for a limited-term certificate of public convenience and necessity with pregranted abandonment authorizing it to engage in the sale of emergency gas.

Applicant is seeking a limited-term certificate with pregranted abandonment

to make a sale of emergency gas to Transcontinental Gas Pipe Line Corp. (Transco) for a one-year period commencing on the expiration of the 60-day emergency sale which started on August 1, 1977. Applicant states that it is the owner of other leases in Vermilion Parish, La. The Broussard A No. 1 Well and the Lewis Faciane Well No. 2 are located on separate leases. The two wells are not sufficient in number nor have they been produced a sufficient length of time to permit Applicant to fully evaluate the reservoirs underlying Applicant's leases. Applicant and Transco have agreed to a one-year limited-term contract in order to permit Applicant to fully evaluate the reservoirs underlying its leases. During this one-year period, Applicant will evaluate the reservoirs by the production of existing wells and the drilling of new wells. This, in turn, will allow Applicant to formulate long-range marketing plans for the gas.

Applicant has received offers of prices in excess of those to be paid by Transco under the one-year limited-term contract. Some of these offers have included the installation of pipeline facilities which will not be required if the limited-term certificates sought herein is granted.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1977, file with the Federal Energy Regulatory 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.77-30581 Filed 10-19-77;8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. RP76-10 (PGA No. 77-5)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

OCTOBER 13, 1977.

Take notice that on September 30, 1977, Arkansas Louisiana Gas Co. (Arkla) tendered for filing Thirteenth Revised Sheet No. 185 to its FPC Gas Tariff Original Volume No. 3, to become effective November 1, 1977.

Arkla states that the purpose of Thirteenth Revised Sheet No. 185 is to place into effect a Purchased Gas Adjustment on November 1, 1977, in accordance with the applicable PGA Provisions in its Rate Schedule No. X-26.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla's jurisdictional customer and other interested parties affected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30658 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. RP74-61 (PGA No. 77-5)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

OCTOBER 13, 1977.

Take notice that on September 30, 1977, Arkansas Louisiana Gas Co. (Arkla) tendered for filing Fifteenth Revised Sheet No. 4 to its FPC Gas Tariff Frst Revised Volume No. 1, to become effective November 1, 1977.

Arkla states that the purpose of Fifteenth Revised Sheet No. 4 is to place into effect a Purchased Gas Adjustment on November 1, 1977, in accordance with the applicable PGA Provisions in its Rate Schedule No. G-2.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla's jurisdictional customers and other interested parties effected by the tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30659 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CP73-329 (PGA77-5a)]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

OCTOBER 13, 1977.

Take notice that on September 21, 1977, Chattanooga Gas Co., A Division of Jupiter Industries, Inc. (Chattanooga), tendered for filing proposed changes to Original Volume No. 1 of its Gas Tariff to become effective on August 1, 1977, consisting of the following revised tariff sheets:

Substitute Twenty Fourth Revised Sheet No. 6.

Chattanooga states that the sole purpose of this Revised Tariff Sheet is to adjust Chattanooga's LNG rates pursuant to the PGA provision in section 5 of the General Terms and Conditons of its Tariff to reflect increased purchased gas costs resulting from a PGA rate increase and a general rate increase by Southern Natural Gas Co., (Southern) in Docket Nos. RP73-64 and RP77-31.

This revised filing is required in order to reflect the effect of the Commission orders issued on August 1, 1977, and August 11, 1977, accepting reduced revised rates of Sea Robin Pipeline Co. and United Gas Pipeline Co. to be effective on July 1 and July 2, 1977 and prospectively from July 2, 1977.

The rates contained in Chattanooga's original July 1 and August 1, 1977, filings were never placed into effect.

Chattanooga requests that its Substitute Twenty Fourth Revised Sheet No. 6 be made effective on August 1, 1977, the proposed effective date of the underlying increases by Southern.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30660 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CP77-634]

CITY OF NEW ALBANY GAS SYSTEM, NEW ALBANY, MISS., AND SOUTHERN TRANSMISSION CORP.

Application

OCTOBER 13, 1977.

Take notice that on September 23, 1977,[1] City of New Albany Gas System (Applicant), City Hall, New Albany, Miss. 38652, filed in Docket No. CP77-634 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Transmission Corporation (Respondent) to connect its natural gas transmission facilities with the facilities of Applicant, and to sell and deliver to Applicant up to 1,000 Mcf of natural gas per day during 5 winter months, all as more fully set forth in the application on file with the Commission and open to public inspection.

The proposed connections would be at Respondent's proposed 8⅝-inch O.D. transmission line in Benton County, Miss., it is said. Applicant states that its present source, Tennessee Gas Transmission Co., a Division of Tenneco, Inc. (Tennessee), has had curtailment problems which have caused severe hardships to the community, and that the proposed new source would be used to supplement the prime source during such curtailment periods. Applicant indicates that this connection with Respondent is an initial connection but is not the initial connection for the system.

The cost of the plant equipment to provide the subject interconnection including necessary meter equipment is $72,000, including engineering cost, which cost would be financed out of contingency funds budgeted for the current operation, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1977, file with the Federal Energy Regulatory 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 regulation under the Natural Gas Act (18 CFR 156.9). 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.77-30661 Filed 10-19-77;8:45 am]

[1] The application was initially tendered for filing on September 23, 1977; however, the fee required by section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 27, 1977; thus, filing was not completed until the latter date.

[6740-02]

[Docket No. CP77-633]

CITY OF PONTOTOC GAS SYSTEM, PONTOTOC, MISSISSIPPI, AND SOUTHERN TRANSMISSION CORP.

Application

OCTOBER 13, 1977.

Take notice that on September 23, 1977,[1] City of Pontotoc Gas System (Applicant), 500 South Main Street, Pontotoc, Miss., filed in Docket No. CP77-633 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Transmission Corporation (respondent) to connect its natural gas transmission facilities with the facilities of Applicant, and to sell and deliver to Applicant up to 500 Mcf of natural gas per day during 5 winter months at said point, all as more fully set forth in the application on file with the Commission and open to public inspection.

The interconnection would be at Respondent's proposed 8⅝-inch O.D. transmission line in Union County, Miss., it is said. Applicant states that its present source, Tennessee Gas Transmission Co., a Division of Tenneco, Inc. (Tennessee), has had curtailment problems which have caused severe hardships to the community, and that the proposed new source of gas supply would be used to supplement the prime source during such curtailment periods. Applicant indicates that this connection with Respondent is an initial connection but is not the initial connection for the system.

The cost of the plant and equipment to provide the subject interconnection including the necessary meter equipment is $7,200, including engineering cost, which cost would be financed out of contingency funds budgeted for the current operations, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practiceand procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). 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 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.77-30662 Filed 10-19-77;8:45 am]

[1] The application was initially tendered for filing on September 23, 1977; however, the fee required by section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 27, 1977; thus, filing was not completed until the latter date.

[6740-02]

[Docket Nos. CP74-289, CP73-334 and CP75-360]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

OCTOBER 13, 1977.

Take notice that on October 4, 1977, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, certain substitute original tariff sheets to its Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.[1]

El Paso states that on July 5, 1977, it filed with the Federal Power Commission ("Commission") its Report of Actual Revenues and Costs incurred under the special operating arrangements designed to protect Priority 1 and 2 service to El Paso's East-of-California ("EOC") customers during the 1976-77 heating season. Such special operating arrangements were conducted between El Paso, Pacific Gas and Electric Company ("PGandE") and Southern California Gas Company ("SoCal"), under temporary authorization issued July 9, 1975, at Docket Nos. CP73-334, et al. For the reasons set forth in said filing, El Paso requested waiver of Sections 11.3E (d) and 3.3E(d) of its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, respectively,[2] to permit El Paso to file its plan of disposition of excess or deficient revenues by no later than November 1, 1977.

On August 19, 1977, El Paso filed with the Commission a settlement proposal in the captioned proceedings and a concurrent tariff tender containing tariff provisions designed to implement said settlement proposal upon approval by the Commission. Included as a part of said concurrent tariff tender was a pro-

[1] Substitute Original Sheet No. 63-C.9A, Original Volume No. 1; Substitute Original Sheet No. 1-M.9A, Third Revised Volume No. 2; and Substitute Original Sheet No. 7-MM.9A, Original Volume No. 2A.

[2] Said tariff sections provide, among other matters, that El Paso shall include as a part of its Report of Actual Revenues and Costs, a plan for the disposition of excess revenues collected, if any, or a plan for the recovery of deficient revenues, if any.

posed new surcharge rate of 0.7905¢ per Mcf to become effective for the twelve (12) month period commencing November 1, 1977, which surcharge rate was designed to recover from certain EOC customers El Paso's costs associated with the plan presented in the settlement proposal.

El Paso states that the purpose of the instant tender is to incorporate in the aforementioned surcharge rate of 0.7905¢ per Mcf the adjustments necessary to reflect:

(i) The excess revenues collected under the special operating arrangements during the 1976–77 heating season, aggregating $593,450 and included in El Paso's report of July 5, 1977, said credit being El Paso's plan of disposition of excess revenues collected under the special operating arrangements for the 1976–77 heating season; and

(ii) An adjustment of $230,876 to carrying charges paid by El Paso to PGandE during the period July, 1974, through August, 1977, resulting from a reduction of $686,514 to the cumulative sum paid by PGandE for advance sale gas.

With respect to item (ii) above, such adjustment is necessary as a result of refunds made by El Paso to PGandE under the Stipulation and Agreement dated August 6, 1976, approved at Docket No. RP72–150 (Rate Design) et al.

As set forth on the tendered substitute tariff sheets identified above, the proposed surcharge rate resulting from the herein described adjustments is 0.7251¢ per Mcf of billing volumes and, by this filing, is proposed to become effective on November 1, 1977, given timely approval by the Commission of El Paso's Settlement proposal pending at Docket Nos. CP73–334, et al.

El Paso has requested that the Commission grant waiver of any and all provisions of its Regulations, as may be necessary, in order to accept the tendered substitute tariff sheets for filing in lieu of their respective counterparts filed on August 19, 1977, and to permit the tendered sheets to become effective on November 1, 1977, as proposed by El Paso's August 19, 1977, filing. El Paso states such requested effective date is subject to and conditioned upon the timely approval by the Commission of El Paso's said proposed settlement filed on August 19, 1977, in the instant proceeding.

El Paso further states the instant tender has been served upon all parties of record in Docket Nos. CP73–334, CP74–289 and CP75–360 and otherwise, upon all affected customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before October 24, 1977, file with the Federal Energy Regulatory 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 any 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30663 Filed 10-19-77;8:45 am]

[6740–02]

[Docket No. RP72–6]

EL PASO NATURAL GAS CO.

Tariff Filing

OCTOBER 13, 1977.

Take notice that on September 29, 1977. El Paso Natural Gas Company ("El Paso"), pursuant to Part 154 of the Commission's Regulations, tendered for filing certain tariff sheets to its Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. Such sheets are identified on the appendix attached hereto.

El Paso states that, in accordane with the provisions of the Commission's order issued June 1, 1977, in the captioned proceeding, El Paso implemented its revised interim curtailment plan on July 1, 1977, subject to further modification as may be ordered by the Commission upon completion of the hearings now pending at Docket No. RP72–6.

El Paso further states that El Paso and its customers have now experienced more than a full month of actual operations under the revised interim curtailment plan and that it is evident that application of the revised plan has resulted unforeseen problems with certain of El Paso's customers, particularly with respect to the daily unauthorized overrun gas provisions of the plan. Partially as a result of these unforeseen problems, a total of seven (7) El Paso customers had daily unauthorized overrun gas deliveries in excess of 3 percent of each customer's daily entitlements during the month of July, 1977. In accordance with the provisions of currently effective Section 20.1 (b), General Terms and Conditions, Original Volume No. 1 of El Paso's FPC Gas Tariff, El Paso has billed the affected customers, an aggregate of $178,262.50 in penalties for daily unauthorized overrun gas deliveries experienced during the month of July, 1977.

El Paso also states it believes that the unforeseen circumstances which to date have resulted in the overrun penalty billings require that further consideration be given to such matters and that the circumstances be resolved in order to assure the orderly transition, administration and operation under the revised interim curtailment plan. Principally, the matters which have surfaced and which require solution are:

(i) The establishment of the appropriate measurement basis of daily volumes of deliveries made by use of the numerous positive displacement meters situated on El Paso's and the distributor's system; and

(ii) The determination of the most beneficial use of the grouping principle regarding deliveries by El Paso to its customers which is permitted in the revised interim curtailment plan is required.

El Paso on August 25, 1977, advised the customers who had experienced unauthorized overruns during the month of July that El Paso would seek Commission approval to forego collection of the daily unauthorized overrun penalty payments during the three month period of July, August and September, 1977. Such arrangement is to apply to all of El Paso's customers served by the interstate system and is subject to the Commission's approval conditioned to require that any customer who has taken daily unauthorized overrun gas deliveries in excess of 3 percent of entitlement shall be required to repay to El Paso in full, by reducing permitted takes of gas, commencing October, 1977, by a volume equal to the sum of the entire daily overruns which exceed each such customer's daily entitlement on those days during the three (3) month period when penalty payments would have otherwise been applicable.

Accordingly, El Paso hereby requests approval of the modification of the daily unauthorized overrun penalty payment provisions prescribed by Section 20.1(b), Original Volume No. 1 and Section 5.1 (b) Third Revised Volume No. 2 and Original Volume No. 2A of El Paso's FPC Gas Tariff for the months of July, August and September, 1977. Such modification specifically provides that El Paso's customers experiencing certain daily overrun takes will repay to El Paso, in full, a total quantity of gas equivalent to the aggregate of all overrun gas determination provided by Section 20.2(b) Original Volume No. 1 and Section 5.2(b), Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso has requested that the Commission accept the tendered tariff sheets for filing and permit them to become effective as of July 1, 1977, for the limited term expending through September 30, 1977. Such period of effectiveness will permit El Paso and its customers to make the appropriate adjustments in operations during the transition and implementation of the revised interim curtailment plan without El Paso's customers experiencing the undue hardship of penalty payments occasioned by the unforeseen circumstances described herein.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72–6 and, otherwise, upon all of El Paso's interstate transmission system customers and all

interested state regulatory commissions.

Any person desiring to be heard or to make protest with reference to said tariff filing should, on or before October 25, 1977, file with the Federal Energy Regulatory Commission, 825 North 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) 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

EL PASO NATURAL GAS COMPANY

ORIGINAL VOLUME NO. 1

Third Revised Sheet No. 67–E
First Revised Sheet No. 67–F

THIRD REVISED VOLUME NO. 2

First Revised Sheet No. 1–T
First Revised Sheet No. 1–U

ORIGINAL VOLUME NO. 2A

First Revised Sheet No. 14–MM
First Revised Sheet No. 15–MM

[FR Doc.77–30664 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP76–59]

EL PASO NATURAL GAS CO.

Substitute Tariff Sheets Tender

OCTOBER 13, 1977.

Take notice that on September 29, 1977, El Paso Natural Gas ("El Paso") tendered for filing certain substitute revised tariff sheets to its Gas Tariff, Original Volume Nos. 1 and 2A and Third Revised Volume No. 2 in accordance with Article IV of the Stipulation and Agreement dated November 4, 1976, and pursuant to ordering paragraph (B) of the Commission's Order Approving Pipeline Rate Settlement issued May 31, 1977, at Docket No. RP76–59.

El Paso states it filed on June 30, 1977, certain substitute revised tariff sheets in compliance with said May 31, 1977, Commission order, reflecting the settlement rates applicable to the locked-in period of proceeding at Docket No. RP76–59. By letter order issued July 26, 1977, at Docket No. RP76–59, the Commission accepted for filing El Paso's above mentioned substitute tariff sheets except for those tariff sheets proposed to be effective April 1, 1977. Such tariff sheets were rejected because of the inclusion of a one day PGAC increase filed by El Paso on April 15, 1977, at Docket Nos. RP72–155 and RP76–59 (PGA No. 77–2a) which filing was rejected by Commission letter order issued July 15, 1977.

El Paso further states that on July 26, 1977, it retendered to the Commission the tariff sheets necessary to implement its PGAC increase on April 1, 1977, adjusted in accordance with the directive contained in the Commission letter order issued July 15, 1977, at Docket Nos. RP72–155 and RP76–59 (PGA77–2a). By order issued August 23, 1977, the Commission, inter alia, accepted for filing, effective as of April 1, 1977, the tariff sheets retendered by El Paso on July 26, 1977, which tariff sheets reflect El Paso's April 1, 1977, adjusted PGAC increase.

Accordingly, in order to fully comply with ordering paragraph (B) of the Commission's Order Approving Pipeline Rate Settlement issued May 31, 1977, at Docket No. RP76–59, El Paso retendered the substitute revised tariff sheets identified below, which tariff sheets reflect the settlement rates approved at Docket No. RP76–59, adjusted for the adjusted PGAC increase made effective as of April 1, 1977.

Substitute Tariff Sheet	*FPC Gas Tariff*
Substitute First Substitute Nineteenth Revised Sheet No. 3–B.	Original Volume No. 1.
Substitute First Substitute Ninth Revised Sheet No. 1–D.	Third Revised Volume No. 2.
Substitute First Substitute Eleventh Revised Street No. 1–C.	Original Volume No. 2A.

El Paso states that copies of the filing were served upon all parties to the proceedings at Docket No. RP76–59 and, otherwise, upon all the affected interstate transmission system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before October 25, 1977, file with the Federal Energy Regulatory 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 any 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30582 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP73–17 (PGA77–6)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

OCTOBER 13, 1977.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, N.H. 03801, on September 30, 1977, tendered for filing Twentieth Revised Sheet No. 3A in its Gas Tariff, Original Volume No. 1, containing a proposed change in rates for effectiveness on November 1, 1977,

According to Granite State, the instant filing tracks revised changes in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) which Tennessee has proposed in Docket No. RP77–62. Granite State further avers that its filing is made pursuant to the purchased gas cost adjustment provision in its Tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73–17.

Granite State further states that its revise dpurchased gas cost change is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rate contained on Twentieth Revised Sheet No. 3A is an increase of $77,471. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended August 31, 1977.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30665 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP72–140 (PGA77–5)]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in Gas Tariff Under Purchased Gas Adjustment Clause Provisions

OCTOBER 13, 1977.

Take notice that Great Lakes Gas Transmission Co. (Great Lakes), on September 15, 1977, tendered for filing Twenty-Fifth Revised Sheet No. 57 to its Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1977.

Great Lakes states that this revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1977, and ending August 31, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30666 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP72–32 and RP77–5 (PGA77–2)]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Proposed Change in Rates

OCTOBER 13, 1977.

Take notice that Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), on September 30, 1977, tendered for filing proposed changes in its Gas Tariff, Third Revised Volume No. 1. Increased jurisdictional cost of purchased gas proposed to be recovered herein reflects the increased jurisdictional cost of gas in this application over the amount contained in Kansas-Nebraska's general revenue increase in Docket No. RP77–5, effective April 29, 1977. Kansas-Nebraska states that such adjustment reflects the actual and estimated increased purchased gas costs such as prescribed and specified in Section 19 of Kansas-Nebraska's FPC Gas Tariff, Third Revised Volume No. 1. This filing is proposed to be effective December 1, 1977.

Copies of the filing have been served on the company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file at the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30667 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP76–90]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Proposed Changes in Tariff Sheets

OCTOBER 13, 1977.

Take notice that on September 26, 1977, Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), 300 North St. Joseph Avenue, Hastings, Nebr. 68901, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, substitute First Revised Sheet No. 24 and First Revised Sheet No. 24A. Kansas-Nebraska requests such waivers of the Commission's Rules and Regulations as may be necessary to grant acceptance of these filings.

Kansas-Nebraska states that Substitute First Revised Sheet No. 24 is filed pursuant to the Commission's order dated August 31, 1977, in Docket No. RP76–90 wherein the Commission held that the last sentence of Section 13b(2) would not be appropriate in a Section 4 proceeding and rejected Substitute First Revised Sheet No. 24 without prejudice to its being refiled without the objectionable language. Accordingly, Kansas-Nebraska is refiling Substitute First Revised Sheet No. 24 with the objectionable language contained in the last sentence of Section 13b(2) deleted.

Kansas-Nebraska further states that First Revised Sheet No. 24A reflects revisions to Kansas-Nebraska's tariff filing which became effective on July 1, 1977. The revisions on this tariff sheet include changing the language from "more than 50 MCF" to "50 MCF or more" in Step 7 and adding a clause to Section 13b(iv) clarifying when notice is to be given of a force majeure sitution all as set forth on First Revised Sheet No. 24A. Kansas-Nebraska requests that the First Revised Sheet No. 24A be suspended for one day and permitted to become effective pursuant to the conditions set forth in the Commission's order of June 30, 1977, in the above docket.

Kansas-Nebraska states that copies of these filings are mailed to each of Kansas-Nebraska's customers and interested state commissions and all parties of record in Docket No. RP76–90 and that copies of these filings are also available for public inspection in a convenient form and place in Kansas-Nebraska's offices in Hastings, Nebr., and Phillipsburg, Kans.

Any person desiring to be heard or protest with regard to the subject filings should file a petion to intervene or protest with the Federal Energy Regulatory 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 21, 1977. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Persons who have heretofore intervened in the proceeding in Docket No. RP76–90 need not file again. Copies of this filing are on file at the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30583 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. ER78–14]

MISSOURI UTILITIES CO.

Proposed Tariff and Rate Schedule Changes

OCTOBER 14, 1977.

Take notice that Missouri Utilities Co. of Cape Girardeau, Mo. (MUCo), on October 7, 1977, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1, and other special contract rates for wholesale electric service rendered to the City of Malden, Mo., within its Southeast Missouri service area. MUCo indicates that the proposed changes would increase revenues from jurisdictional sales and service to the City of Malden by $140,451 based on the twelve-month period ending October 31, 1976. These changes in rates are proposed to become effective as of October 2, 1977, or at such other time as allowed by the "Rate Redetermination" provision of existing wholesale electric service agreements, and MUCo therefore requests waiver of the Commission's notice resuirements as is necessary.

MUCo states that the proposed changes in rates are to compensate MUCo for increases in its costs of supplying wholesale electric service to the City of Malden.

Copies of the filing were served upon the City of Malden, Mo., and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application, should file a petition to intervene or protest with the

Federal Energy Regulatory 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 24, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30668 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. RM77-13]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS FROM WELLS COMMENCED ON OR AFTER JANUARY 1, 1977, FOR THE PERIOD JANUARY 1, 1977, TO DECEMBER 31, 1978

Extension of Comment Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Further extension of time.

SUMMARY: The Commission is extending and postponing for an indefinite period of time all filing dates and procedural matters in the proposed rulemaking proceeding docketed as RM77-13. This action is taken because, as a result of the enactment of the Department of Energy Organization Act and Executive Order No. 12009, the Federal Power Commission ceased to exist and its duties with respect to natural gas regulation were assumed by the Federal Energy Regulatory Commission. The FERC will establish filing dates and procedural matters for this proceeding.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 202-275-4166.

SUPPLEMENTARY INFORMATION: By notice issued July 12, 1977, 42 FR 37045, July 19, 1977, the Commission extended to October 3, 1977, the time within which any party to this proceeding could file a proposed rate structure and cost study and an explanation of the components thereof. The date for filing comments on these submittals was also extended to December 5, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30649 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. ER78-12]

NEW YORK POWER POOL

Filing

OCTOBER 14, 1977.

Take notice that on October 7, 1977, the New York Power Pool (the Pool), consisting of Central Hudson Gas and Electric Corp., Consolidated Edison Co. of New York, Inc., Long Island Lighting Co., New York State Electric and Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corp., tendered for filing an interconnection agreement between the Pool and Ontario Hydro (Hydro), dated April 4, 1977.

The Pool indicates that the proposed agreement provides for the purchase and sale of several classifications of operating capability and energy over electrical interconnections, including emergency and economy transactions.

The Pool requests waiver of the Commission's notice requirements to allow for an effective date of April 4, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 24, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30669 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. ER78-13]

NORTHERN STATES POWER CO.

Interconnection and Interchange Agreement and Supplement No. 1

OCTOBER 14, 1977.

Take notice that Northern States Power Company (Northern States), on October 7, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 28, 1977, with the City of Marshall, Minn.

Northern States 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. Northern States further indicates that Supplement No. 1 provides for the delivery of the City's Bureau allocation and purchases from Heartland Consumers Power District.

Northern States 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 Energy Regulatory 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 24, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30670 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. RP73-48 (PGA77-4)]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchase Gas Cost Adjustment Provision

OCTOBER 13, 1977.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company on September 26, 1977 tendered for filing Seventeenth Revised Sheet No. 3a of its Gas Tariff, Original Volume No. 4. The proposed change to become effective October 1, 1977, would increase the rate per Mcf to jurisdictional customers by 17.64¢ per Mcf. This increase reflects an increase in rates by Colorado Interstate Gas Company, resulting from a Purchased Gas Adjustment filed by CIG in accordance with the provisions of its FPC Gas Tariff. Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 25,

1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30671 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. RP72-121 (PGA77-4a)]

SOUTHWEST GAS CORP.

Change in Rates Pursuant to Purchased Gas Adjustment Clause

OCTOBER 13, 1977.

Take notice that Southwest Gas Corporation ("Southwest") on October 3, 1977 tendered for filing Substitute Twenty-First Revised Sheet No. 3A and Twenty-Second Revised Sheet No. 3A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its Gas Tariff, Original Volume No. 1. The purpose of said filing is to (1) track the portions of Southwest's increased purchased gas costs effective on October 1, 1977 and October 2, 1977, in accordance with the Commission's letter order dated September 21, 1977 in Docket No. RP72-121 and (2) reflect a reduction in rates from those as originally filed by Southwest on August 16, 1977 in Docket No. RP72-121, due to certain revisions in the PGA filing of Southwest's supplier, which were filed with the Commission by Northwest Pipeline Corporation on September 19, 1977 in Docket No. RP72-154. Southwest states that the reduced rates result in a revised increase in Southwest's revenues from jurisdictional sales and service by $2,290,065 in lieu of the $2,318,823 estimated in Southwest's August 16, 1977 PGA filing.

Southwest has requested waiver of its PGA provisions and applicable Commission Regulations as necessary to permit Southwest to track each portion of its increased purchased gas cost on October 1, 1977 and October 2, 1977, respectively. Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and California-Pacific Utilities Company.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory 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 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30672 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CI77-807]

SUN OIL CO. (DELAWARE)

Limited-Term Application

OCTOBER 13, 1977.

Take notice that on September 9, 1977, Sun Oil Co. (Delaware), Applicant, P.O. Box 20, Dallas, Tex. 75221, filed in Docket No. CI77-807 an application for a limited-term certificate of public convenience and necessity with pre-granted abandonment covering a sale of gas to Transwestern Pipeline Co. from the tailgate of Bass Enterprises Production Co.'s Halley Gasoline Plant, Winkler County, Tex.

Applicant is seeking a limited-term certificate with pre-granted abandonment, under Section 2.70 of the Commission's Rules of Practice and Procedure, to make a sale of natural gas to Transwestern for a period of two years, commencing on the date of requisite certificate authorization is issued herein, or until seller commences the sale of gas under its intrastate gas sale contract with Pioneer Natural Gas Co., whichever occurs first. Applicant has been advised by Transwestern that it has an existing gas supply emergency on its system. The nature and extent of Transwestern's need for emergency gas has been or will be separately demonstrated by Transwestern.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1977, file with the Federal Energy Regulatory 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.77-30584 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CP78-5]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Joint Petition for Waiver of § 157.22 of the Commission's Regulations

OCTOBER 13, 1977.

Take notice that on October 5, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee) and Transcontinental Gas Pipe Line Corp. (Transco), hereinafter referred to jointly as Petitioners filed in Docket No. CP78-5 a joint petition for waiver of the Commission's policy regarding initiation of emergency arrangement under Section 157.22 of the Commission's Regulations. Pursuant to Section 1.7 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR, Section 1.7), Petitioners hereby request that the Commission waive its policy regarding the initiation of emergency arrangements under Section 157.22 of the Commission's Regulations when long-term service under the same general conditions is contemplated so as to enable the Petitioners to commence the transportation arrangement hereinafter described.

Petitioners state that Transco has entered into a long-term gas gas purchase contract dated March 3, 1977 with General American Oil Co. of Texas (General American) under which Transco will purchase at the nationwide area rate certain volumes in the South Marsh Island Area Block 243 Field, Offshore Louisiana, attributable to General America. Under the terms of the proposed transportation and exchange arrangement, Transco would cause the volumes attributable to its contract with General American to be delivered to Tennessee in the Field. Tennessee would redeliver equivalent volumes to Transco at an existing authorized point of interconnection between the two companies in Acadia Parish, La. In return for this service, Transco will transport gas purchased by Tennessee in the High Island Area, East Addition, South Extension, Block A-330 Field, through its portion of the High Island Offshore System Line, UTOS line and its Southeast Louisiana Gathering System to a mutually agreeable point of interconnection in Calcasieu Parish, La. No monetary charge will be made by either party for this service; Tennessee will retain $\frac{1}{5}$ of 1 percent of the volumes received for fuel use; Transco will retain $\frac{1}{5}$ of 1 percent of the volumes received for such use. The proposed transportation and exchange agreement is being put in execution form, and the requisite joint application is being prepared.

If the South Marsh Island Field were accessible to Transco's system through an economically feasible direct connection, deliveries of the gas purchased from General American could commence immediately through existing facilities.

General American, having filed its application, could initiate and continue deliveries pursuant to the provisions of Order No. 699–B, Section 157.29 pending Commission action on its application. This is, in fact, the situation as applied to the other working interest owners and their sales to Tennessee and Michigan Wisconsin, who are co-owners of the transmission line connected to the Field.

Facilities, are, therefore, in place whereby the General American deliveries to Transco could be effectuated and General American can invoke the provisions of Order No. 699–B and Section 157.29(c) to commence deliveries of gas. However, because transportation of the gas through Tennessee's facilities is necessary to accomplish ultimate delivery to Transco, deliveries cannot commence until the earlier of (1) Commission action on the instant request for waiver, or (2) issuance by the Commission of a temporary certificate authorizing Tennessee to provide the transportation and exchange service which certificate will be requested in an application which is in the process of being prepared. Such is the case due to the Commission's current interpretation of Section 157.22 of its Regulations which cautions pipelines against invoking the permissive provisions of that section when it is the intention of the parties to continue the service begun thereunder on a long-term basis. (See, for example, the temporary certificates issued in Transcontinental Gas Pipe Line Corp., et al., Docket No. CP77–566 (August 15, 1977), Transcontinenal Gas Pipe Line Corp., Docket No. CP77–344 (July 10, 1977), and Southern Natural Gas Co., Docket No. CP77–321 (July 15, 1977).)

As soon as possible, Tennessee and Transco will file an application for authority to transport the South Marsh Island gas to the point of redelivery on Transco's system set out above. However, the finalization of the formal transportation agreement and the preparation of the application will require time. Meanwhile, Tennessee has indicated its willingness to commence an emergency transportation service pursuant to the same terms and conditions as those outlined above for a long-term transportation service, provided the Commission's interpretation of Section 157.22, as explained above, is waived.

Transco respectfully requests that the facts of the instant situation warrant the issuance of such waiver. Transco's gas supply situation is well known to the Commission and, Transco submits, constitutes an emergency situation within the purview of the Commission's emergency regulations. As a result of its supply situation, Transco has an immediate need for natural gas priced at the nationwide area rate. The General American volumes are estimated to be approximately 7,000 Mcf per day. Transco respectfully submits that no purpose would be served by strict adherence to past policy under the particular set of facts herein in light of the genuine emergency existing, and it is demonstrably in the public interest to allow Transco to receive this gas into its system as soon as possible.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1977, file with the Federal Energy Regulatory 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 approriate 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.77–30585 Filed 10–19–77;8:45 am]

[6740–02]

[Docket No. RP75–73 (AP77–3)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Gas Tariff

OCTOBER 13, 1977.

Take notice that Texas Eastern Transmission Corporation on September 30, 1977 tendered for filing as a part of its Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Thirty-fourth Revised Sheet No. 14
Thirty-fourth Revised Sheet No. 14A
Thirty-fourth Revised Sheet No. 14B
Thirty-fourth Revised Sheet No. 14C
Thirty-fourth Revised Sheet No. 14D

Texas Eastern is reducing its rates due to repayment of advanced payments for gas pursuant to Article V of the Stipulation and Agreement under Docket No. RP75–73. In addition, Texas Eastern proposes to include in its rates the cost of service effect of a supplemental advance payment to Texasgulf, Inc. in the amount of $650,000.

The proposed effective date of this net reduction in rates is November 1, 1977.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures before October 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30586 Filed 10–19–77;8:45 am]

[6740–02]

[Docket Nos. RP71–130, et al., (Remanded)]

TEXAS EASTERN TRANSMISSION CORP.

Certification of Proposed Settlement Agreement

OCTOBER 13, 1977.

Take notice that on October 7, 1977, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission a proposed Stipulation and Agreement that would constitute a settlement of the claim by National Fuel Gas Supply Corporation (National Fuel) that certain changes should be made in its reported end-use data to eliminate mathematical errors contained therein. The proposed settlement results from discussions among Texas Eastern Transmission Corporation (Texas Eastern), National Fuel, the Commission Staff, and interested parties in the proceedings to expedite resolution of this limited issue.

At a hearing held on October 6, 1977, Texas Eastern placed into the record a proposed Stipulation and Agreement, and National Fuel submitted the prepared direct testimony of Witness James E. Dinger, together with related exhibits. No party expressed objection to the settlement at the hearing.

The Stipulation and Agreement provides that the end-use data presently utilized by Texas Eastern to implement curtailments, as embodied in Appendix B to the Stipulation and Agreement submitted on November 18, 1975, be modified to reflect the end-use profile for National Fuel set forth in Appendix A of the proffered agreement. If the Commission approves the storage sprinkling principle in treating storage injection volumes on the Texas Eastern system, the summer injection requirements in National Fuel's end-use data shall be allocated to priorities during the months of May through October on a percentage basis as follows:

Priority:	*Percentage*
1	45.47
2	50.95
3	3.58

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of comments and petitions to intervene. Therefore, any person desiring to be heard or to protest said filing of settlement agreement should file such comments or petitions to intervene with the Federal Energy Regulatory Commission, 825 North Capitol St., 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) on or before October 18, 1977. Protests will be considered by the Com-

mission 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 in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30587 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CP78-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 13, 1977.

Take notice that on October 3, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-4 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 550 Mcf of natural gas per day (at 14.65 psia), on an interruptible basis, for 2 years for Guilford Mills, Inc. (Guilford), an existing industrial customer of Piedmont Natural Gas Company, Inc. (Piedmont), one of Applicant's resale customers served under Rate Schedule CD-2, and for the construction and operation of minor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Guilford pursuant to a transportation agreement dated September 2, 1977 among Applicant, Guilford and Piedmont. It is stated that Guilford has purchased from Glen A. Martin (Martin) up to 550 Mcf of natural gas per day to be produced from the Green Branch and Longhorn Areas, McMullen and Duval Counties, Tex. It is indicated that Guilford would pay Martin a price of $2.00 per million Btu's during the first contract year and $2.10 per million Btu's commencing with the second contract year for the proposed volumes of gas, and that Martin is unwilling to sell the gas for resale in the interstate market.

Applicant states that Guilford would arrange to have such quantities delivered to Applicant at mutually agreeable points on Applicant's system and Applicant would redeliver the transportation quantities to existing points of delivery to Piedmont for the account of Guilford. It is stated that Guilford would transport such quantities of natural gas delivered to it by Applicant to Guilford's Greensboro, North Carolina plant where the gas would be used for direct fabric dryers, direct flame laminating, and EPA fume incinerations, for which there is no technically feasible alternate fuel.

Applicant states that it would charge Guilford, initially, 29.8 cents per Dekatherm (dt) equivalent for all quantities delivered, and that this rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further states that it would retain, initially, 3.8 percent of the quantities received for transportation as make up for compressor fuel and line loss.

Applicant proposes to install at an estimated cost of $5,000 a 3-inch hot tap on the Conco-Driscoll Lateral at M.P. 24.8, and Martin would reimburse Applicant for the actual cost of such material and installation, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1977, filed with the Federal Energy Regulatory 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 Energy Regulatory 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.77-30588 Filed 10-19-77;8:45 am]

[6740-02]

[Docket No. CP78-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 13, 1977.

Take notice that on October 3, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP 78-3 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 1,250 Mcf of natural gas per day (at 14.65 psia), on an interruptible basis, for 2 years for Pine Hall Brick & Pipe Company, Inc. (Pine Hall), an existing industrial customer of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company (N.C. Gas), one of Applicant's resale customers served under Rate Schedule CD-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Pine Hall pursuant to a transportation agreement dated September 14, 1977 among Applicant, Pine Hall and N.C. Gas. Applicant indicated that Pine Hall has purchased from N. M. Miller and Sons (Miller) up to 625 Mcf of natural gas per day produced from the West Longhorn Field, Duval County, Texas and from Tejano Development Company (Tejano) up to 625 Mcf of natural gas per day produced from the Benavides Field area in Duval County, Tex.

It is indicated that Applicant would pay both Miller and Tejano a price of $2.00 million Btu's for the proposed volumes of gas, and that both Tejano and Miller are unwilling to sell the subject gas for resale in the interstate market.

It is stated that Miller would deliver the gas produced from the West Longhorn Field to the Benavides (J&J) System of Esperanza Oil and Gas Company for gathering and delivery to an existing delivery point on Applicant's system, and that Tejano would deliver the gas to be produced from the Benavides Field area to a mutually agreeable point on Applicant's line in the Benavides Field to which Applicant is presently connected. Applicant states that it would redeliver the transportation quantities to existing points of delivery to N.C. Gas for the account of Pine Hall, and that N.C. Gas would transport such quantities of natural gas delivered to it by Applicant to Pine Hall's facility in Madison, N.C.

It is indicated that the end use of the gas proposed to be transported would be classified in Priority 3 category since it was purchased under an interruptible contract, and that the gas is proposed to be used to meet the curtailed Priority 3 process uses of Pine Hall at its plant located in Madison, North Carolina. All but a small fraction of the transportated gas is proposed to be used in direct fired high velocity tunnel kilns which produce face brick for the construction of homes, factories and commercial buildings, etc., it is said. It is stated that a very small portion of the volumes of gas is proposed to be used in direct fired infra-red heaters which are used in cold weather only to protect plant personnel, and to heat certain parts of machinery to prevent damage from low temperatures. The

small infra-red heaters at Pine Hall Brick cannot be converted to a non-gaseous alternate fuel, it is said.

Applicant states that the daily quantity to be transported to N.C. Gas for Pine Hall (less the quantities retained for compressor fuel and line loss make-up) when combined with the quantities N.C. Gas is scheduling under its CD Rate Schedule, other transportation with Applicant, and any quantities being scheduled for transportation by other industrial and commercial customers of N.C. Gas, would not exceed the authorized daily entitlement under its CD Rate Schedule.

Applicant indicates that it would charge, initially 28.9 cents per Dekatherm (dt) equivalent for all quantities delivered, which rate is applicable to similar transportation services providing for deliveries in its Rate Zone 2. Applicant further indicates that it would retain initially 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, which percentage is based on Applicant's company-use factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries proposed herein would be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1977, file with the Federal Energy Regulatory 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 Energy Regulatory 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.77-30589 Filed 77-19-77;8:45 am]

[6740-02]

[Docket No. CP77-661]

UNITED GAS PIPE LINE CO.

Application

OCTOBER 13, 1977.

Take notice that on September 30, 1977, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed with the Federal Power Commission in Docket No. CP77-661 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap on its Boise Southern 8-inch line in Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that in May 1968 it entered into an agreement with Thomas O. Presley (Presley) wherein Presley granted Applicant a right-of-way and easement authorizing the construction of a segment of Applicant's Boise Southern Line across certain lands owned by him in Beauregard Parish, La. Applicant states that in partial consideration for the granting of said right-of-way to Applicant, Presley was advised that upon request a farm tap would be constructed by Applicant and that deliveries of natural gas to his principal dwelling would be made by Applicant through the distributor in the area, United Gas Corporation, a then affiliate of Applicant. Applicant indicates that Presley has requested gas service be extended to his principal dwelling.

Consequently, Applicant requests authorization to construct the required 1-inch farm tap as an additional delivery point to Entex, Inc. (Entex), the distributor in the Beauregard Parish, Louisiana, area on Applicant's Boise Southern 8-inch line in Beauregard Parish. Applicant indicates that the cost of the facilities is estimated to be $1,000.

Applicant indicates that it has contracted with Entex and has been advised that farm tap service to Presley can be provided for within the seasonal volumetric limitations which may be established for its purchases from Applicant. It is estimated that deliveries of gas through this farm tap would be approximately 80 Mcf annually, or approximately .00001 percent of Applicant's system requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1977, file with the Federal Energy Regulatory 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 proceeeding 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 Energy Regulatory 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.77-30590 Filed 10-19-77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1268]

SCHICK MOVING & STORAGE CO.

Order of Revocation

By letter dated September 13, 1977, Mr. Arthur C. Schick, Jr., President, Schick Moving & Storage Co., 2061 Richy Street, Santa Ana, Calif. 92705, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1268 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 12, 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.

Schick Moving & Storage Co. 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 4.01 (c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1268 issued to Schick Moving & Storage Co. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1268 be and is hereby revoked effective October 12, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL

REGISTER and served upon Schick Moving & Storage Co.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-30681 Filed 10-19-77;8:45 am]

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CLOSED COMMITTEE SCHEDULE

Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, November 3, 1977.
Thursday, November 10, 1977.
Thursday, November 17, 1977.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in section 5347 of the Prevailing Rate Act of 1972 (Pub. L. 92-392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92-392), which Law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-management Committee with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

OCTOBER 17, 1977.

[FR Doc.77-30577 Filed 10-19-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANCORPORATION OF MONTANA

Acquisition of Bank

Bancorporation of Montana, Great Falls, Montana, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Bank of Montana, Helena, Montana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. 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 November 10, 1977.

Board of Governors of the Federal Reserve System, October 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-30624 Filed 10-19-77;8:45 am]

[6210-01]

BANK HOLDING COMPANIES

Review of Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather privileges") with respect to the nonbaking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date). However, section 4(a)(2) of the Act requires the Board of Governors of the Federal Reserve System to determine whether such grandfather privileges should be terminated with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

In exercising its authority under Section 4(a)(2), the Board by order after opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

An examination of the grandfather privileges of the companies listed below is in process in order to determine whether continuation of such grandfather privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date that grandfathered activities must be terminated.

Bank Holding Company	*Activities engaged in on, and continuously since, June 30, 1968* [1]
River Cities Investment Co., Bettendorf, Iowa, and its subsidiary, Investment Management, Inc., Bettendorf, Iowa (subsidiary bank is Northwest Bank and Trust Co., Davenport, Iowa).	General insurance agency.
Midland Financial Corp., Milwaukee, Wis. (subsidiary bank is Park State Bank of Milwaukee, Milwaukee, Wis.).	General equipment leasing.

To aid the Board in making its determinations with respect to the aforementioned bank holding companies, interested persons are hereby afforded an opportunity to submit relevant data, views and arguments relating to the continuation of grandfather privileges, if any, of the above-mentioned companies. Any such material should be submitted 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. Such material will be made available for inspection and copying upon request, ex-

[1] The listed companies may also be engaged in additional activities permissible under other provisions of the Bank Holding Company Act. In addition, authority to engage in some of the activities listed may be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under section 4(a)(2) of the Act.

cept as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, October 18, 1977.

ROBERT E. MATTHEWS,
Assistant Secretary of the Board.

[FR Doc.77-30739 Filed 10-19-77;8:45 am]

[6210-01]

CHEMICAL NEW YORK CORP.

Proposed Commencement of Reinsurance Activities

Chemical New York Corporation, New N.Y., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to engage in reinsurance activities through its existing subsidiary, Sunamerica Corporation, Cleveland, Ohio, which will perform the activity through its subsidiaries, Sun States Life Insurance Company, Cleveland, Ohio, and Great Lakes Insurance Company, Cleveland, Ohio. Notice of the application was published on August 25, 1977, in The New York Times, a newspaper circulated in New York, New York, and on August 19, 1977, in The Plain Dealer, a newspaper circulated in Cleveland, Ohio.

Applicant states that it would engage in the activities of reinsuring credit life and credit accident and health insurance that is directly related to extensions of credit by its indirect subsidiaries at their offices in North Carolina. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 11, 1977.

Board of Governors of the Federal Reserve System, October 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-30625 Filed 10-19-77;8:45 am]

[6210-01]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to City National Bank in Wichita Falls, Wichita Falls, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 November 11, 1977.

Board of Governors of the Federal Reserve System, October 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-30626 Filed 10-19-77;8:45 am]

[6210-01]

THE GRETNA CO.

Formation of Bank Holding Company

The Gretna Company, Gretna, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Gretna State Bank, Gretna, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 10, 1977.

Board of Governors of the Federal Reserve System, October 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-30627 Filed 10-19-77;8:45 am]

[6210-01]

ISABELLA BANK & TRUST

Order Denying Application for Merger of Banks

Isabella Bank & Trust, Mount Pleasant, Mich. ("Isabella Bank"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. § 1828(c)) of the merger of that bank with Shepherd State Bank, Shepherd, Mich. ("Shepherd Bank"), under the charter and title of Isabella Bank. Incident to the proposed merger, the present offices of Shepherd Bank would become branch offices of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on the competitive factors from the Attorney General, Comptroller of the Currency, and the Federal Deposit Insurance Corporation ("FDIC"). The Board has considered the application and all comments[1] and reports[2] received in light of the factors set forth in the Act.

Isabella Bank operates five offices with aggregate deposits of approximately $46.4 million,[3] representing 0.15 percent of total deposits in commercial banks in Michigan, and ranks as the 80th largest bank in the State. Consummation of the proposed merger would not appreciably increase Isabella Bank's share of deposits in the State, nor would it significantly increase the concentration of banking resources in Michigan. However, as discussed below, consummation of the proposal would have significant adverse effects on concentration of banking resources within the relevant banking market.

Shepherd Bank holds deposits of approximately $11.6 million and operates two offices, both of which are located in the Mount Pleasant banking market.[4] With 8.0 percent of total deposits in

[1] The Board has received comments in opposition to the subject proposal from American Security Bank, Mount Pleasant and Central National Bank of Alma, Alma, both in Michigan (collectively referred to herein as "Protestants"). In summary, Protestants allege that consummation of the proposed merger would have significant anticompetitive effects by increasing the concentration of banking resources and eliminating existing competition within the market. Because the comments of Protestants are, in substance, discussed in this Order, Protestants' allegations are not set forth separately.

[2] The reports of the Department of Justice and the FDIC conclude that the proposed merger would have an adverse effect on competition. No report was received from the Comptroller of the Currency.

[3] All banking data are as of December 31, 1976.

[4] The Mount Pleasant banking market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by all of Isabella County and the southern portion of Clare County, both in Michigan.

commercial banks in the relevant market. Shepherd Bank ranks as the fourth largest of six banks operating therein. Each of Isabella Bank's five offices is also located in the Mount Pleasant banking market. Isabella Bank holds 31.8 percent of the deposits in commercial banks in the market and ranks as the largest bank therein. The second and third largest banks in the market hold 26.4 percent and 22.7 percent of such deposits, respectively. The four largest banks in the market together hold 88.9 percent of the market's deposits, and thus, the market is viewed as highly concentrated. Consummation of the subject proposal would substantially increase the percentage of commercial bank deposits held by the market's largest bank to almost 40 percent of such deposits. That bank would also then operate seven of the 17 banking offices in the market. The percentage of market deposits held by the four largest banks in the market would increase to 96.5 percent. Thus, the proposed merger would significantly increase the concentration of banking resources in the market. Moreover, consummation of the proposed merger would substantially increase the disparity in size between Isabella Bank and the market's second and third largest banks as well as lessen, to a significant degree, the likelihood of the market becoming less concentrated in the future. The Board regards these as adverse factors lending weight toward denial of the proposal.

In addition to the adverse effects on concentration, the record in this matter demonstrates that substantial competition presently existing between Isabella Bank and Shepherd Bank would be eliminated upon consumation of the merger. A distance of seven and one-half miles separates the closest offices of each of these two banks and no offices of other banks intervene. More importantly, Shepherd Bank derives about 11 percent of its demand deposits, 14 percent of its time and savings deposits, and 15 percent of its commercial loans from the service area of Isabella Bank. Isabella Bank, in turn, derives 1.5 percent of its demand deposits, 2.5 percent of its time and savings deposits, and 4.5 percent of its commercial loans from the service area of Shepherd Bank. The proposed merger would reduce the number of banking alternatives operating in the market.[5] In light of all of the facts of record, including the comments submitted by Protestants, the Board concludes that consummation of the proposed merger would have significant adverse effects on competition within the Mount Pleasant banking market.

The financial and managerial resources and future prospects of both banks are regarded as satisfactory and consistent with approval, but do not weigh in favor of the proposal. Under the Act, the subject application should not be approved unless the anticompetitive effects that would result from the merger are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. Upon consummation of the merger, Isabella Bank proposes to offer 24-hour bank teller machine services, credit card services, overdraft checking, FHA improvement and SBA loans, and trust services to the customers of Shepherd Bank. Although each of these services is currently offered by other firms in the market, provision of these services at offices of Shepherd Bank would serve the convenience of customers using those offices. Thus, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. The Board finds, however, that neither the considerations relating to the banking factors nor the considerations relating to the public benefits clearly outweigh the significant adverse competitive effects of the proposed merger.

On the basis of all of the facts of record, and in light of factors set forth in the Act, it is the Board's judgment that approval of the proposal would not be in the public interest. Accordingly, the application is denied for the reasons summarized herein.

By order of the Board of Governors,[6] effective October 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-30628 Filed 10-19-77;8:45 am]

[5] In this regard, it is noted that both Isabella Bank and Shepherd Bank are the resulting banks from other mergers within the past 15 years.

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

[4110-89]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Comments

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Managment and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before (30 days from date of publication in the FEDERAL REGISTER) and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: October 13, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Study of the ESEA Title I Migrant Education Program.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education; Office of Planning, Budgeting and Evaluation.

3. AGENCY FORM NUMBER

3. AGENCY FORM NUMBER

OE 565.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Secretary (of HEW) shall transmit an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes together with recommendations * * * for the improvement of such programs * * *

* * * such report shall (among other things) * * * set forth the goals and specific objectives * * * of such program.

* * * contain information on the progress * * * toward achievement of such goals

* * * describe the * * * benefits * * * and identify which sectors of the public receive the benefits

* * * contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations in the report * * *" (Sec. 417(a)(1), GEPA, as amended; 20 U.S.C. 1226c.)

"The Commissioner shall provide for independent evaluations which describe and measure the impact of programs and projects assisted under (Title I of the Elementary and Secondary Education Act of 1965) * * *

* * * Such evaluations * * * shall include, whenever possible, opinions obtained from program or project participants about the strengths and weaknesses of such programs or projects." (Sec. 151(a), P.L. 89-10, as amended; 20 U.S.C. 241.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

The information will be used for evaluation and program management purposes. Evaluation objectives include assessing the impact of the migrant program on the basic skill attainment and persistence in school of second, fourth and sixth grade participants. Program management objectives include a general assessment of the comprehensiveness of instructional (and support) services offered by funded school districts, an assessment of the extent to which eligible students receive instructional and support services, and an assessment of the accuracy of the data used for funds allocation purposes.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail, personal interview.
b. Time of collection: Winter, spring, summer, fall 1978; and winter, spring 1979.
c. Frequency: single time.

8. RESPONDENTS

a. Type: State ESEA Title I Migrant Coordinators.
b. Number: 49.
c. Estimated average man-hours per respondent: 0.75.

a. Type: ESEA Title I Project Administrators (Project Directors and/or Principals).
b. Number: 500.
c. Estimated average man-hours per respondent: 1.65.

a. Type: Local School Personnel.
b. Number: 2,000.
c. Estimated average man-hours per respondent: 2.0.

a. Type: Teachers.
b. Number: 1,000.
c. Estimated average man-hours per respondent: 0.40.

a. Type: Teacher Aides.
b. Number: 800.
c. Estimated average man-hours per respondent: 0.30.

a. Type: Recruiters.
b. Number: 200.
c. Estimated average man-hours per respondent: 0.30.

a. Type: Students.
b. Number: 6,000.
c. Estimated average man-hours per respondent: 2 to 3.

9. INFORMATION TO BE COLLECTED

Respondent type: State Migrant Coordinators.
Description of the services and recipients of the State Title I Migrant Program.
Respondent type: Title I Project Administrators.
Services and recipients of the local Title I Migrant Program; e.g., academic and support services funded under Title I.
Project administrators' training, experience and opinions relating to the Title I Migrant Program.

Respondent type: Local School Personnel.
Instructional and support services received during calendar years 1977 and 1978 by migrant students in the study sample; e.g., participation in compensatory reading/math programs funded under Title I program.
Instructional and support services offered by schools attended by migrant students in the study sample.
School enrollment, withdrawal date and forwarding information concerning migrant students in the study sample.

Respondent type: Teachers.
Training, experience and opinions relating to Title I Migrant Program.
Language proficiency of sample students.

Respondent type: Teacher Aides.
Training, experience and opinions relating to Title I Migrant Program.

Respondent type: Migrant Student Recruiters.
Training, experience and opinions relating to Title I Migrant Program.
Recruitment practices and procedures for student identification.

Respondent type: Parents.
Occupational characteristics and mobility pattern.

Respondent type: Students.
Achievement levels in reading and math.
Oral language proficiency.
School enrollment and residence histories.
Attitudes toward school and self.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Vocational Education Teacher Certification Fellowships: Institutional Assurances.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER

OE Form 593–1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 172(c)(3) The Commissioner shall approve the program at an institution of higher education which has as its purpose assisting certified teachers or assisting persons from industry in becoming vocational education teachers only upon finding that—

"(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development; and

"(B) such program is available to person receiving these fellowships so that they can receive the same type of education and training being offered in the institution for undergraduate students who are preparing to become vocational education teachers." (Pub. L. 94–482, Title II, Section 202; 20 U.S.C. 2402).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefit.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The information is to be used in the awarding of vocational education teacher certification fellowships in accordance with the legislative requirement of section 172(c)(3) cited above in item number 4.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Winter.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: Colleges and Universities.
b. Number: 300.
c. Estimated average man-hours per respondent: 2.

9. INFORMATION TO BE COLLECTED

The fellowship applications prepared and submitted by individual applicants will be accompanied by an institutional assurances section in which the institution which has accepted the applicants provides assurances that the fellowship applicants have been accepted for enrollment in the programs designed by the applicants, the programs enable fellows to become certified vocational teachers, the programs meet State certification requirements, the fellows will receive the same type education and training as other undergraduates preparing to become vocational education teachers, and the programs include adequate support services.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Law School Clinical Experience Programs—Application.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Training and Facilities.

3. AGENCY FORM NUMBER

OE 595.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Commissioner is authorized to enter into grants or contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in the preparation and trial of cases." (Pub. L. 90–575, as amended by Pub. L. 92–318 and Pub. L. 94–482, 20 U.S.C. 1136b)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED

This information will be used in the evaluation of applications by a panel of consultants to determine which ones should be funded.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Fall.
c. Frequency: Once a year.

8. RESPONDENT

a. Type: Accredited Law Schools.
b. Number: 150.
c. Estimated average man-hours per respondent: 35.

9. INFORMATION TO BE COLLECTED

a. Information required on Standard Form 424 (OE 595).
b. The application must show compliance with the Proposed Funding Criteria which will be published in the FEDERAL REGISTER. This includes such items as:
(1) Need for clinical program.
(2) Nature and scope of clinical program.
(3) Relevant Faculty & institutional resources.
(4) Legal skills to be developed.
(5) Degree of clinical supervision.
(6) Appropriate academic credit.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Bilingual Vocational Training Projects.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER

OE Form 596.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 189(c)(1) Sums appropriated pursuant to subsection (b) shall be used by the Commissioner * * * to make grants to or contracts with colleges or universities, State boards, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions * * * (E) to evaluate vocational-technical education curriculum materials and their uses * * *." (Pub. L. 88-210, as amended, Title I, Part I; 20 U.S.C. 1391).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The information will be used to help prepare a decisionmaking guide to be used by the U.S. Office of Education and subsequently by State and local education agencies to help make decisions concerning priorities for developing bilingual vocational education curriculum materials. The information will also be used to prepare a sample instructional unit which is to be a model for the development of bilingual vocational education materials.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Winter 1977-78.
c. Frequency: Single time.

8. RESPONDENTS

a. Type: Administrators of bilingual vocational training programs for out-of-school individuals.
b. Number: 65.
c. Estimated average person-hours per respondent: 0.5.

a. Type: Instructors at bilingual vocational training programs for out-of-school individuals.
b. Number: 65.
c. Estimated average person-hours per respondent: 0.5.

a. Type: Former trainees in bilingual vocational training programs.
b. Number: 65.
c. Estimated average person-hours per respondent: 0.25.

9. INFORMATION TO BE COLLECTED

The following information will be collected from administrators and instructors: program descriptions, including information about curriculum materials being used; basic statistical data, including enrollment of students by language and age group; need for additional curriculum materials and programs including process and criteria used to identify needs; and experience in developing curriculum materials and using commercially available curriculum materials.

The following information will be collected from former trainees: type of course taken, adequacy of training received, employment experience after training, relevancy of training to job needs, and additional training needed.

[FR Doc.77-30572 Filed 10-19-77;8:45 am]

[4110-12]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0020]

"TRANSFER INCOME MODEL MAINTENANCE AND DEVELOPMENT"

Contract Modification

Pursuant to Section 606 of the Community Services Act of 1974 (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the extension of Contract No. HEW-100-76-0020 to the Urban Institute, 2100 M Street NW., Washington, D.C. 20037, for a research project entitled "Transfer Income Model Maintenance and Development." The purpose of this project is to maintain, improve, and expand the computerized TRIM model. Project tasks will include: creation and maintenance of TRIM data bases; updating of demographic, economic, aging, and transfer program parameters; improvements in model efficiency; development of user-oriented operational features; technical assistance; design of data test files and standard test procedures; and development of relevant system documentation. This project is directed toward improved policy research methodology in the analysis of welfare costs and caseloads and of the impact of economic events and public programs on population subgroups, such as low-income and elderly persons. The estimated cost for the modification of this contract is $158,531. The intended completion date is July 13, 1978.

Dated: October 17, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-30623 Filed 10-19-77;8:45 am]

[4110-12]

Office of Child Support Enforcement

STATEMENT OF ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Part X (formerly Part 10) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for Non-Affiliated Organizations. The Statement of Organization, Functions and Delegations of Authority for the Office of Child Support Enforcement (OCSE), a nonaffiliated organization, was published in 41 FR 40533-35, dated September 20, 1976. Standard Administrative Codes were not published at that time. By the Secretary's Reorganization Order (42 FR 13262-13263, dated March 9, 1977), it was established that "the Office of Child Support Enforcement, a separate unit the director of which is the Administrator, Social and Rehabilitation Service, shall remain a separate organizational unit, and the Commissioner of Social Security shall be its director." The entire OCSE FEDERAL REGISTER statement is now being republished to:

A. Establish an Audit Division to conduct the annual audit function and periodic administrative cost audits;

B. Delete the statement of the audit function from the present OCSE Regional Office functional statement;

C. Delete the statement of the audit function from the present OCSE Division of Administration;

D. Update the functional statement of the Division of Administration to reflect the transfer of the States Grants function from the Social and Rehabilitation Service (SRS) to OCSE; and

E. Include Standard Administrative Codes to identify all OCSE components for ease of reference.

The establishment of an Audit Division is necessitated by section 452(a)(4) of Pub. L. 93-647, enacted January 4, 1975, which requires OCSE to conduct annual regional audits of the effectiveness of State Child Support Enforcement programs (the 1977 Supplemental Appropriation for SRS, Pub. L. 95-26, enacted May 4, 1977, provided for 125 new positions to conduct audits). The Audit Division will also conduct periodic administrative cost audits.

The revised material for OCSE reads as follows:

OFFICE OF CHILD SUPPORT ENFORCEMENT

STATEMENT OF ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

The Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby further amended to reflect the establishment of an OCSE Audit Division to conduct the annual audit function required by statute and periodic administrative cost audits, to delete the statement of the audit function from the OCSE Regional Office functional statement, to delete the statement of the audit function from the present OCSE Division of Administration, to update the functional statement of the Division of Administration, and to include Standard Administrative Codes for all OCSE components (which have not been previously published in the FEDERAL REGISTER).

Sec. X.00 *Office of Child Support Enforcement*—(Mission). The mission of OCSE is to provide leadership in the planning, development, management, and coordination of the Department's CSE programs and activities authorized and directed by title IV-D of the Social Security Act and other pertinent legislation. The general purpose of the legislation and the CSE programs developed pursuant thereto is to require States to enforce support obligations owed by absent parents to their children by locating absent parents, establishing paternity when necessary and obtaining child support. The specific responsibilities of this

office are to: establish regulations and standards for State programs for locating absent parents, establishing paternity, and obtaining child support; establish minimum organizational and staffing requirements for State units engaged in carrying out CSE programs; evaluate the implementation of State CSE programs; review and approve State plans material; conduct audits of State programs to assure their conformity with requirements, and not less often than annually, conduct a complete audit of these programs in each State and determine for the purposes of the penalty provision of section 403(h) of the Social Security Act whether the actual operation of such programs in each State conforms to Federal requirements; assist States in establishing adequate reporting procedures and maintain records of the operations of CSE programs; maintain records of all amounts collected and disbursed under CSE programs and of the costs incurred in collecting such amounts; provide technical assistance to the States to help them establish effective systems for collecting child support and establishing paternity; certify certain applications from States for permission to utilize the Courts of the United States to enforce court orders for support against absent parents; operate the Parent Locator Service; certify the amount of certain child support obligations that have been assigned to a State, to the Secretary of the Treasury for collection; submit an annual report to the Congress on all activities undertaken relative to the CSE program; establish regulations and standards for Federal financial participation in support of State CSE programs; distribute proceeds collected as a result of this program and incentive payments to localities.

Sec. X.10 *Office of Child Support Enforcement*—(Organization). The Office of Child Support Enforcement (X) is comprised of the following components:

A. Office of the Director (XW).

B. Administrative Division (XWA).

C. Policy and Planning Division (XWS).

D. Parent Locator Service Division (XWS).

E. Audit Division (XWB).

F. Office of Child Support Enforcement Regional Offices (XWD).

Sec. X.20 *Office of Child Support Enforcement*—(Functions). A. *Office of the Director (XW)*:

1. The Director, OCSE, is responsible for directing the activities of OCSE, assisted by the Deputy Director.

2. The Director also has special responsibility for high level relationships with Congress, the Secretary and officials of the Department of Health, Education, and Welfare, other Federal Departments and public and private organizations on matters relative to CSE programs; for coordinating, planning and training activities; for coordinating efforts to improve State and local public agency capability to plan and manage CSE programs, and for final review and approval of all office publications and issuances.

B. *Administrative Division (XWA)*:

1. Provides administrative support for all OCSE activities.

2. Provides support of program operations including: editing regulations and other issuances for formal requirements and correctness; operation of suspense control for the coordination of important issuances and submissions that are being developed and/or reviewed, e.g., proposed regulations for State plans; maintenance of central policy files; maintenance of approved State plan files; coordination of responses for the Director when input of more than one division is required; control and routing of requests for information concerning public and Congressional inquiries.

3. Provides administrative management support including: coordination of OCSE personnel and training activities; coordination and/or management of office space, supplies, equipment, travel, messenger services and duplication requirements; control of expenditures for travel, printing, binding, supplies and other services; coordination of all budget activities; development, execution and review of the Salaries and Expenses budget; control of manpower authorizations; coordination of organization and staffing proposals and requirements.

4. Provides administrative management coordination and technical guidance to the OCSE Regional Offices to ensure uniform, orderly and consistent operating practices and procedures regionwide.

5. Provides guidance and assistance to regional operations in the State Grants Administration area. Maintains financial control over formula grants to States for CSE activities under title IV–4 of the Social Security Act. Conducts reviews of regional office decisions to allow or disallow State estimates and expenditures for CSE operations and monitors trends and developments in regions as pertains to accountability and allowability of costs. Prepares grant award notices and accompanying materials which become the obligation documents for issuance of State payments.

C. *Policy and Planning Division (XWP)*:

1. Develops regulations to implement those provisions of the Social Security Act and other laws governing Federal-State CSE and Paternity Establishment programs. Develops, proposes and assists the Director regarding regulations governing Federal-State CSE programs to include provisions relative to: program standards for locating absent parents; establishing paternity, and obtaining child support; minimum organizational and staffing requirements for State units engaged in carrying out CSE programs; State plan requirements; distribution of amounts collected as child support; payments to States for operation of the approved State plan; incentive payments to localities for enforcement and collection of assigned support rights; Federal financial participation; and program definitions.

2. Develops and reviews legislative proposals and enactments pertinent to policy development, and proposes legislation. Reviews court decisions relating to CSE and Paternity Establishment.

3. Coordinates development of program regulations and their interpretation within OCSE, the Department, and with other agencies whose programs relate to this program. Provides technical assistance concerning program policies within the Department, to Regional Offices, and through Regional Offices to the States.

4. Responsible for liaison and the joint development and promulgation of policies, regulations and procedures with: the Department of Treasury (IRS) relative to the certification and collection of certain child support obligations; the Office of the General Counsel and the Department of Justice and/or Federal Courts Establishment relative to the certification of certain actions for utilization of the United States District Courts.

5. Reviews proposed legislation and regulations for procedural implementation impacts and feasibility.

6. Develops, proposes, and interprets written materials, which are in support of OCSE regulations and which are designed to provide States with technical assistance and guidance in the most accurate and effective techniques of administering the CSE program.

7. Procedural material developed for States includes models and guides for CSE management methods, including: organization and staffing; personnel aptitude and qualifications testing; personnel position descriptions, qualifications and performance standards; cost determinations in coordination with ASMB; fiscal controls, accounting, reporting, and auditing guidelines; time controls; data collecting, collating, recording, and reporting; case and other records control, maintenance, and disposition; work measurement, distribution, and control; long-range programming and budgeting; statistical research, evaluation, and analysis; and other basic CSE and Paternity Establishment functions.

8. Monitors the CSE functions as carried out by the Regional Offices, and coordinates reviews within OCSE. Provides technical assistance concerning program procedures within the Department, to Regional Offices, and on their request to States and interested agencies. Coordinates development of program management methods and their interpretations with OCSE, the Department, and with other agencies whose programs relate to OCSE.

9. Primarily responsible for development of OCSE long-range plans, operational plans, program budget, legislative proposals broad statistical requirements and schedules for achievement of operational goals and objectives.

10. Evaluates the deployment of resources for the achievement of plans, programs, objectives, and operational goals. Participates in the evaluation of research and demonstration projects, as appropriate. Participates in the development of the annual audit plan for State CSE programs.

11. Provides OCSE components planning and programming guidance, and obtains their input as basis for coordinated development of proposed OCSE emergency, long-range, and short-range plans and programs. Has responsibility for OCSE program statistical research and analysis; trend and cost projecting and reporting.

12. Initiates or, upon request of the Director of OCSE or its components, develops statistical and narrative facts based on comparative analysis of data relating to State programs of CSE to establish their effectiveness and isolate ideal versus inadequate programs and processes of the various States. Prepares reports of analytical findings and recommends alternative courses of action to the Director and OCSE components.

13. Develops annually, for the Director and in coordination with OCSE staff elements, a proposed plan for the Major Initiatives Tracking System, and provides ongoing tracking capability of the objectives for the current year.

14. Provides technical assistance to all components of OCSE regarding program planning, research and statistics, and the Major Initiatives Tracking System.

D. *Parent Locator Service Division (XWS)*: Responsible for developing, operating and maintaining the Parent Locator Service in support of the CSE program. Responsibilities and functions relative and necessary to development, operation and maintenance of the Parent Locator Service are to: operate systems of the Parent Locator Service; coordinate national telecommunications and other data entry operations with States; act as liaison between OCSE and States in support of the Parent Locator Service systems; act as a liaison between the Office and other Federal agencies for the purpose of exchanging information to locate absent parents; assess State Parent Locator Service needs and formulate plans for improving State systems; provide technical assistance to States to implement State and local location services and on the use of the Federal Parent Locator Service; review State plans and Federal financial participation applications for establishment of automated and manual Parent Locator Service systems; control all correspondence relating to requests for information; design automated systems to support Parent Locator Service operations; establish and maintain a communcation network for receiving/transmitting information between States and the Parent Locator Service and between the Parent Locator Service and Federal Departments; establish billing rates and maintain quarterly billing records for non-IV-A requests; specify the manner and form for requesting information for the Parent Locator Service; negotiate reimbursable service contracts with participating Federal agencies providing information to the Parent Locator Service; send and receive documents to authorized users; control and coordinate flow of work; perform data conversion for input to Parent Locator Service; prepare printed information for field distribution; answer telephone queries; maintain microfilm; keep up-to-date statistics on the operation of the Parent Locator Service; train States, using telecommunications transmission, on data entry operations; assist in preparation of program policy and regulations as they relate to the Parent Locator Service.

E. *Audit Division (XWB)*: Develops plans, schedules and standards for the annual program audits of the States' CSE programs required by section 452 (a) (4) of the Social Security Act. Conducts audits of State CSE programs to assure their conformity with law, regulations and approved State plans. Conducts, not less than annually, an extensive audit of the full range of the States' CSE programs and determines for the purposes of the penalty provision of section 403(h) of the Social Security Act whether the actual operation of CSE programs in each State conforms to Federal requirements. Develops and conducts full-scope administrative cost audits to assess: adequacy of financial operations and compliance with applicable laws and regulations; economy and efficiency of operations; and achievement of established program results as defined in the National program. Recommends remedial action involving elements of State title IV-D operations, including State penalty assessment, or other corrective measures as may be necessary. Evaluates the adequacy and effectiveness of controls reflected in the States' policies, systems, procedures, methods and related practices in their CSE programs, including: enforcing support obligations owed by absent parents to their children; locating absent parents; establishing paternity, and obtaining child support. Develops consolidated reports to the Director and Deputy Director, OCSE based on audit findings. Coordinates and maintains effective liaison with Regional OCSE officials on audit and program issues.

F. *OCSE Regional Offices (XWD1-XWDX)*: Provides interpretations of the CSE program regulations to State agencies; reviews and approves or recommends disapproval of State plans, State plan amendments and certain projects grants; provides assistance to State agencies in developing State plans and State plan amendments; evaluates the implementation of State programs; proestablishing effective programs; monitors State agency operations in order to vides technical assistance to States in maintain a broad awareness of program activity; stimulates State action toward achievement of selected program objectives; assist States in the maintenance of ongoing program activities; receives, reviews and certifies, when appropriate, certain requests to use the IRS and the Federal courts for collection or enforcement of support obligations.

Dated: October 13, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-30622 Filed 10-19-77;8:45 am]

[4110-02]

Office of Education

ADVISORY COUNCILS AND COMMITTEES

Annual Reports for 1977

In accordance with the policy of the Department of Health, Education, and Welfare, this is to notify interested persons that a copy of each annual report, covering calendar year 1976, of the advisory councils and committees affiliated with the Office of Education is deposited with the HEW Library, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201. An additional set is filed with the Committee Management Officer, Office of Education, Room 2135, 400 Maryland Avenue, SW., Washington, D.C. 20202.

As required by Section 13 of the Federal Advisory Committee Act, eight copies of each report will be forwarded to the Library of Congress. As required by section 443 of the General Education Provisions Act, two copies of each report will be forwarded to the Congress of the United States.

Individual copies of these reports are available to the public upon request directly to the council or committee or to the Committee Management Officer. Following are the names and addresses of each council/committee whose report is now available.

Accreditation and Institutional Eligibility Advisory Committee, DHEW/OE, Room 3030 ROB, Washington, D.C. 20202.

National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C. 20004.

National Advisory Council on Bilingual Education, DHEW/OE, Room 420 Reporters Bldg., Washington, D.C. 20202.

National Advisory Council for Career Education, DHEW/OE, Room 3100 ROB, Washington, D.C. 20202.

Community Education Advisory Council, DHEW/OE, Room 5622 ROB, Washington, D.C. 20202.

Advisory Council on Developing Institutions, DHEW/OE, Room 3036 ROB, Washington, D.C. 20202.

National Advisory Council on the Education of Disadvantaged Children, 425 13th St., NW., Suite 1012, Washington, D.C. 20004.

Advisory Council on Environmental Education, DHEW/OE, Room 2025, Washington, D.C. 20202.

National Advisory Council on Equality of Educational Opportunity, 1325 G St., NW., Suite 710, Washington, D.C. 20005.

National Advisory Council on Ethnic Heritage Studies, DHEW/OE, Room 3907 ROB, Washington, D.C. 20202.

National Advisory Council on Extension and Continuing Education, 425 13th St., NW., Suite 529, Washington, D.C. 20004.

Advisory Council on Financial Aid to Students, DHEW/OE, Room 3661 ROB, Washington, D.C. 20202.

National Advisory Committee on the Handicapped, DHEW/OE, Room 4030 Donohoe Bldg., Washington, D.C. 20202.

National Advisory Council on Indian Education, 425 13th St., NW., Suite 326, Washington, D.C. 20004.

National Advisory Council on Vocational Education, 425 13th St., NW., Suite 412, Washington, D.C. 20004.

National Advisory Council on Women's Education Programs, 1832 M St., NW., Suite 821, Washington, D.C. 20036.

Dated: October 14, 1977.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

[FR Doc.77-30602 Filed 10-19-77;8:45 am]

[1505-01]

DIRECT, DISCRETIONARY GRANT PROGRAMS

Closing Dates for Receipt of Applications for Fiscal Year 1978

Correction

In FR Doc. 77-29738, appearing at page 54984 in the issue of Wednesday, October 12, 1977, the heading in column two of page 55002, now reading, "CFDA-13.406—College Library Resources Instructor Training Program," should read, "CFDA-13.586—Bilingual Vocational Instructor Training Program".

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on Oct. 6, 1977 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Purchasers' Questionnaire for Investigation, Nos. AA1921-174-175 (Saccharin), single-time, purchasers of saccharin, C. Louis Kincannon, 395-3211.

Importers' Questionnaire for Investigations, Nos. AA-1921-174 and 175 (saccharin), single-time, importers of saccharin, C. Louis Kincannon, 395-3211.

Non-Rubber Footwear Importers' Survey, annually, importer, C. Louis Kincannon, 395-3211.

SMALL BUSINESS ADMINISTRATION

SBA Fellowship Application, on occasion, academicians, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of Census, Questionnaire for the Off-Base Residence of Military, 1977 Census of Oakland, California, DH-807, single-time, households in Alameda City, California, Richard Eisinger, 395-6140.

Department of the Air Force, Study of Male/Female Difference in Civilian Flying, single-time, FAA instructors and pilots, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Assessment of Programs and Projects Funded Under Pub. L. 92-318, Indian Education Act, Part A, OE-512, single-time, Lea's, parents, ONAP centers, human resources division, Raynsford, R., 395-3532.

Alcohol, Drug Abuse and Mental Health Administration, The Quality of Mental Health Service in an Organized Primary Health Care Setting, single time, persons seeking medical care in a primary care setting, Richard Eisinger, 395-6140.

Office of Human Development, Development of Models for the Provision of Aftercare Services to Runaway Youth and Their Families, single-time, runaway programs, Laverne V. Collins, 395-5867.

Health Care Financing Administration (Medcare), Colorado Medicare experiment psychologist/psychiatrist questionnaire, HCFA 23,24 L-25, on occasion, phychiatrists and clinical psychologist in Colorado, Richard Eisinger, 395-6140.

DEPARTMENT OF LABOR

Employment and Training Administration: CETA Youth Plan and application, ETA-9, other (see SF-83), State and local agencies, Budget Review Division, 395-4775.

A Study on Tracking the Eligible Population (CETA Title VI Non-Sustaining PSE Program), MT-285, single-time, 4000 individuals considered for PSE, Strasser, A., 395-5867.

REVISIONS

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federal Credit Unions), NCUA 5300, annually, Federal credit unions, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Survey of Coordinated Cooperative Trucking Activities, single-time, farmer cooperatives, Strasser, A., 395-5867.

DEPARTMENT OF DEFENSE

Department of the Air Force:

Aviation and Missile Fuel Reporting for DOD and Other Federal Agencies, 207-210,858, on occasion, aerospace contractors, Marsha Traynham, 395-4529.

Application for Scholarship Program and High School and College Transcript Request, NAVPERS175, annually, officials of high schools and colleges and students, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration, Relocation and Land Acquisition Certificate, ED-168, on occasion, units of local government, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-30738 Filed 10-19-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–September 1977

AGENCY: Office of the Federal Register, NARS, GSA.

ACTION: Notice of availability of indexes.

SUMMARY: This notice contains information submitted by agencies to the Office of the Federal Register for the first nine months of 1977 on indexes that the agencies are required to publish or make available under the Freedom of Information Act. This notice is compiled and published to notify the public of the availability of these indexes for sale or public inspection or both.

FOR FURTHER INFORMATION CONTACT:

Doris O'Keefe, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408 (202–523–3187).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first nine months of 1977 in order to notify the public of the availability of these indexes for sale and/or public inspection.

FRED J. EMERY,
Director, Office of the Federal Register.

OCTOBER 17, 1977.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Written in the Kansas City Commodity Office. Current listing of all administrative procedures that affect a member of the public.	Director, Kansas City Commodity Office, USDA, ASCS, P. O. Box 8377, Shawnee Mission, Kans. 66208.	Director, Management Services Division USDA, ASCS, P. O. Box 2415, Washington D.C. 20013.
Do.	ASCS handbooks: Written in the Management Field Office. Current listing of all administrative procedures that affect a member of the public.	Director, Management Field Office, USDA, ASCS, P. O. Box 205, Kansas City, Mo. 64141.	Do.
Do.	ASCS handbooks: Written in Washington Offices. Current listing of all administrative procedures that affect a member of the public.	Director, Management Services Division, USDA, ASCS, P. O. Box 2415, Washington, D.C. 20013. No charge.	Do.
Do.	Marketing quota, Review committee determinations; 1970 to date; listing by crop-year of all decisions made on marketing quota appeals.	Director, Management Services Division, USDA, ASCS; P.O. Box 2415, Washington, D.C. 20013. No charge.	Director, Management Services Division, USDA, ASCS, P.O. Box 2415, Washington, D.C. 20013.
Do.	Board of contract appeals decisions; 1970 to date; listing of all decisions on appeals affecting ASCS and or CCC.	do.	Do.
Do.	CCC Board dockets; 1969 to date; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do.	Do.
Do.	ASCS program appeals; 1970 to date; chronological listing of all appeals handled by ASCS program appeals staff.	do.	Do.
Department of Agriculture, Rural Electrification Administration.	Index of current REA publications: Electric Program, as of Apr. 18, 1977, with supplement thereto updating the index to Sept. 30, 1977. An alphabetic and numerical index of REA electric program bulletins, staff instructions, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250. No charge.	Director, Information Service Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250.
Do.	Index of current REA publications: Telephone as of Mar. 25, 1977, with supplement thereto updating the index to Sept. 30, 1977. An alphabetic and numerical index of REA telephone program bulletins, staff instructions, contract forms, specifications, sections of the Telephone Engineering and Construction and Telephone Operations manuals, and the rules and regulations of the Rural Telephone Bank.	do.	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0-9). Aug. 6, 1976. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock, $2.76 per copy; reproduced copies, $5.50 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do.	Guide to indexes, catalogs, and lists of departmental publications (AFR 0-1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Numerical index of standard publications and recurring periodicals (AFR 0-2). Mar. 4, 1977. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force Installation. Shelf stock. $2.75 per copy; reproduced copies $5.75; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Miscellaneous Air Force and other Government agency publications (AFR 0-16). Sept. 10, 1976. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.08 per copy; reproduced copies, $2.10 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do.	Publications Numbering Systems (AFR 5-4). February 15, 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.45 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do	Disposition of Air Force documentation (AFM 12-50). Oct. 1, 1969. Pt. 2 consists of decision logic tables which provide for disposition of documentation created or accumulated by all Air Force activities. Attachment 3 is an index to the tables, arranged alphabetically by title of the record.	DADF at nearest Air Force installation. Shelf stock will not be used. Pt. 2 is voluminous, therefore, only tables pertaining to requested records will be reproduced. $2. for 1st 6 pages, plus $0.05 for each additional page. Checks payable to: AFO (name of base furnishing copies).	Do.
Department of Defense, Department of the Army, TAGCEN, Army Publications Directorate.	DA pamphlet 310-1: Index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications.) March 1977.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220. Price: $1.28. Make checks payable to: Treasurer of United States. In addition to the indicated prices of the indexes, there is a $2 charge for each order, regardless of the size of the order. For example, if DA Pamphlet 310-1 is ordered, add $2 to the price of $1.28. If all the pamphlets are ordered, add $2 to total price of $14.11.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do	DA pamphlet 310-2: Index of blank forms, December 1976.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220. Price: $1.52. Make checks payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-3: Index of doctrinal, training, and organizational publications (field manuals, reserve officer's training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables and trajectory charts, tables of distribution and allowances). Basic dated June 1977.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd. Baltimore, Md. 21220. Price: $1.17. Make checks payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-4: Index of technical manuals, technical bulletins, supply manuals (types 7, 8, and 9), supply bulletins, and lubrication orders. Basic dated November 1974, with change 3, October 1975.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd., Baltimore, Md. 21220, Price: $7.12. Make checks payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-6: Index of supply catalogs and supply manuals. Basic dated July 1977.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd. Baltimore, Md. 21220. Price: $1.70. Make checks payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-7: Index of Equipment Modification Work Orders, May 1977.	Commander, U.S. Army AG Publications Center, 2800 Eastern Blvd. Baltimore, Md. 21220. Price: $1.32. Make checks payable to: Treasurer of United States.	Do.
Department of Defense, Department of the Navy.	Directives Issuance System Consolidated Subject Index of Unclassified Instructions (NAVPUBNOTE 5215). Published quarterly. Lists instructions issued by Washington headquarters organizations to addressees outside their headquarters.	Commanding Officer, Naval Publications and Forms Center, Philadelphia, Pa. 19120. Price: $5 per issue. Make check payable to the Treasurer of the United States.	Navy Department Library, 2d floor of building 220 at the Washington Navy Yard, U.S. Naval Station, 9th and M Sts. NW., Washington, D.C. Also available at nearest Navy or Marine Corps activity.
Do	Marine Corps Directives System Quarterly Checklist of Directives (MARCORPS Bulletin 5215).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: minimum of $2 plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Headquarters Marine Corps, room 1135 of the Navy Arlington Annex (Federal Office Bldg. No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. Also at nearest Marine Corps activity.
Do	Indexes to Navy and Marine Corps directives issued by naval activities and of less than departmentwide or general applicability.	Local Navy and Marine activity. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced.	Local Navy and Marine Corps issuing activity.
Do	Marine Corps' Stock List (SL-1-3): Quarterly index of publications authorized and stocked by the U.S. Marine Corps (PASMC).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Headquarters, U.S. Marine Corps, Room 1135 of the Navy Arlington Annex (Federal Office Bldg., No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. 20380. Also at Marine Corps field activities and Navy Department Library (see above).
Do	Standard Subject Identification Codes (SEC NAVINST 5210.11A). Lists standard subject (numerical) codes used for categorizing and identifying naval documents, including directives, blank forms, reports (control symbols), and other records and filing systems.	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at all naval shore activities.
Do	NAVFAC Documentation Index (NAVFAC P-349): A Keyword Out of Context (KWOC) index of unclassified instructions, publications, forms, and reports sponsored by the Naval Facilities Engineering Command (NAVFAC).	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: $5. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at Naval Facilities Engineering Command headquarters and field activities.
Do	Indexes to certain other technical publications and manuals of sponsoring system command or other headquarters organizations.	Director, Navy Publications and Printing Service Management Office, Washington Navy Yard, U.S. Naval Station, Washington, D.C. 20374. Price: $2 minimum plus $0.01 per page over 6 if printed stock is available and $0.05 per page when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Publications and Printing Service Management Office, building 157, Washington Navy Yard, 9th and M Sts. SE., Washington, D.C.
Do	Index to Navy Procurement Directives	Chief of Naval Material (MAT-05), Navy Department, Washington, D.C. 20350. Price: $2 minimum, plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and copies must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Navy procurement activities.
Defense Civil Preparedness Agency.	Publications catalog, MP-20: A listing of publications and other printed matter on the U.S. Civil Defense program available to the public. Contains a brief resume of each one and provides information on where to obtain.	U.S. Army Publications Center, Civil Preparedness Branch, 2800 Eastern Blvd. (Middle River), Baltimore, Md. 21220. No charge.	DCPA Headquarters, Room 1D511, Pentagon Bldg., Washington, D.C. 20301 or DCPA regional offices as shown at app. C, pt. 1813, ch. XVIII, title 32, CFR.
Do	DCPA manual 5450.2: Index of DCPA instructions and manuals, a listing, both numerical and subjective, of the Agency instructions announcing policy, outlining programs, and prescribing internal operating procedures.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Defense Communications Agency.	1. DCA circulars and notices: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA circulars and notices. Those circulars, notices, and changes published during the period Jan. 1–June 30, 1977, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those publications which have been canceled or replaced since Jan. 1, 1977 by a publication of a different number. Publications superseded by a revised issue bearing the same number are not included. Enclosure 2 is an alphabetical listing of current DCA circulars. Enclosure 3 is an alphabetical listing of current DCA Notices. 2. DCA instructions: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA instructions. Those instructions and changes published during the period Oct. 1, 1976—Mar. 31, 1977, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those instructions which have been canceled or replaced by an instruction of a different number since Oct. 1, 1976. Enclosure 2 is an alphabetical listing of current DCA instructions.	Defense Communications Agency, Washington, D.C. 20305. No charge.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.
Defense Logistics Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Defense Nuclear Agency	Index to administrative publications, May 10, 1976, with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, R. & D., logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, Attention: PAO, Washington, D.C. 20305. $1 by xeroxing, $0.35 by printing run. Payable to: Treasurer of the United States.	
Do	Government reports index: Biweekly, annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Pa able to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI) instructions, Nov. 10, 1975, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, Attention: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pages at $0.05 per page ($0.45). Checks payable to Treasurer of the United States.	
Defense Nuclear Agency, field command.	FCDNA instruction 5025.8J. Apr. 30, 1976 with changes. Description: Current index to field command instructions.	Field Command, Defense Nuclear Agency, Attention: Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Nuclear Agency, field command (FCDNA).	FCDNA instruction 5030.1D; Oct. 31, 1975. Description: Current index to FCDNA agreements, memoranda of understanding, and interservice agreements.	do	
Defense Nuclear Agency, field command, Johnston Atoll (FCJ).	FCJ instruction 5025.8D; Jan. 22, 1975 with changes. Description: Current index to FCJ instructions.	do	
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC–18), Room 4–62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration.	Do.
Do	Bureau of Drugs staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Drugs.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $21.50. Checks payable to Food and Drug Administration.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry. Over 3,000 pages.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. (Suggest before ordering, to request transmittal checklist to ascertain programs needed.) Checks payable to Food and Drug Administration.	Do.
Do	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do.	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do.	Do.
Do.	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18) 5600 Fishers Lane, Rockville, Md. 20852. $5.20. Payable to Food and Drug Administration.	Supervisor, Public Records and Documents Center (HFC-18) Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do.	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration.	Do.
Do.	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do.	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration.	Do.
Do.	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration.	Do.
Do.	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration.	Do.
Do.	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration.	Do.
Do.	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $5.90. Payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act index; from July 4, 1967-July 31, 1976, includes items in the following categories: (1) administrative manuals and memorandum, (2) animal resources and programs, (3) audio-visuals policy and criteria, (4) clinical center operations, (5) contracts policy and guides, (6) employee and committee member handbooks and manuals, (7) grants policy and guides, (8) library resources and guidelines, (9) minority programs, (10) patient policy, (11) research centers guides, (12) safety guides and permits, and (13) site visit formats.	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration.	The ADAMHA Freedom of Information Act Index is comprised of various ADAMHA component program guidelines, announcements, handbook listings, policy supplements, instructions, and manual materials. The index is divided to reflect the various ADAMHA components, namely the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, the National Institute of Mental Health, including Saint Elizabeths Hospital and the Office of the Administrator.	Copies of the ADAMHA Freedom of Information Act index are maintained by the HEW, FOI Officer, Room 5360, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201. ADAMHA will also make copies available if requests are forwarded to: Director, OCPA, ADAMHA, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852. Fees are 10¢ per page with the charge being made if the total amount exceeds $5 and are payable to Treasurer of the United States.	Director, Office of Communications and Public Affairs, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Operations, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Operations, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated Apr. 27, 1976. Subject: Hot line, 633-5313. This is the written procedure for handling reports of damage to packages of infectious materials.	Center for Disease Control, Attention: Director, Office of Biosafety, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Biosafety, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Staff publications booklet: An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Final Report of the Drinking Water Disinfection ad hoc Advisory Committee, dated Mar. 1, 1977. Recommendations to the Secretary, Health, Education, and Welfare, the Assistant Secretary for Health, and the Director, Center for Disease Control, on the merits of chlorine and ultraviolet light as a means of disinfecting water in program areas over which the CDC has jurisdiction or technical responsibility.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Annual report to Congress regarding smoking and health.	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga., 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No chargefor 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE. Atlanta, Ga. 30333.
Do	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974 on trade secret information.	Director, National Institute for Occupational Safety and Health, Parklawn Bldg., Room 8-20, 5600 Fishers Lane, Rockville, Md. 20857. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Parklawn Bldg., Room 8-20, 5600 Fishers Lane, Rockville, Md. 20857.
Do	"NIOSH Policy Letter", dated Nov. 5, 1973 regarding reimbursement to an employer for financial loss (production time: pay) incurred as a result of a NIOSH research project.	do	Do.
Do	The President's report on occupational safety and health, annual report for 1974. This report covers programs of the Department of Labor; Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	do	Do.
Do	The Federal coal mine health program in 1975. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969.	do	Do.
Do	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public.	do	Do.
Do	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	do	Do.
Do	NIOSH Publications Catalog, 1970-1977. Lists availability of publications from the National Institute for Occupational Safety and Health. NIOSH Publication No. 77-207.	do	Do.
Do	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Venereal disease review criteria, dated Dec. 10, 1971.	do	Do.
Do	Recommended treatment schedules for syphilis, dated 1976.	do	Do.
Do	Gonorrhea, CDC recommended treatment schedules, dated 1974.	do	Do.

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Do	Commentary on national strategies to control gonorrhea, dated July 1975.	do	Do.
Do	Summary Report on Influenza Virus Vaccine Use, dated Feb. 7, 1977.	do	Do.
Do	Summary Report of Conference on Influenza Vaccine Activity for 1977-78, dated Mar. 21, 1977.	do	Do.
Do	Guidelines for assessing immunity levels, dated November 1973.	do	Do.
Do	Immunization Against Disease, 1972 handbook.	do	Do.
Do	Public Health Service recommendations for Counting Reported Tuberculosis Cases, dated January 1977.	do	Do.
Do	Preventive therapy of tuberculosis infection, dated February 1975.	do	Do.
Do	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Recommendations for health department supervision of tuberculosis patients—MMWR, dated Feb. 23, 1974.	do	Do.
Do	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	do	Do.
Do	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	do	Do.
Do	Urban rat control project grants program guidelines for applicants, dated 1975.	do	Do.
Do	Procedures for collecting rats for anticoagulant resistance evaluation, Urban Rat Control, dated Mar. 29, 1977.	do	Do.
Do	Guidelines for grant applications. Childhood lead poisoning control, dated Mar. 14, 1974.	do	Do.
Do	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	do	Do.
Do	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Facilities Engineering and Construction Manual, ch. CDC: 3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-57, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-1, dated Sept. 30, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	do	Do.
Do	Administrative issuance. Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	do	Do.
Do	Administrative issuance. Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	do	Do.
Do	Administrative issuance. Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	do	Do.

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Do.	Administrative issuance. Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.	do.	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. CDC General Memorandum No. 76-8, dated Sept. 22, 1976. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.	Administrative issuance. CDC General Memorandum No. 74-1, dated Jan. 16, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	do.	Do.
Do.	Administrative issuance. Manual Guide—General Administration No. CDC-52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during nonwork hours.	do.	Do.
Do.	Administrative issuance. Manual Guide—General Administration No. CDC-18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	do.	Do.
Do.	Administrative issuance. CDC General Memorandum No. 72-3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	do.	Do.
Do.	Administrative issuance. Manual Guide—Personal Property Management No. CDC-2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production of exhibits by commercial contractors.	do.	Do.
Do.	Administrative issuance. Manual Guide—Safety Management No. CDC-19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	do.	Do.
Do.	Administrative issuance. Manual Guide—Safety Management No. CDC-2, dated Dec. 15, 1975. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	do.	Do.
Do.	Administrative issuance. Manual Guide—Safety Management No. CDC-3, dated June 18, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	do.	Do.
Do.	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7-2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	do.	Do.
Do.	Administrative issuances. Manual Guide—General Administration No. CDC-5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	do.	Do.
Do.	Administrative issuance. Manual Guide—General Administration No. CDC-61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	do.	Do.
Do.	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.	do.	Do.
Do.	Administrative issuances. Manual Guide—General Administration No. CDC-11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.	do.	Do.
Do.	Administrative issuance. Manual Guide—Travel CDC-10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and the conditions of the contracts.	do.	Do.

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Do	Administrative issuances. Manual Guide – Travel No. CDC-2 dated Jan. 14, 1974 and Correspondence Manual Chapter 10-40, dated Oct. 1, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Manual Guide—General Administration No. CDC-63, Privacy Act, dated Nov. 23, 1976. This issuance provides to CDC employees guidance on carrying out requirements of the act.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. CDC general memorandum No. 75-10, Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	do	Do.
Do	Administrative issuance. CDC general memorandum No. 75-2, civil defense, dated April 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	do	Do.
Do	Administrative ssuance. CDC unnumbered memorandum, injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	do	Do.
Do	Administrative issuance. Manual guide—general administration No. CDC-8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-2, commercial employment offices, dated Jan. 7, 1976. This issuance provides policy on using commercial employment offices for recruiting personnel.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 6, dated Apr. 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration issuance No. 8, dated Oct. 30, 1975. This issuance provides procedures for maintenance of minutes of NIOSH meeting with representatives of nongovernmental groups.	do	Do.
Do	Recommendations of the Public Health Service Advisory Committee on Immunization Practices, such as: BCG vaccines, cholera vaccine, diphtheria and tetanus toxoids and pertussis vaccine, immune serum globulin for protection against viral hepatitis, perspectives on the control of viral hepatitis, type B, influenza vaccine, measles vaccine, meningococcal polysaccharide vaccines, mumps vaccine, plague vaccine, poliomyelitis vaccines, rabies, Rh immune globulin, Rocky Mountain spotted fever vaccine, rubella vaccine, smallpox vaccine, typhoid vaccine, typhus vaccine, yellow fever vaccine.	Center for Disease Control, Attention: Director, General Services Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, General Services Office 1600 Clifton Rd., NE., Atlanta, Ga. 30333
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90-23 (Freedom of Information). July 1, 1973, to Oct. 1, 1976. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration; Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-1620

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Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to June 30, 1977. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of June 30, 1977. The respective bureau level indexes are listed as follows: OA—OFFICE OF THE ADMINISTRATOR OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1979–83; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; HSA Circulars; OM/OFS—policy decisions and opinion. BMS—BUREAU OF MEDICAL SERVICES Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; BMS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda. "Emergency Medical Service Systems Program Guidelines"; "HMO Policy Management Bulletin". IHS—INDIAN HEALTH SERVICES IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions. BCHS—BUREAU OF COMMUNITY HEALTH SERVICES BCHS administrative guide system; BCHS Operations Manual.	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A–55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to DHEW/Public Health Service. Mail to HSA Collection Officer, DHEW/PHS/HSA, Room 16–36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs DHEW/PHS/HSA, Room 14A–55, 5600 Fishers Lane, Rockville, Md.
HEW/PHS/Office of Administrative Management.	Index to the PHS Manual for financial evaluation of Public Health Service awards, continuous from July 1, 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page, with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	A guide to institutional cost sharing agreements for research grants and contracts, supported by the Department of Health, Education, and Welfare, continuous from July 1974.	Copies may be obtained from Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. No charge.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS procurement regulations; policies and procedures which implement and supplement the DHEW procurement regulations and the Federal procurement regulations, continuous from May 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Copies available: ASC Forms and Publications Services Center, OAM/PHS, 12100 Parklawn Dr., Rockville, Md. 20857. Additional information: Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS grants policy statement; comprehensive policy document for use by PHS grantees, continuous from July 1974.	GPO, 90 cents, Superintendent of Documents (Stock No. 1720-00055).	Superintendent of Documents, GPO, Washington, D.C. 20407.
Do	Index to PHS supplements to HEW Grants Administration Staff Manual; supplementation and implementations to HEW manual; continuous from January 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees are prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, PHS.	Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	Tables of contents to PHS supplementation of HEW staff manuals containing authorities, policies, and procedures in the following areas: Emergency, forms management, general administration, organization, ADP systems management, records management, safety management, security, facilities engineering and construction, and procurement.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17–81, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees as described in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service, Office of the Assistant Secretary for Health.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17–81 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS Commissioned Corps Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Chief, Employment Operations Branch, CPOD/OPM/OAM/PHS, Room4A 18, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS supplementation of the Federal Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Director, Office of Personnel Management, OAM/PHS, Room 18A–55, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to Parklawn guidelines: a series of internal operating guides providing operating instructions and procedures of a continuing nature for occupants of the Parklawn Bldg., Rockville, Md., with regard to operations of the Administrative Services Center, Office of Administrative Management. Guidelines include such subjects as procedures for operation and use of official conference rooms; apportionment and assignment of parking spaces; official hours; and conservation of paper in copying, duplicating, and printing, Parklawn Bldg.	Executive Officer, Administrative Services Center, OAM/PHS, room 5–77, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Checks payable to Department of Health, Education, and Welfare, Public Health Service, Office of the Assistant Secretary for Health.	Executive Officer, Administrative Services Center, OAM/PHS, Room 5–77 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of the Interior, Bonneville Power Administration.	BPA Manual Index dated Nov. 5, 1975, 33 pages. Policy, procedural, and directives material indexed by subject and BPA Manual chapter number.	The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting Bonneville Power Administration's Public Information Office, 1002 NE. Holladay St., Portland, Oreg. 97232, or the Washington, D.C. office, 5600 Interior Bldg., Washington, D.C. 20240.	Bonneville Power Administration Offices listed in previous column or BPA Area and District Offices at the following: 919 NE. 19th Ave., Portland, Oreg. 97208; 415 First Ave. N., Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 E. 7th St., Eugene, Oreg. 97401; Highway 2E, Box 758, Kalispell, Mont. 59901; U.S. Federal Bldg., 301 Yakima St., Wenatchee, Wash. 98801; and 531 Lomax St., Idaho Falls, Idaho 83401.
Department of the Interior, Bureau of Mines.	Basic Bureau of Mines Manual General Table of Contents and Checklist—July 6, 1976. Numeric and subject listing of internal policies and procedures by series, part, chapter, paragraph, and subordinate paragraph.	In accordance with fee schedule in 43 CFR 2, App. A. Bureau of Mines.	Chief, Organization and Management Staff, Columbia Plaza Office Bldg., 2401 E St. NW. Washington, D.C. 20241.
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index—Apr. 1, 1974: Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects.	Division of Management Support E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. No charge.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. Phone: 303-234-2081.
	Guidelines—Task Force Report on Water Marketing Index.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240. No charge.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240.
Department of Labor, Bureau of International Labor Affairs.	Trade Adjustment Assistance; Cumulative Summary Apr. 3, 1975-May 31, 1977	Bureau of International Labor Affairs. $.10 per page.	ILAB, New Department of Labor Building 200 Constitution Ave. NW., Washington D.C. 20210.
Department of Labor, Labor-Management Services Administration.	Reporting and disclosure	Labor-Management Services Administration. $.10 per page.	LMSA, Information Officer, Room N5637, New Department of Labor Bldg.
Department of Labor, Wage and Hour Division.	Field Operation Handbook, volume III through June 1, 1977.	Wage and Hour. $.10 per page	Office of the Administrator, Wage and Hour Division, Room S3502, New Department of Labor Bldg.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges- 1968-77; 1 page listing of opinions and final orders regarding regulation of toll bridges; issued by the Federal Highway Administrator, which identifies the case and the date issued.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do	Cease and desist and driver disqualification final orders by the Federal Highway Administrator; 1969-77; 8-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	do	Do.
Do	Cross reference index of current Federal Highway Administration directives as of Sept. 30, 1977. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. Price per copy: $11.22. Checks payable to: The Treasury of the United States.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590; Federal Highway Administration Regional Offices. (For location see 49 CFR pt. 7); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7.)
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF) has determined that publication in the FEDERAL REGISTER of the ATF Index of Materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the Index is changing continually and that items listed are of interest to relatively few potential users. Copies of the index may, however, be obtained upon request to the Office of the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226 at a cost of $2. The index is entitled, "Index of Materials Required by the Freedom of Information Act, ATF P 1200.3." The index covers the period of July 1967-June 1977 and consists of Final Opinions and Orders Made in the Adjudication of Cases, Statements of Policy and Bureau Directives, and the latest listing of ATF publications.	Office of the Assistant to the Director (Disclosure), Room 2232, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. Price $2. Make check payable to the Bureau of Alcohol, Tobacco, and Firearms.	Freedom of Information Act Reading Room, Room 1315, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave. NW., Washington, D.C. 20226. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS: North Atlantic Regional Office, 6 World Trade Center, Room 620, New York, N.Y. 10048. Mid-Atlantic Regional Office, Room 310, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340. Central Regional Office, Federal Office Bldg., Room 6510-A, 550 Main St., Cincinnati, Ohio 45202. Midwest Regional Office, 230 S. Dearborn St., 15th floor, Chicago, Ill. 60604. Southwest Regional Office, Main Tower, 1200 Main St., Room 355, Dallas, Tex. 75202. Western Regional Office, 525 Market St., 34th floor, San Francisco, Calif. 94105.
Department of the Treasury, Customs Service.	CSA (Customs Simplification Act) Index (revised) index to letters and letters relating to Customs Simplification Act, from 1956 forward.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $1.75. Checks payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
	Synopsis of Decisions on the Duty Assessment Process, 1972; administrative and court decisions and rulings concerning duty assessment process.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $3. Checks payable to: U.S. Customs Service.	Do.
	Customs Forms Catalog; Customs and other agency forms currently available from the Customs Service, July 1975.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Shelf stock, $2.50; reproduced copies $6.50. Shelf stock will be used while supply lasts. Checks payable to: U.S. Customs Service. Also, available at District Offices of the Customs Service.	Do.
	KWIC (Key Word in Context) Index, June 1975; current Customs Service circular letters.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: $1. Checks payable to: U.S. Customs Service.	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do	Legal Keyword Precedent Directory. The directory is a listing by selected keywords of all classification rulings issued since early 1975 that affect a substantial volume of imports or transactions or are otherwise of general interest or importance and of all published classification rulings issued since Aug. 31, 1963, including classification decisions of the Customs Courts, Treasury Decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The Legal Keyword Precedent Directory is maintained on microfiche and is continually updated.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Duplicate microfiche are available at a cost of $0.15 each and are available only in sets; a set presently contains 32 microfiche. Payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229 and at regional offices of the Customs Service.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967 to September 1977; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, $1.50, Treasury of the United States.	Treasury Department Library, Room 5010 Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C 20451.
Civil Service Commission (CSC).	Index to Civil Service Commission information. Period covered: February 1975 to May 1977. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list. August 1971-September 1977.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention: Freedom of Information Officer.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative and Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.
Council on Environmental Quality	*Memoranda to the heads of all Federal agencies:*		
Do	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7965.
Do	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do	Do.
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 30, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1973.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974. p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 30, 1976	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do	(xvii) CEQ memo to heads of agencies on SCRAP decision Nov. 26, 1975.	do	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-7965; Do.
Do	(xviii) CEQ memo to heads of agencies on environmental impact statements Feb. 10, 1976.	do	Council on Environmental Quality, Attention: Dr. E. H. Clark, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-6162.
Do	(xix) CEQ position paper "Pollution Control and Employment" February 1976.	do	Council on Environmental Quality. Attention: General Counsel, 722 Jackson Pl. NW., Washington, D.C. 20006 (202) 382-7965.
Do	(xx) CEQ memo to heads of agencies on prime agricultural lands Aug. 30, 1976.	do	

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do	(xxi) CEQ memo to heads of agencies on NEPA Supreme Court decisions Sept. 16, 1976.	do	Do.
Do	(xxii) CEQ memo to heads of agencies on NEPA requirement to projects abroad.	do	Do.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7965.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973 p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do	Do.
Do	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do	Do.
Do	(H) CEQ memo to heads of agencies on the Safe Drinking Water Act of 1974, Nov. 19, 1976.	Available from CEQ	Do.
Energy Research and Development Administration.	ERDA headquarters reports: Cumulative index issued monthly starting Jan. 19, 1975. Includes report number, corporate author, and subject indexes. Includes reports prepared by individual headquarters authors, task forces and study groups, and environmental statements covering ERDA programs and facilities.	ERDA Library and Public Document Room, Washington, D.C. 20545. Copies made available at $0.08 per page. Payable to: Energy Research and Development Administration.	ERDA Library and Public Document Room, Room 1223, 20 Massachusetts Ave. NW., Washington, D.C. 20545. 202-376-9015.
Do	ERDA manual table of contents: Covers directives; procurement instructions and regulations; and property management regulations, instructions, and bulletins. A cumulative table of contents is issued semi-annually listing ERDA issuances and those AEC issuances still in effect.	do	Do.
Do	Indexes to active and completed ERDA prime contracts arranged by (1) name of contractor, (2) work location, and (3) type of contract within field office.	do	Do.
ERDA, Office of the General Counsel.	ERDA waiver determinations. Lists of waiver requests on which a final determination was made during 1975 and 1976. Includes determination numbers of advance waivers and identified inventions, and names of firms or inventors.	do	Do.
ERDA, Board of Contract Appeals (BCA).	Decisions and orders for the periods Jan. 19, 1975 to June 30, 1977, including indexes.	do	Do.
Do	Atomic Energy Commission Reports; Oct. 1956-Jan. 1975, Vols. 1-8: Contains the BCA decisions and orders and indexes.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.	Do.
Equal Employment Opportunity Commission.	Index to Commission Decisions Unpublished	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. Price: 25¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506.
Do	Index to Commission Decisions, Published		Librarian or district office addresses at 29 C.F.R. 1610.4.
Do	Index to Equal Employment Opportunity Commission Orders.	See above. Price: 15¢; Payable to: U.S. Treasurer.	Do.
Do	Index to Compliance Manual (Table of Contents).	See above. Price: $3. Payable to: U.S. Treasurer.	Do.
Do	Index to General Counsel Manual (Table of Contents).	See above. Price: 45¢; Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St. NW, Washington, D.C. 20506.
Farm Credit Administration	Index of FCA Information Materials; Jan. 1-Sept. 30, 1977: (1) Publications (those available in supply); (2) news releases—(single copies available free of charge) issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Information Division, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. No charge.	Mr. Roland W. Olsen, Director of Information, Farm Credit Administration, Washington, D.C. 20578.
Federal Power Commission	Supplement to Index of FPC Actions (Apr. 1, 1977-June 30, 1977).	Federal Power Commission, Office of Public Information, 825 North Capitol St. NE. Washington, D.C. 20426.	Federal Power Commission, Office of Public Information, 825 North Capitol St. NE. Washington, D.C. 20426.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1228, Main Board Bldg., 20th and C Sts. NW.
Do	Microfilm copies of above index covering period July 4, 1967 to Dec. 31, 1976. Subsequent years to be microfilmed.	Order from Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Checks payable to Board of Governors of the Federal Reserve System. $13.25 a roll.	Freedom of Information Office, Room B-1228, Main Board Bldg., 20th and C St. NW., (202) 452-3684.
Do	Hard copy bound index for:		
	1967	do.[1]	Do.
	1968-74	do.[2]	Do.
	Copies for additional years in preparation.		
Do	Individual copy of the card index	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.

See footnotes at end of table.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.2 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Do.
Federal Trade Commission (FTC).	Final orders and opinions (duplicated pages of Index): Bound volumes of decisions July 1967, to December 1976.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-17 each.	Public Reference Branch, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do	Advisory opinions (duplicated pages of Index): Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do	Final orders and opinions: Supplemental index, July 1973 to September 1977.	Public Reference Branch, FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
	Enforcement statement, July 1967 to September 1977.	do	Do.
Do	Trade regulation rules, July 1967 to September 1977.	do	Do.
Do	Manuals—operating administrative	do	Do.
Do	Freedom of Information Act, access requests and responses, March 1973–September 1977.	do	Do.
Do	Closing letters, investigatory material, March 1974–September 1977.	do	Do.
Do	Motions to quash, investigational subpoenas, June 1962–September 1977.	do	Do.
Do	Motions to quash, 6(b) Orders and Orders requiring access, November 1975–September 1977.	do	Do.
Do	Clearance requests, January 1969–September 1977.	do	Do.
Do	Commissioners' outside contacts, April 1974–September 1977.	do	Do.
Do	Staff opinion letters, May 1962–September 1977	do	Do.
Do	Freedom of Information Act operating guidelines, December 1976–September 1977.	do	Do.
Do	Sunshine Act Binder Annoincements, summaries, transcripts of meetings, March 1977–September 1977.	do	Do.
Do	Applications for reimbursement in rulemaking proceedings, June 1977–September 1977.	do	Do.
Do	Employee contacts, communications, meetings, September 1977.	do	Do.
Do	Proposed consent orders, analyses, accessible relevant documents, September 1977.	do	Do.
General Services Administration (GSA).	GSA Freedom of Information Act index: July 4, 1967 through Sept. 30, 1977. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (AV), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02100. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 42, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do	Brochure: Falcon Dam and powerplant	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do	Water Bulletins: Containing data for 1 yr, covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: $3 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, Room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Water Bulletins: Containing data for 1 yr covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: $2 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations U.S. Section, IBWC (same address as shown above).
Marine Mammal Commission	Marine Mammal Commission Recommendations; calendar years 1974–76; list of recommendations made to Federal departments and agencies pursuant to 16 U.S.C. sec. 1402(a), arranged in chronological order, and listing the agency addressed and the subject matter of the recommendation.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006; no charge.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Mar. 31, 1977. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do	Reviewer/panelist, alphabetical listing as of Aug. 2, 1977. Listing contains name, State, and institution of individuals who have reviewed proposals for the National Science Foundation for the period indicated above.	do	Do.
Do	Index of Office of the Director staff memoranda (O/D) in effect, as of Mar. 31, 1977. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do	Do.
Do	Numerical index of NSF important notices in effect as of Mar. 31, 1977. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do	Do.
Do	Reference file of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do	Do.
Do	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do	Do.
Do	Publications of the National Science Foundation. An index by topical classification, as of November 1976, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 76-43.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGPP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
Do	NSF guide to programs. A composite listing of summary information about NSF support programs, as of September 1976. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 76-33.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 038-000-00294-5. Unit price: $1.35.	Do.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Sept. 30, 1977. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.
	Safety enforcement decisions, May 18, 1967 to Sept. 30, 1977. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard.		
	NTSB directives checklist as of Jan. 3, 1977. Numerical listing (by NTSB order No.) of staff operations directives.	do	Do.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to Sept. 30, 1977. Keyword index of OMB bulletins.	Office of Management and Budget. No fee	Velma N. Baldwin, Assistant to the Director for Administration.
Do	Office of Management and Budget circulars Index, 1948 to June 30, 1977. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1977. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through June 30, 1977. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Do	Listing of Federal management circulars transferred from General Services Administration. Arranged by number, subject, and date.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Mar. 31, 1977; interpretive letters addressing the provisions of title IV of the Employee Retirement Income Security Act—plan termination insurance program.	The Office of Communications, Pension Benefit Guaranty Corp., Room 7100, 2020 K St. N W., Washington, D.C. 20006; Charge $0.10 per page; Payable to The Pension Benefit Guaranty Corp.	The Office of Communications, Attention Mr. William Fitzgerald, (202) 254-4817, 2020 K St. NW., Washington, D.C. 20006.
Postal Rate Commission	Postal Rate Commission Index, from 1971 to Sept. 30, 1977; Opinions and Recommended Decisions, Advisory Opinions and Orders having a precedential value.	Information Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C. 20268.
Postal Service	USPS Public Index, July 4, 1967—Sept. 30, 1977. List of USPS Directives and Publications; Index of Final Legal Opinions, Orders; Current Information Services Price List.	USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Section I—List of USPS Directives and Publications ..... $1 Section II—Index of Final Legal Opinions and Orders ..... $9 Complete Index ..... $10 Checks payable to U.S. Postal Service.	General Manager, Library Division, USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.
Renegotiation Board	Index of documents, vols. 1, 2, and 3, 1967 to present: Agreements, modification agreements, clearances after assignment, clearances after reassignment, clearances without assignment, clearance agreements, letters not to proceed, final opinions, regional board opinions, orders, modification orders, special accounting agreements, interpretations, general orders, administrative orders that affect the public, memoranda of decision, statements of facts and reasons, summaries of facts and reasons, decisions on applications for stock item exemption, decisions on new durable productive equipment exemption, and decisions on applications for commercial exemption.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446. $0.15 per page.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446, Room 4310, Telephone: 254-7019.
Selective Service System	1. Index to Selective Service Regulations and Directives, 1948 to 1972. 2. Index to Selective Service Regulations and Registrants Processing Manual, 1972 to present. 3. General Index to Reconciliation Service Manual. 4. Registrant Information Bank Guide Index 1972 to present.	National Headquarters Selective Service System 600 E Street NW. Washington, D.C. 20435. Prices: (1) $2; (2) $2; (3) $.10; (4) $.10. Make checks payable to: Selective Service System.	Records Manager, National Headquarters Selective Service System, 600 E Street NW. Washington, D.C. 20435, telephone 202-724-0419.
Tennessee Valley Authority	Index to general administrative releases; covers period through March 1977; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.
Veterans Administration	VA Index I-03-1, Index to Veterans Administration Publications, Nov. 1, 1975, annual. Highly technical reference tool by basic classifications subject to current VA directives and annual listing (noncumulative) of rescinded VA directives. Primarily designed for internal use.	Not on sale	Copies may be inspected or copied, and further information obtained at any Veterans Administration field office or Central Office. Not all listed material, however, is maintained at every field station. Visitors to Central Office (810 Vermont Ave. NW., Washington, D.C.) will be received by the Central Office Veterans Assistance Unit in Room 132. Visitors to any VA field station will be assisted and informed where the index may be inspected.
Do	Index and digest of decisions of the Veterans Administration Contract Appeals Board.	do	Inquiries should be directed to the Chairman, Contract Appeals Board (002C), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420, telephone 202-275-1750.

[1] $5. a copy.
[2] $10. a copy for each year.

[FR Doc.77-30755 Filed 10-19-77;8:45 am]

[4310–84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–9209]

COLORADO

Order Providing for Opening of National Forest Lands

1. By Powersite Cancellation No. 256 of November 19, 1971, the U.S. Geological Survey cancelled Powersite Classifications No. 59 of March 13, 1924, No. 355 of October 31, 1944, and No. 374 of March 23, 1945, as to the following described lands:

ROUTT NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 11 N., R. 80 W.,
Sec. 2, NW¼SE¼ and S½SE¼.
T. 12 N., R. 80 W.,
Sec. 35, SE¼NE¼.
T. 12 N., R. 82 W.,
Sec. 22, Lots 3, 4 and N½SW¼.
T. 12 N., R. 84 W.,
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NW¼.

The areas described aggregate 572.80 acres in Jackson County.

2. At 10 a.m. on November 16, 1977, the above described lands shall be open to such forms of appropriation as may by law be made of national forest lands, subject to valid existing rights and the provisions of existing withdrawals.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

ANDREW W. HEARD, Jr.,
Acting Chief, Branch of Adjudication.

OCTOBER 11, 1977.

[FR Doc.77–30603 Filed 10–19–77;8:45 am]

[4310–84]

[C–9209]

COLORADO

Order Providing for Opening of Public Lands

1. The Federal Power Commission in its determination of June 24, 1971, DA–494 Colorado, found that it had no objection to the revocation of Powersite Classifications Nos. 59, 343, 355, and 374. The Geological Survey, in Powersite Cancellation No. 256 of November 19, 1971, canceled Powersite Classifications No. 59 of March 13, 1924, No. 343 of September 14, 1943, No. 355 of October 31, 1944, and No. 374 of March 23, 1945, as to the following described lands:

6TH PRINCIPAL MERIDIAN

T. 10 N., R. 79 W.,
Sec. 8, NW¼NE¼, S½NE¼, E½W½, SW¼SW¼, and SE¼;
Sec. 17, W½NE¼, E½NW¼ and NW¼SE¼;
Sec. 27, SE¼SW¼, and SW¼SE¼;
Sec. 28, NW¼NW¼.
T. 11 N., R. 79 W.,
Sec. 19, NE¼SE¼.
T. 10 N., R. 80 W.,
Sec. 3, NW¼SW¼, and SE¼SW¼;
Sec. 10, W½NE¼, E½W½, SW¼SW¼, and NW¼SE¼;
Sec. 13, SW¼SE¼, and E½SE¼;
Sec. 15, NW¼, and N½SW¼;
Sec. 26, E½SW¼;
Sec. 27, SE¼NW¼;
Sec. 34, W½NW¼, and S½SE¼;
Sec. 35, E½NW¼, SW¼NW¼, and W½SW¼.
T. 11 N., R. 80 W.,
Sec. 24, S½NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, E½NE¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 2,200.00 acres in Jackson County.

These are arid sagebrush rangelands adjacent to the valley of the North Platte River, 6 to 15 miles north of Walden, in North-Central Colorado. Topography is quite rough. Soils are shallow.

2. Of the lands described in paragraph 1, the following aggregating 320.00 acres, are privately owned.

6TH PRINCIPAL MERIDIAN

T. 10 N., R. 79 W.,
Sec. 19, SE¼SE¼.
T. 10 N., R. 80 W.,
Sec. 13, SW¼SE¼, and E½SE¼;
Sec. 34, W½NW¼, and S½SE¼.

3. At 10 a.m. November 16, 1977, the above described lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 16, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

ANDREW W. HEARD, Jr.,
Acting Chief, Branch of Adjudication.

OCTOBER 11, 1977.

[FR Doc.77–30604 Filed 10–19–77;8:45 am]

[4310–84]

[NM 31802, 31806, 31808, 31814, 31819, and 31821]

NEW MEXICO

Applications

OCTOBER 12, 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 six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 25 N., R. 7 W.,
Sec. 3, SE¼SE¼.
T. 28 N., R. 8 W.,
Sec. 7, lot 3;
Sec. 10, lot 2 and SW¼SE¼.
T. 28 N., R. 9 W.,
Sec. 12, SW¼SE¼.
T. 31 N., R. 9 W.,
Sec. 21, lot 14.
T. 32 N., R. 11 W.,
Sec. 26, NE¼NW¼.

These pipelines will convey natural gas across 0.731 mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–30605 Filed 10–19–77;8:45 am]

[4310–84]

[NM 31789]

NEW MEXICO

Application

OCTOBER 12, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas. Co. of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 21 S., R. 32 E.,
Sec. 5, SE¼SW¼ and S½SE¼.

This pipeline will convey natural gas across 0.496 miles 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.77–30606 Filed 10–19–77;8:45 am]

[4310–84]

[NM 31805]

NEW MEXICO

Application

OCTOBER 13, 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 lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 26 N., R. 7 W.,
Sec. 3, SE¼NE¼, N½SE¼ and SW¼SE¼.

This pipeline will convey natural gas across 0.496 mile of public land in Rio Arriba 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 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30607 Filed 10-19-77;8:45 am]

[4310-84]

[NM 31669]

NEW MEXICO

Application

OCTOBER 13, 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 lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 10 S., R. 30 E.,
Sec. 12. E½SE¼;
Sec. 13, N½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼.
T. 9 S., R. 31 E.,
Sec. 3, SE¼SW¼;
Sec. 9, E½SE¼;
Sec. 20, E½SE¼;
Sec. 21, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 29, NE¼NE¼, SE¼SW¼, W½E½.
T. 10 S., R. 31 E.,
Sec. 6, lot 1, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 7, lots 2, 3, E½NW¼.

This pipeline will convey natural gas across 6.143 miles of national resource lands 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.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-30608 Filed 10-19-77;8:45 am]

[4310-84]

[NM 31807, 31810, 31815, 31816, 31817, and 31820]

NEW MEXICO

Applications

OCTOBER 14, 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 six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T 30 N., R. 9 W.,
Sec. 32, NW¼SE¼.
T. 31 N., R. 10 W.,
Sec. 9, lot 4.
T. 31 N., R. 11 W.,
Sec. 9, W½NW¼ and W½SE¼;
Sec. 15, SW¼NW¼ and SW¼SE¼

These pipelines will convey natural gas across 0.666 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.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30609 Filed 10-19-77;8:45 am]

[4310-84]

[OR 935]

OREGON

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 30 S., R. 32 E.,
Sec. 3, SW¼
T. 19 S., R. 45 E.,
Sec. 7, NE¼NE¼.
T. 28 S., R. 45 E.,
Sec. 12, E½NE¼ and SE¼;
Sec. 13, E½ and SE¼SW¼.
T. 28 S., R. 46 E.,
Sec. 18, lot 4.

The areas described aggregate 841.16 acres in Harney and Malheur Counties, Oreg.

2. The United States did not acquire any mineral rights with the lands in T. 30 S., R. 32 E. and T. 19 S., R. 45 E.

3. All minerals in the E½NE¼ and NE¼SE¼ of Sec. 12 and W½E½ and SE¼SW¼ of Sec. 13, T. 28 S., R. 45 E., were and continue to be in United States ownership and are already open to operation of the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws.

4. The subject lands consist of three widely scattered parcels of which two are located generally in eastern Malheur County and one parcel in central Harney County. Elevation ranges from 2,300 to 4,600 feet above sea level, and the topography varies from generally flat to rolling and steep. Vegetation consists primarily of sagebrush and native grasses. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining public lands, for multiple use.

5. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraphs 2 and 3 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10 a.m., November 17, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30610 Filed 10-19-77;8:45 am]

[4310-84]

[OR 6799]

OREGON

Order Providing for Opening of Public Land

OCTOBER 12, 1977.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 9 S., R. 41 E.,
Sec. 16, W½NW¼;
Sec. 20, Mineral Survey No. 858;
Sec. 21, Mineral Survey Nos. 732 and 858;
Sec. 25, Mineral Survey Nos. 248 and 249;
Sec. 26, Mineral Survey Nos. 248 and 249;
Sec. 27, that part of Mineral Survey No. 857 known as the St. Paul Lode Mining Claim.

The area described contains 297.99 acres in Baker County, Oregon.

2. The United States did not acquire any mineral rights with the land described in paragraph 1 hereof.

3. The subject land is located in the area known as the Virtue Flat approximately 6 to 12 miles east of the City of Baker. Elevation ranges from 3,500 to 4,000 feet above sea level, and the topography varies from gently sloping to

rough and steep. Vegetation consists primarily of sagebrush and native grasses. In the past, the land has been used for livestock grazing and mining purposes, and it will be managed, together with adjoining public lands, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open (except as provided in paragraph 2 hereof) to operation of the public land laws, including, to the extent applicable, the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. November 17, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30611 Filed 10-19-77;8:45 am]

[4310-84]

[Wyoming 61090 Amdt.]

WYOMING

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for an amendment to their pending right-of-way application Wyoming 61090 to construct a 4-inch natural gas pipeline and appurtenant facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 92 W.,
Sec. 19, Lot 2 and SE¼NW¼.
T. 21 N., R. 93 W.,
Sec. 24, SE¼NE¼, N½SE¼, E½SW¼ and SW¼SW¼;
Sec. 26, N½NE¼, E½NW¼ and SW¼NW¼.

Cities Service Gas Company seeks to amend its application for right-of-way W-61090 to change the size of the pipeline from 4 inches to 6 inches.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minersl Operations.

[FR Doc.77-30612 Filed 10-19-77;8:45 am]

[4310-03]

Bureau of Outdoor Recreation

[INT DES 77-34]

PROPOSED ACQUISITION AND DEVELOPMENT, SENECA STATE PARK, MD.

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed partial acquisition and development of Seneca State Park located in Montgomery County, Md., and invites written comments within forty-five days of this notice. Comments should be addressed to Regional Director, Bureau of Outdoor Recreation, Northeast Region, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106. Lands totaling approximately 2,701 acres of inholding and development of picnic, day use, and interpretive areas are being financed with a Federal grant from the Land and Water Conservation Fund matched with an equal share of State money. The acquisition will consist of 46 inholdings and will result in the dedication of 6,609 acres for park and open space use and the relocation of 6 families.

Copies are available for inspection at the following locations:

Office of Communications, Office of the Secretary, Department of the Interior, Washington, D.C. 20240.
Office of Communications, Bureau of Outdoor Recreation, Room 242, South Building, Department of the Interior, Washington, D.C. 20240.
Bureau of Outdoor Recreation, Northeast Region, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.
A-95 Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Md. 21201.
Maryland National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Md. 20907.
Seneca State Park Office, Gaithersburg, Md. 20760.
Department of Natural Resources, C-3 Tawes State Office Building, Annapolis, Md. 21401.

A limited number of single copies is available and may be obtained by writing to the Regional Director, Northeast Region, Bureau of Outdoor Recreation, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.

Dated: October 17, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-30687 Filed 10-19-77;8:45 am]

[4310-70]

National Park Service

ASSATEAGUE ISLAND NATIONAL SEASHORE

Announcement of Pre-Planning Public Workshops

The National Park Service, U.S. Fish and Wildlife Service, and the Maryland Park Service invite all those interested in the future of Assateague Island to attend a Pre-Planning Public Workshop. A series of these workshops will be held in Worcester County, Md., Accomack County, Va., and the Washington-Baltimore metropolitan area during the week of November 14, 1977.

As these agencies begin the planning effort, they are soliciting the public's participation. Past and future island users' wishes, needs, and opinions are needed. These workshops will provide a forum for this exchange.

Written comments are invited and will be accepted until December 2, 1977. Comments should be addressed to any of the three agencies listed below.

Further information can be obtained from:

Superintendent, Assateague Island National Seashore, Route 2, Box 294, Berlin, Md. 21811.
Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Va. 23336.
Superintendent, Assateague State Park, Route 2, Box 293, Berlin, Md. 21811.

Dated: September 27, 1977.

BENJAMIN J. ZERBEY,
Acting Regional Director, Mid-Atlantic Region.

[FR Doc.77-30559 Filed 10-19-77;8:45 am]

[4310-70]

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a hearing of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, November 19, 1977 at the Fort Mason Officers' Club, Fort Mason, San Francisco, Ca. 94129.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene

Mr. John Jacobs
Mr. Peter Haas, Sr.
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major item on the agenda will be to receive public comment to aid in developing the General Management Plan for Alcatraz Island, a unit of the Golden Gate National Recreation Area.

The hearings will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Jerry L. Schober, Acting General Manager, Bay Area National Parks, Fort Mason, San Francisco, Ca. 94123, telephone 415–556–2920.

Minutes of the hearing will be available for public inspection by December 19, 1977 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, Ca.

Dated: October 13, 1977.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc.77-30557 Filed 10-19-77;8:45 am]

[4310-70]

MINING PLAN OF OPERATIONS AT DEATH VALLEY NATIONAL MONUMENT

Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9, Desert Minerals, Inc. has filed a Plan of Operations in support of proposed mining activities on lands embracing its Big Talc Mining Claim Group within the Death Valley National Monument. This plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: September 13, 1977.

DONALD M. SPALDING,
Superintendent,
Death Valley National Monument.

Dated: September 22, 1977.

HOWARD H. CHAPMAN,
Regional Director,
Western Region.

[FR Doc.77-30558 Filed 10-19-77;8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-71]

METHYL ALCOHOL FROM BRAZIL

Commission Determines "No Reasonable Indication of Injury"

OCTOBER 13, 1977.

On September 13, 1977, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c)(1) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to methyl alcohol from Brazil, and that, pursuant to section 201(c)(2) of the act, information developed during Treasury's preliminary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such methyl alcohol into the United States from Brazil. Accordingly, the Commission on September 19, 1977, instituted inquiry AA1921-Inq.-7 under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on October 3, 1977, in Houston, Tex. Public notice both of the institution of the inquiry and of the hearing was duly given by posting copies of the notice at the Secretary's Office in the Commission in Washington, D.C., and at the Commission's Office in New York City, and by publishing the original notice in the FEDERAL REGISTER on September 26, 1977 (42 FR 48942).

The Treasury instituted its investigation after receiving a properly filed complaint on August 11, 1977, from the Celanese Corp., New York, N.Y. The Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of September 16, 1977 (42 FR 46626).

On the basis of information developed during the course of this inquiry the Commission (Chairman Minchew, Vice Chairman Parker, and Commissioners Moore, Bedell, and Ablondi) determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of methyl alcohol into the United States from Brazil allegedly sold at less than fair value as indicated by the Department of the Treasury.

STATEMENT OF REASONS OF VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL AND ITALO H. ABLONDI

On September 13, 1977, the United States International Trade Commission received advice from the Department of the Treasury that during the course of a preliminary investigation with respect to methyl alcohol from Brazil, Treasury had concluded from the information available to it "that there is substantial doubt that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States." Acting upon this advice, the Commission, on September 19, 1977, instituted inquiry No. AA1921-Inq.-7 under section 201(c)(2) of the Antidumping Act, 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

DETERMINATION

On the basis of information developed during the course of this inquiry, we determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] by reason of the importation of methyl alcohol into the United States from Brazil allegedly sold at less than fair value as indicated by the Department of the Treasury.

DISCUSSION

The legislative intent in the enactment of section 201(c)(2) of the Antidumping Act, 1921, as amended, is "to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade."[2] This intent is effectuated when the Commission determines, pursuant to section 201(c)(2), that "there is no reasonable indication that a domestic industry is being or is likely to be injured" by reason of the subject imports, thereby eliminating an unnecessary, costly, and burdensome investigation. Although the quantum of proof required in inquiries under section 201(c)(2) is less than that required in a full investigation under section 201(a)

[1] Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

[2] See S. Rept. No. 93-1298, 93d Cong., 2d sess., p. 171, of the Committee on Finance of the U.S. Senate, which accompanied H.R. 10710, the bill which became the Trade Act of 1974.

of the Antidumping Act, 1921, as amended, the information obtained in this inquiry requires a finding that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of methyl alcohol into the United States from Brazil allegedly sold at less than fair value as indicated by the Department of the Treasury.

The antidumping complaint filed with the Department of the Treasury was based on allegations with respect to a quantity of methyl alcohol from Brazil which had been contracted for but not delivered. Although there were no imports of methyl alcohol from Brazil at any time during the period January 1972–July 1977, one shipment—amounting to 5,188 metric tons—was received by Mitsui and Co. at Houston, Tex., on September 20, 1977. The entire shipment was resold by Mitsui to a U.S. purchaser at prices comparable with those received by U.S. producers on their domestic sales of methyl alcohol. On October 1, 1977, at approximately the time the shipment of methyl alcohol from Brazil was received and resold, the complainant increased its standard price for methyl alcohol by approximately 5 percent.

The September 1977 shipment of Brazilian methyl alcohol fulfilled the only contract known to exist between any potential U.S. purchaser and any potential Brazilian supplier of methyl alcohol. The prices that Brazilian producers of methyl alcohol can receive in their home market appear to be substantially higher than prices they can receive on sales to the United States which, in the absence of a surplus supply, would deter exports to the United States. Demand for methyl alcohol in Brazil is also increasing. In addition, it should be noted that the United States has been a net exporter of methyl alcohol to Brazil; in 1976, U.S. exports to Brazil amounted to 13,000 metric tons. Furthermore, U.S. imports from Canada are far larger than the total Brazilian potential for export and are increasing rapidly; in 1976, U.S. imports from Canada amounted to 98,000 metric tons. In view of these facts, the September 1977 shipment appears to be the result of an isolated, nonrecurring sale. In the absence of evidence to the contrary, increased shipments to the United States of methyl alcohol from Brazil do not appear to be likely in the near future.

In view of the extremely small quantity involved in the September 1977 shipment (equivalent to only 0.2 percent of 1976 apparent U.S. consumption of methyl alcohol and 0.6 percent of 1976 U.S. open-market consumption), the nonrecurring nature of the shipment, and the absence of any evidence of underselling, or price depression or suppression, we have concluded that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of methyl alcohol into the United States from Brazil allegedly sold at less than fair value as indicated by the Department of the Treasury.

STATEMENT OF REASONS OF CHAIRMAN DANIEL MINCHEW

On September 13, 1977, the United States International Trade Commission (Commission) received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to methyl alcohol from Brazil. The Department of the Treasury concluded, pursuant to a summary investigation, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Upon receipt of this information, the Commission, on September 19, 1977, instituted inquiry No. AA1921-Inq. 7 under section 201 (c)(2) of the Antidumping Act of 1921, as amended, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of methyl alcohol from Brazil, which is the subject of the pending Department of Treasury investigation.

Investigations conducted by the Commission on inquiries under section 201 (c)(2) must be completed within 30 days.

DETERMINATION

On the basis of the information developed in this inquiry, I have determined that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[2] by reason of the importation into the United States of methyl alcohol from Brazil allegedly sold at less than fair value (LTFV).

THE PRODUCT

Methyl alcohol, considered in this inquiry, is a synthetic, colorless, volatile, flammable liquid made from natural gas feedstock, which is suitable for making formaldehyde, solvents, chloromethanes and numerous other products, as well as for direct use as a fuel. The largest use of methyl alcohol is in the production of formaldehyde, which is used extensively in the making of adhesives for the plywood and particle board industries.

THE INDUSTRY

There are two major operations involved in the making of methyl alcohol: mixing of natural gas with water to form carbon monoxide, carbon dioxide and hydrogen, and removal of carbon dioxide from the resultant mixture with copper catalysts. Most of the U.S. production high pressure process, which uses significantly more natural gas and is less efficient than the newly developed low pressure processes.

Methyl alcohol is produced in the United States by nine multinational companies.[1] The share of production accounted for by captive consumption by U.S. producers in their own production of intermediate and end products has increased substantially in recent years. In 1976, captive production accounted for 66 percent of U.S. production. U.S. purchasers of open-market methyl alcohol have had to rely on imports to meet part of their raw material requirement.

NO REASONABLE INDICATION OF INJURY TO THE U.S. INDUSTRY

Section 201(c)(2) of the Antidumping Act of 1921, as amended, provides—

If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If, within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination, and any investigation under subsection (b) then in progress shall be terminated.

The purpose of this section, which was an amendment to the Antidumping Act [in the Trade Act of 1974] was—

To eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade.[3]

In determining whether there is no reasonable indication of injury or likelihood of injury, it is my feeling that the Commission should look at the usual indices of injury, such as the idling of productive facilities, slackening of production, operations at lower than reasonable levels of profitability, domestic industry unemployment or underemployment, slumping sales, inventory growth and lower wage trends, of cri-

[2] The question of no reasonable indication of the prevention of establishment of an industry is not at issue in this inquiry.

[1] Prior to September 1977, when one company ceased production, there were ten companies producing methyl alcohol in the United States.

[3] *Trade Reform Act of 1974: Report of the Committee on Finance * * *,* S. Rept. No. 93-1298 (93d Cong., 2d Sess.), 1974, p. 171.

tical importance for "causation" is the level of pentration or the possible less than fair value sales.

In my opinion, the low level of imports at possible less than fair value, is the most important factor in my determination.

Apparent U.S. consumption of methyl alcohol reached an all time high of 6.2 billion pounds in 1973. Supply was reportedly very tight at times during 1973–74, when the building industry was vigorous. A downturn in the economy (particularly the housing industry) contributed to a slight decline in 1974, and a sharp drop in 1975 to 4.8 billion pounds. Consumption rebounded to 6.0 billion pounds in 1976 and, for the first six months of 1977, was 3.3 billion pounds (more than 0.4 billion pounds ahead of the level reached in the first half of 1976). U.S. production followed a trend similar to that for consumption, although the severity of the 1975 decline was greater because of a sharp drop in exports also.

U.S. exports of methyl alcohol declined from 1.1 billion pounds in 1972 to 0.5 billion pounds in 1975. Exports amounted to 0.6 billion pounds in 1976. Exports for the first half of 1977 (0.2 billion pounds) were 0.1 billion pounds less than they were in the same period of 1976.

Brazil is one of the principal U.S. export markets. Imports of methyl alcohol from Brazil, on the other hand, were nonexistent until the arrival of a single shipment, which will probably appear in the October 1977 import statistics.

U.S. imports of methyl alcohol increased from a negligible level in 1972 to 0.3 billion pounds in 1976. During January-July 1977, U.S. imports amounted to 0.2 billion pounds, almost double the quantity imported during January-July 1976. Canada supplied from 60 to 70 percent of all U.S. imports in 1975 and 1976, and 97 percent of all U.S. imports during January-July 1977. Imports from Brazil were nonexistent until the arrival of a single shipment in September 1977. The ratio of imports to consumption increased from 2 percent in 1974 to 5 percent in 1976 and 6 percent in the first 6 months of 1977.

Data supplied by the Department of the Treasury indicate a possible less-than-fair-value margin of 211 percent for the Brazilian shipment that arrived in September 1977. Although the U.S. importer apparently paid less-than-fair-value for the September 1977 Brazilian shipment, the methyl alcohol so purchased was not resold at such prices in the U.S. market.

In view of the small quantities of Brazilian methyl alcohol involved (equivalent to only 0.2 percent of total 1976 U.S. consumption) and lack of evidence of substantial underselling of U.S. producers' prices in the U.S. market I find that there is no reasonable indication that an industry in the United States is being injured by reason of the importation of methyl alcohol from Brazil that may have been sold at less than fair value in the United States. The remaining question to be answered is whether an industry is likely to be injured by imports from Brazil sold at less than fair value.

The September 1977 shipment of Brazilian methyl alcohol fulfilled all contractual obligations between the importer and exporter, and there is no evidence to indicate that additional deliveries are imminent. In addition, the potential threat to the U.S. industries from future deliveries appears slight when viewed with regard to possible expansion of Brazilian capacity increasing Brazilian demand for methyl alcohol, probable selling price to U.S. purchasers, and the amount of growth of Canadian imports. Therefore, I find that there is no reasonable indication that the domestic industry is likely to be injured by Brazilian imports that may be sold at less than fair value in the United States.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77-30678 Filed 10-19-77;8:45 am]

[7020-02]

REPORT TO THE PRESIDENT

OCTOBER 14, 1977.

To the President: In accordance with section 203(i) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation conducted under section 203(i)(2) of that act with respect to certain stainless and alloy tool steel.

The investigation to which this report relates was undertaken for the purpose of advising the President as to the Commission's judgment as to the probable economic effect on the domestic industry concerned if the relief provided by Presidential Proclamation 4445, as modified by Proclamation 4477, were to be reduced or terminated by (1) excluding from the quantitative restrictions imposed thereby any of the steel covered by TSUS items 923.20, 923.21, 923.22, 923.23, or 923.26; or (2) increasing the quantitative restrictions for the second and third restraint periods for any of the steel covered by the aforementioned five TSUS items. The Commission's advice in this matter is provided separately for the steel covered by each of these five TSUS items.

The investigation was instituted on June 17, 1977, following receipt on May 25, 1977, of a request for such advice from the Special Representative for Trade Negotiations.

Public notice of the investigation and hearing were given by publishing the original notice in the FEDERAL REGISTER of June 24, 1977, (42 FR 32323). On July 15, 1977, the Commission cancelled the hearings scheduled for August 23, 1977, and ordered the hearing to be held on September 7, 1977. Notice of the change of the hearing date was published in the FEDERAL REGISTER on July 18, 1977 (42 FR 36897).

A public hearing in connection with the investigation was held during the period September 7–10, 1977, in the Commission's Hearing Room in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork and from the Commission's files, other Government agencies, and information presented at the hearing and in briefs filed by interested parties.

By order of the Commission.

Issued: October 17, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-30377 Filed 10-19-77;8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 94-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on November 2, 1977, from 9:00 a.m. to 4:30 p.m.; November 3, 1977, from 9:00 a.m. to 5:00 p.m., and on November 4, 1977, from 9:00 a.m. to 4:00 p.m. On November 2, 1977, the meeting will be held in the Scheman Building, Iowa State University, Ames, Iowa; on November 3, 1977, in the COC Briefing Center, Ruan Building, 7th and Grants Streets, Des Moines, Iowa and on November 4, 1977, at Drake University, Des Moines, Iowa.

A portion of these meetings will be open to the public on a space available basis on November 2, 1977, from 9:00 a.m. to 4:30 p.m., November 3, 1977, from 9:00 a.m. to 12:00 noon, and on November 4, 1977, from 9:00 a.m. to 4:00 p.m. The agenda for these meetings will include a discussion on policy. There will be a question and answer period following these discussions.

The remaining session of this meeting November 3, 1977, from 12:00 noon to 5:00 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, this session will be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Commit-

tee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts.

OCTOBER 14, 1977.

[FR Doc.77–30632 Filed 10–19–77;8:45 am]

[7536–01]

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Media Arts Advisory Panel to the National Council on the Arts will be held on November 4, 1977, from 9:00 a.m. to 5:00 p.m., in room 1219 of the Columbia Plaza Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77–30631 Filed 10–19–77;8:45 am]

[7590–01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published in the FEDERAL REGISTER on September 22, 1977, page 47898. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the November 3–5, 1977, ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202–634–1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EDT through October 29 and EST after that date.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Environmental*, October 20, 1977, Washington, D.C. The Subcommittee will review the concepts of Regulatory Guides 1.52 and 1.ZZ, and the Radiological Assessment Branch Technical Position (BTP) on Radiological Environmental Monitoring. Notice of this meeting was published in the FEDERAL REGISTER on October 3, 1977, page 53691.

**Atlantic Generating Station*, October 21–22, 1977, Atlantic City, N.J. Postponed indefinitely.

**Working Group No. 4 of the Reactor Safety Research Subcommittee*, rescheduled from October 25 to November 11, 1977, Washington, D.C.

**Fluid/Hydraulic Dynamic Effects*, October 26, 1977, Portland, Oreg. The Subcommittee will continue discussion of the effects of blowdown forces on reactor pressure vessel supports. Notice of this meeting was published in the FEDERAL REGISTER on October 11, 1977, page 54894.

**Fire Protection Working Group*, October 26, 1977, Albuquerque, N. Mex. Postponed indefinitely. Notice of this meeting was published in the FEDERAL REGISTER on October 11, 1977, page 54892 and October 14, 1977, page 55504.

**Joint Meeting of the ACRS Subcommittees on Seismic Activity, the Skagit Nuclear Project, the Pebble Springs Nuclear Plant, and the Washington Public Power Supply System Nuclear Projects*, October 27–28, 1977, Portland, Oreg. The Subcommittees will continue ACRS review of regional tectonics of the Pacific Northwest and of the 1872 earthquake and the implications regarding nuclear plants in the Pacific Northwest. Review will be continued of (1) the application of the Portland General Electric Co. for a permit to construct the Pebble Springs Nuclear Plant, Units 1 and 2, and (2) the application of the Pudget Sound Power and Light Co. for a permit to construct the Skagit Nuclear Plant. Notice of this meeting was published in the FEDERAL REGISTER on October 11, 1977, page 54895.

**Resolution of Generic Items*, November 1, 1977, Washington, D.C. The Subcommittee will review the status of generic issues identified in "Status of Generic Items Relating to Light Water Reactors: Report No. 5," dated February 24, 1977, and any additional issues identified subsequent to that report. Notice of this meeting was published in the FEDERAL REGISTER on October 14, 1977, page 55503.

**Regulatory Activities*, November 2, 1977, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operation. Notice of this meeting was published in the FEDERAL REGISTER on October 14, 1977, page 55503.

**Procedures*, November 2, 1977, Washington, D.C. The Subcommittee will discuss proposed ACRS procedures and criteria for Committee participation in review of plant operations at stretch power, ACRS responses to public inquiries regarding reactor safety, and the needs of the Committee with respect to new members. Notice of this meeting was published in the FEDERAL REGISTER on October 14, 1977, pages 55506.

**Zion Generating Station, Units 1 and 2*, November 10, 1977, Washington, D.C. The Subcommittee will review the status of items identified in the ACRS letter on the Zion Generating Station, dated June 17, 1977.

**Siting Evaluation*, November 10, 1977, Washington, D.C. The Subcommittee will discuss the current criteria used in the evaluation of potential sites for nuclear reactors and will establish a schedule for future activities of the Subcommittee.

**Working Group No. 4 of the Subcommittee on Reactor Safety Research*, November 11, 1977 (rescheduled from October 25, 1977), Washington, D.C. The Working Group will review NRC sponsored research on advanced reactor technology. Notice of this meeting was published in the FEDERAL REGISTER on October 6, 1977, page 54474, and October 14, 1977 on page 55504.

**Transportation of Radioactive Materials*, November 16, 1977, Chicago, Ill. The Working Group will continue its review of NUREG–0170, "Final Einvironmental Statement on the Transportation of Radioactive Materials by Air and Other Modes."

**Diablo Canyon Nuclear Station, Unit No. 1*, November 29–30, 1977, San Francisco, Calif. The Subcommittee will review the application of the Pacific Gas and Electric Co. for an interim operating license for Unit No. 1.

**Fluid/Hydraulic Dynamic Effects*, December 1, 1977, San Francisco, Calif. The Subcommittee will continue discussion of the effects of blowdown forces on reactor pressure vessel supports.

**D. C. Cook Nuclear Plant, Unit No. 2*, December 3, 1977, Benton Harbor, Mich. The Subcommittee will review the application of the Indiana and Michigan Power Co. for a permit to operate Unit No. 2.

**Working Group No. 2 of the Reactor Safety Research Subcommittee*, December 6, 1977, Washington, D.C. The Work-

ing Group will continue its review of research and development programs which pertain to fuel behavior and materials and metallurgy. The emphasis of this meeting will be on those aspects concerning pressurized water reactors.

Regulatory Activities, December 7, 1977, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

Yellow Creek Nuclear Power Plant, December 16, 1977, Cornith, Miss. The Subcommittee will meet to review the application of the Tennessee Valley Authority for a permit to construct the Yellow Creek Nuclear Power Plant.

Anticipated Transients Without Scram (ATWS), December 20, 1977, Washington, D.C. The Subcommittee is tentatively scheduled to discuss various issues pertaining to anticipated transients during reactor operations that might take place without the occurrence of reactor scram.

Environmental, December 21, 1977, Washington, D.C. The Subcommittee will meet with the NRC Staff and various industry representatives to discuss measures to keep occupational radiation exposure at reasonably low values.

Reactor Fuel, December 28, 1977, Washington, D.C. The Subcommittee will review the design and performance of the General Electric Co.'s 8 x 8 fuel assemblies.

Edwin I. Hatch, Unit No. 2, December 29, 1977, Washington, D.C. The Subcommittee will meet to review the application of the Georgia Power Co. for an operating license for Unit No. 2.

FULL ACRS MEETINGS

NOVEMBER 3–5, 1977

A. *Skagit Nuclear Power Plant—Construction Permit Review.

B. *Regional Tectonics of the Pacific Northwest Area of the United States.

C. *ACRS Report on Reactor Safety Research.

DECEMBER 8–10, 1977

Agenda to be announced:

Dated: October 14, 1977.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-30689 Filed 10-19-77;8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON FLUID/HYDRAULIC DYNAMIC EFFECTS

Meeting

The notice of the October 26, 1977 meeting of the ACRS Subcommittee on Fluid/Hydraulic Dynamic Effects, announced in the FEDERAL REGISTER on October 11, 1977, page 54894, has been changed as follows:

(1) Delete the word "open" from the first sentence.

(2) Add the following paragraph to the agenda:

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

All other matters regarding this meeting remain the same as announced in the above cited FEDERAL REGISTER notice.

Dated: October 18, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-30752 Filed 10-19-77;8:45 am]

[7590-01]

[Docket Nos. 50-317 and 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 25and 8 to Facility Operating License No. DPR-53, and DPR-69 (respectively), issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses and their appended Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Maryland. The amendments are effective as of their date of issuance.

The amendments permitted deletion of certain hydraulic shock suppressors as part of a complete redesign of the support systems of the containment spray rings.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environment impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration ond environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1977, and supplements dated July 29, 1977, and September 8 and 14, 1977, (2) Amendment No. 25 to License No. DPR-53, and Amendment No. 8 to License No. DPR 69, 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 Calvert County Library, Prince Frederick, Md. 20678. 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 30th 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.77-30286 Filed 10-19-77;8:45 am]

[7590-01]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

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-28, issued to Vermont Yankee Nuclear Power Corp. (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (VYNPS) located near Vernon, Vt. The amendment is effective as of its date of issuance.

This amendment modifies the Technical Specifications relating to the replacement of 192 of 368 fuel assemblies in the reactor core of VYNPS constituting refueling of the core for cycle 5 operation.

In addition, this amendment: (1) Raises from 10 percent to 20 percent, the power level below which the Rod Worth Minimizer must be operable, (2) incorporates into the Technical Specifications qualification requirements for the plant health physicist and the requirement than an individual qualified in radiation protection procedures be onsite when there is fuel in the reactor, and (3) changes the acceptance criterion for surface indications detected during the in-service inspection of category F welds.

The applications for the amendment comply 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 Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 3, 1977; June 8, 1977; July 1, 1977, as supplemented; and September 16, 1977, (2) Amendment No. 39 to License No. DPR–28, 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 Brooks Memorial Library, 224 Main Street, Brattleboro, Vt. 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 30th day of September 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–30593 Filed 10–19–77;8:45 am]

[7590–01]

[Docket Nos. 50–269, 50–270 and 50–287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 47, 47 and 44 to Facility Operating License Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company which revised the Technical Specifications for operation of the Oconee Nuclear Station, Unit Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to establish operating limits for Unit 1 cycle 4 operation and tighten leakage limits through the Steam Generator tubes.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any signficant 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 30, 1977, as supplemented June 21, August 23, September 8, 14 and 24, 1977, (2) Amendment Nos. 47, 47 and 44 to License Nos. DPR–38, DPR–47, and DPR–55, respectively, 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 Oconee County Library, 201 South Spring St., Walhalla, S.C. 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of October 1977.

For the Nuclear Regulator Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–30287 Filed 10–19–77;8:45 am]

[7590–01]

[Dockets Nos. 50–250 and 50–251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 29 and 26 to Facility Operating Licenses Nos. DPR–31 and DPR–41, respectively, issued to Florida Power and Light Company which revised Environmental Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments will revise the Environmental Technical Specifications to authorize deletion of the monthly and quarterly monitoring of the E-series wells from the groundwater monitoring programs.

The application for the amendments 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 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 23, 1977, as supplemented by letter dated April 25, 1977, and (2) Amendments Nos. 29 and 26 to Licenses Nos. DPR–31 and DPR–41. 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 Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199. 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 7th day of October 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–30288 FR 10–19–77;8:45 am]

[7590–01]

[Docket No. 50–321]

GEORGIA POWER CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–57 issued to Georgia Power Company, Oglethrope Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which revises the range listed for the shroud water level indicator shown in Table 3.2–11.

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 November 1, 1976, (2) Amendment No. 46 to License No. DPR–57 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 Appling County Public Library, Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of October 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–30289 Filed 10–19–77;8:45 am]

[7590–01]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment became effective on August 12, 1977. Formal issuance of this license amendment occurred on.

This amendment changes the maximum allowed average temperature of the cooling tower basin water from 90°F to 95°F.

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 10 and August 11, 1977, (2) Amendment No. 17 to License No. NPF–1 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. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of September 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–30290 Filed 10–19–77;8:45 am]

[7590–01]

[Docket No. 50–335]

FLORIDA POWER AND LIGHT CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool; Corrected

On September 15, 1977, a "Notice of Consideration of Proposed Modification to Facility Spent Fuel Storage Pool" was published on page 42 FR 46427 without a date. The date that should have been entered at the end of the notice is "Dated at Bethesda, Maryland, this ninth day of September, 1977."

The notice related to proposed modification of the spent fuel storage pool of the Florida Power & Light Co.'s St. Lucie Unit No. 1 pressurized water reactor located in St. Lucie County, Fla., and currently authorized for operation at power levels up to 2,560 MWt.

Dated at Bethesda, Md., this 13th day of October, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–30591 Filed 10–19–77;8:45 am]

[7590–01]

POWER AUTHORITY OF THE STATE OF NEW YORK, (GREENE COUNTY NUCLEAR POWER PLANT)

[Docket No. 50–549; Case 80006]

Joint Notice of Hearing Schedule

OCTOBER 12, 1977.

An Atomic Safety and Licensing Board of the United States Nuclear Regulatory Commission (Commission) and a Presiding Examiner and an Associate Examiner of the Board on Electric Generation Siting and the Environment of the State of New York (Siting Board) will conduct joint hearings in the above indicated matters at the times set forth in the following schedule:

(1) November 14 through November 17.
(2) December 5 through December 9.
(3) December 19 through December 22.
(4) January 3 through January 6.

The first day of each week's hearing will begin at 10:30 a.m.

All hearings will take place at the offices of the Public Service Commission, Agency Building 3, Empire State Plaza, Albany, N.Y.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Md., this 12th day of October 1977.

JOHN F. WOLF,
Chairman.

For the New York State Siting Board.

EDWARD D. COHEN,
Presiding Examiner.

[FR Doc.77–30592 Filed 10–19–77;8:45 am]

[7590–01]

[Docket No. 50–376]

PUERTO RICO WATER RESOURCES AUTHORITY

Availability of Final Environmental Statement (Spanish Translation) for North Coast Nuclear Plant, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (Spanish translation) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for construction of the North Coast Nuclear Plant, Unit No. 1. The proposed site is located on the north central coast of Puerto Rico (Islote). The Final Environmental Statement (NUREG–0211) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., the Arecibo City Hall Library, Post Office Box 1086, Arecibo, PR 00612 and the Entien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, PR 00918. The Final Statement is also being made available at the Puerto Rico Planning Board, P.O. Box 4119, Minallas Station, Santurce, PR 00940.

The notice of availability of the Final Environmental Statement (English version) related to the suitability of the Islote Site and was published in the FEDERAL REGISTER (42 FR 21672) on April 26, 1977. The comments received from Federal, Commonwealth and local officials and interested members of the pub-

lic have been included as an appendix to the Final Environmental Statement.

Single copies of the Spanish translation of Final Environmental Statement (Document No. NUREG–0211) are available from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Director, Division of Document Control.

Dated at Bethesda, Maryland, this 17th day of October 1977.

For the Nuclear Regulatory Commission,

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.77-30690 Filed 10-19-77;8:45 am]

[4910–58]

[N–AR 77–42]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Accident Report No. NTSB–HAR–72–2.—At 10:55 a.m. on May 21, 1976, a charter bus carrying 52 persons struck and mounted a section of the bridge rail system on the Marina Vista offramp of I–680 near Martinez, California. The bus rolled off the top of the curved bridge rail and landed on its roof. Twenty-nine of the occupants died and the rest sustained injuries ranging from minor to serious.

The National Transportation Safety Board has completed its investigation of this accident and has determined that the probable cause was the failure of the driver, who was unfamiliar with the bus, to correctly monitor the service brake air-pressure gauge, recognize the loss of air, and take appropriate action, including application of the emergency air brake.

Contributing to the accident were: (1) The failure of the air-compressor drivebelt, (2) the failure of the maintenance program and pretrip inspection to detect and replace the deteriorated air-compressor drivebelt, (3) the failure of the signing system to adequately alert the driver to the critical geometrics of the ramp, (4) the severe radius of the curvature of the ramp, (5) the presence of the curb as part of the ramp railing, and (6) a bridge rail system that did not redirect the bus.

The bus was owned and operated by the Student Transportation Lines, Inc., of Carmichael and Marysville, California. At the time of the accident, the bus was chartered by the Yuba City High School choir for a trip to Orinda, California.

As a result of its investigation, the Safety Board on October 13 issued the following safety recommendations:

To the Federal Highway Administration, U.S. Department of Transportation—

Prepare and issue an advisory document citing the proper techniques for inspecting air compressor drivebelts. The bulletin should be disseminated widely throughout the commercial motor carrier industries and to all agencies charged with the regulation of intrastate motor carrier safety. (H–77–11)

Develop bridge railing designs that will meet performance standards to be established by FHWA for various classes of vehicles and that will be sufficient in number to meet the various State requirements with regard to climatic and other physical conditions that affect the operation and maintenance of a roadway system. Such bridge barrier railing designs should be available to States that do not desire to develop their own designs in accordance with mandatory performance standards issued by FHWA. (H–77–12)

Investigate through dynamic crashtesting and analytical procedures the effects of various geometric configurations and adjacent roadway surfaces on the performance of traffic barrier rail systems. The investigation should also consider how maintenance practices or the lack of maintenance affects the performance of the barrier rail systems. (H–77–13)

In cooperation with the States, establish priority guidelines for improving, through modification or retrofit, the performance of existing traffic barrier rail systems at bridges. Consideration should be given in the priority guidelines to the potential for multi-fatality accidents involving high occupancy vehicles such as buses. (H–77–14)

In cooperation with the States, determine if the current design and placement of guide, directional, advisory, and warning signs, and other necessary traffic control devices on highway exit ramps are adequate to provide a driver with understandable and performance-related information necessary for the selection and safe negotiation of the desired ramp. The results of the investigation should be used to improve the criteria contained in the Manual on Uniform Traffic Control Devices. (H–77–15)

To the California Department of Transportation—

Erect at the approach to the Marina Vista offramp an exit sign that incorporates a diagram of the curvature of the ramp to illustrate its severity and relocate or supplement the advisory exit speed sign to improve its warning to approaching drivers. (H–77–16)

To the California Highway Patrol—

Initiate a program that will insure the availability of information about carrier terminal ratings and their meanings to all users of charter-party and schoolbus carriers' services. (H–77–17)

Modify the enforcement policy set forth in its Motor Vehicle Safety Operations Program to provide for letters of warning and/or the initiation of charges against those carriers/terminals upon the receipt of a second consecutive "C" rating. (H–77–18)

Modify its Motor Carrier Safety Operations Program to require that each carrier is held responsible to insure that all drivers—both new and experienced—are properly tested and examined to assure their driving capability and that such drivers are thoroughly familiar with all of the operational functions and controls of each vehicle they drive. (H–77–19)

Recommendation H–77–16 directed to the California Department of Transportation is designated "Class I—Urgent Followup." Each of the other recommendations is designated "Class II—Priority Followup."

Members of the Safety Board on September 29 formally approved the Martinez accident investigation report.

Railroad Accident Report No. NTSB–RAR–77–7.—Also approved on September 29 was the investigation report on the derailment of Burlington Northern freight train Extra 5743 East at Belt, Montana, on November 26, 1976. Twenty-four cars of the train derailed, injuring 22 persons. Two persons are missing. About 200 people were evacuated because of subsequent fires and explosions. Five houses, a Farmers Union Cooperative facility, and several other buildings were destroyed or damaged; 19 motor vehicles were destroyed and Belt Creek was contaminated. Damage was estimated to be $4.5 million, most of which involved nonrailroad property.

Investigation revealed a rail failure which originated from a detectable internal defect in a 90-pound rail that was more than 70 years old. The wheel loads to which the rail was regularly subjected exceeded the design capability of the section. In addition, the Board noted, the rail was rolled many years before the "control-cooled" process was adopted by American steel mills to prevent the development of transverse fissures.

Federal regulations did not require that the rail be tested annually for internal defects because it was in Class 3 track that was not used by passenger trains. However, Burlington Northern had tested the rail inductively and ultrasonically in a way that would comply with regulations for higher class trackage. In spite of the tests 4 months before the accident, transverse fissures developed from a detectable inclusion and the rail failed under the dynamic loads of the train.

As a result of its investigation of this accident, the Safety Board on October 13 issued the following recommendations—

To the Federal Railroad Administration, U.S. Department of Transportation—

Revise 49 CFR 213.237, Inspection of Rail, to insure the discovery of internal defects in all track, Classes 3 to 6, inclusive, before those defects develop into failures. (R–77–29)

To Burlington Northern—

Evaluate the capability of its internal rail defect testing program and make the necessary changes to insure that internal defects are detected before they develop to the failure stage. (R–77–30)

Relegate rail section of 100 pounds or less, made of noncontrol-cooled steel, to locations where service failures will not result in catastrophic derailments. (R–77–31)

Each of the above three safety recommendations is designated "Class II—Priority Followup."

RESPONSES TO SAFETY RECOMMENDATIONS

From the Federal Aviation Administration—

A–77–49 and 50.—A serious defect in the pilots' seatbelt attachment fittings, noted during investigation of a Dassault Falcon Jet accident at Naples, Florida, last November 12, led the Safety Board to issue these recommendations on July 11. (See 42 FR 37459, July 21, 1977.)

Recommendation A–77–49 asked FAA to issue an Airworthiness Directive to inspect seatbelt fittings on all Dassault pilot seats for compliance with Dassault's manufacturing procedures and to replace those fittings which are found to be defective. FAA's October 7 response notes that both argon welding and oxyacetylene brazing are approved for the seatbelt retaining pin; also, tests of the SIMCA type 262/263 crew seats with brazing demonstrated strength in excess of certification requirements. FAA is confident that "Dassault's manufacturing and quality control procedures are without fault." The component failures referenced in A–77–49, FAA states, were caused by "instant lateral loads which exceeded design criteria by as much as a factor of three (3) to five (5) times." In view of this, FAA does not believe that a mandatory requirement for inspection would have the safety yield imagined.

In answer to A–77–50, recommending that FAA review the manufacture and quality-control practices of the Dassault pilot seats to insure that they are in accordance with Dassault procedures and FAA criteria, FAA reports that the manufacture and quality-control practices used in producing the SIMCA type 262/263 seats have been reviewed, and FAA finds them in compliance with TSO C39a (Spec. USNA 809) and approved data.

A–77–51.—This recommendation resulted from investigation of the overturn last May 16 of a New York Airways helicopter atop the Pan American Building in New York City. (See 42 FR 37459, July 21, 1977.) The recommendation asked that FAA require that the sliding cockpit door on the Sikorsky S–61 helicopter be removed or retained open so that it cannot obstruct the entrance from the cockpit to the cabin area.

FAA's letter of September 30 reports that FAA has discussed the recommendation with New York Airways, the only air carrier operator using the Sikorsky S–61, and they have agreed to replace the sliding cockpit doors with manufacturer supplied frangible curtains. Also, FAA is preparing an operations bulletin which will direct FAA field inspectors to recommend to all operators of Sikorsky S–61 helicopters that sliding cockpit doors be removed or retained open. This bulletin will be issued within the next 60 days, FAA said.

A–77–52 and 53.—Investigation of the near midair collision last November 17 between two Trans World Airline airplanes—one a B–727, the other a DC–9—near Appleton, Ohio, prompted the Safety Board to issue these recommendations. (See 42 FR 39514, August 4, 1977.)

Recommendation A–77–52 asked FAA to amend ATP Handbook 7110.65 to specify that a controller who issues an altitude assignment and/or a vector heading assignment to an aircraft in flight be required to request readback of the clearance if he does not receive one from the crew; pilot acknowledgment without readback should not be accepted by the controller.

In its response dated September 30, FAA, agreeing in principle with the recommendation, states that its preliminary studies to date preclude adoption as specifically recommended. FAA foresees workload and communications difficulties, especially in the busier terminal air traffic areas, which may be unjustified. FAA notes that a proposal which would revise ATP Handbook 7110.65 by requiring controllers to solicit readbacks of clearances containing altitudes or vectors should pilots omit the readback is being circulated. FAA expects to have a decision on this aspect by December 1, and will advise the Safety Board of its proposed action after the study is completed.

Regarding A–77–53, which recommended that FAA instruct its Air Carrier District Office Chiefs and General Aviation District Office Chiefs to alert their personnel to the circumstances surrounding this incident and require those facilities to assure that pilots are aware of communications procedural requirements and understand why strict adherence to recommended procedures is essential to safe flight, FAA says it will issue a notice advising principal operations inspectors to request their assigned certificate holders to assure that their pilots are aware of the necessity for using proper communications procedures. This notice will be issued within the next 90 days.

A–77–54 and 55.—These recommendations were issued July 26 after the Safety Board determined that three fairly recent Bell Model 206B helicopter accidents had been caused by the failure of the main rotor hub tension/torsion strap assembly, P/N 206–010–105–3, which resulted in immediate separations of the main rotor hub and blade installation from the rotorcraft. (See 42 FR 39514, August 4, 1977.)

In its October 4 response to A–77–54, recommending issuance of an Airworthiness Directive to reduce the service life of tension/torsion strap assembly P/N 206–010–105–3 and –5 from 1,200 hours to 600 hours until the cause of failure can be determined and eliminated, FAA reports that a notice of proposed rulemaking is being prepared to require replacement of this tension/torsion strap assembly every 600 hours for those straps having the CAYTUR 21 covering; retirement time for straps with the MOCA covering will remain at 1,200 hours. FAA expects to issue the notice within the next 30 days.

Recommendation A–77–55 asked FAA to expedite development of a tension/torsion strap fabricated from a material less susceptible to fatigue and corrosion than that currently used and require a retrofit as soon as the replacement strap is available. FAA reports that both Bell Helicopter and FAA have investigated the design of the tension/torsion straps and found that during the Model 206 life from time of type certification to present the covering material of the straps had been changed from MOCA to CAYTUR 21. FAA says, "Also, it was found that the accidents in which tension/torsion straps were suspect, only the CAYTUR 21-covered straps were involved." Accordingly, MOCA-covered straps are now available for field installation. Since the investigation revealed that the coating rather than strap material was the cause of the problem, FAA believes that the service life reduction of the CAYTUR 21 straps precludes any requirement for retrofit.

From the U.S. Coast Guard—

M–74–36.—This recommendation was issued by the Safety Board following investigation into the loss of numerous vessels during heavy weather in the vicinity of Chetco River, Oregon, on or about August 16, 1972.

USCG's October 5 response to the recommendation, which sought the use of all available means of communications, including Citizens Band radio, in situations where a more rapid rescue could be provided, reports the issuance on September 16, 1977, of a policy change stating that Coast Guard will participate to a very limited extent in the use of Citizens Band radio service (CB) to enhance maritime safety. CB calls, Coast Guard states, will be monitored at "search and rescue stations on a secondary, not to interfere, basis with primary voice guards remaining on VHF–FM and 2182 KHZ. No special antennas or remoting equipment will be used." Coast Guard adds, "The coverage area will be whatever can be gained using FCC-type accepted equipment and a simple antenna installed at SAR stations." Coast Guard hopes that CB monitors will be able to provide some additional safety to the large number of small boaters equipped with CB. CB service should be available in time for the 1978 recreational boating season, Coast Guard stated.

M–71–32 and 33.—These recommendations followed investigation into the explosion which occurred aboard the *SS Badger State* on December 26, 1969, in the North Pacific Ocean. The recommendations were discussed at the last joint USCG/NTSB quarterly meeting held August 8, 1977.

Recommendation M–71–32 asked Coast Guard, assisted by the U.S. Navy and U.S. Army, to develop military explosives stowage criteria to meet specific vessel response to dynamic environmental conditions, these criteria to include shipboard measurable parameters of angles of roll and period of roll. Information should be provided to the master of the ship so that he can determine the safety margin remaining in a threatening situation and select available options accordingly; also, this information is important to operational commanders and the weather routing service as a basis for weather routing or diversion to ports of refuge when sea state predictions exceed the design limits.

Coast Guard's letter of October 5 reports completion of the development of a military explosives stowage criteria to meet specific vessel response to dynamic environmental conditions. Copies of the joint Army, Navy publication, "Loading and Stowage of Military Ammunition and Explosives Aboard Breakbulk Merchant Ships," and Coast Guard publication, "Prediction of Extreme Ammunition Cargo Forces at Sea," were provided with the October 5 letter. Coast Guard says that implementation of the loading and stowage manual, along with other improved practices, has resulted in an overall improvement in dunnage security since the time of the BADGER STATE casualty.

Considering the present state of the art, Coast Guard states that the concept of providing the master of a ship with information to determine the safety margin remaining in a threatening situation is virtually impossible to meet, citing the study on the prediction of extreme ammunition cargo forces at sea as an illustration of the magnitude of this problem. Coast Guard studies have led to the conclusion that: (1) Breakbulk shipments of palletized military explosives, shored in accordance with the Army/Navy publication, can reasonably be expected to survive any conditions that the ship itself can survive; (2) breakbulk shipments are rapidly being phased out and being replaced by containerized cargoes; (3) there have been no reported incidents of damage to ships or cargoes since the BADGER STATE; (4) there is no possibility of providing "criteria * * * to the master of the ship so that he can determine the safety margin remaining in a threatening situation . . ." with any degree of accuracy such that the figure would be reliable and could be developed at an acceptable cost; and (5) no further work is justified at this time.

Recommendation M–77–33 urged Coast Guard, assisted by the U.S. Navy and U.S. Army to develop, on an engineering basis, stowage design requirements supporting the criteria required in M–71–32. These design requirements must not only be structurally adequate, but should minimize the susceptibility of the stowage to a chain reaction from single-point failures and should minimize the dependence of the stowage to the quality of workmanship resulting from prevalent custom-fitting of dunnage. The study must also recognize that the hull and bulkheads work somewhat in a seaway and therefore cannot be considered as providing rigid supports for blocking and bracing, particularly in heavy seas.

Coast Guard's October 5 response indicates that the risk of "chain reaction" failures can be reduced by greater subdivision of Congress. "A maximum of subdivision is, of course, obtained by containerizing the cargo," Coast Guard stated. As in response to M–71–32, Coast Guard notes that break-bulk shipments are being rapidly replaced by containerized cargo shipments. Coast Guard further notes that much thought and concerted effort in th earmed services has been expended in the study and analysis of loading explosives abroad merchant vessels, adding that the movement of military explosives now presents a greatly reduced risk of accident as compared with the risk which existed before the BADGER STATE casualty.

From the Materials Transportation Bureau, U.S. Department of Transportation—

P–77–4.—This recommendation was issued following the Safety Board's investigation into the natural gas accident of August 8, 1976, at Allentown, Pennsylvania. (See 42 FR 30701, June 16, 1977.) The recommendation asked MTB to encourage, coordinate, and monitor development of equipment which could be used to detect the location of sinkholes in the vicinity of underground utilities.

MTB's response of September 30 expresses concern about the unique problem that affects Allentown's cast-iron mains. These facilities are located in potentially unstable soil due to the presence of limestone underlying the soil in this area. This type of soil substructure can be affected by underground or rain water creating sinkholes which will expose the existing cast-iron pipe to additional stresses from either soil overburden or other external forces. However, MTB states, funds are not now available for developing equipment to detect the location of sinkholes in the vicinity of underground utilities. The limited research funds for pipeline safety administered by MTB are principally directed to conducting studies of problem areas having general nationwide applicability.

MTB reports that its State agent, the Pennsylvania Public Utilities Commission, advises that UGI Corporation and some geophysical companies are continuing research to develop economically feasible methods and equipment capable of locating sinkholes or potential sinkholes in areas containing cast-iron natural gas mains. MTB will continue to encourage development of this equipment. In addition, MTB assures that line operators will follow the Department's gas pipeline Federal safety standards containing requirements for surveillance of facilities to act in any situation, such as the development of sinkholes, that could result in an unsafe condition to the public and pipeline.

NOTE.—The above summarizes Safety Board documents made available, and recommendation response letters received, during the preceding week.

Single copies of the Board's safety recommendation issuance in their entirety are available to the public without charge. Copies of the full text of response letters may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction.

Copies of the complete accident reports Nos. NTSB–HAR–72–2 and NTSB–RAR–77–7 cannot be printed for several weeks. Notice will be given when the reports are available, at which time single copies may be obtained from the Safety Board without charge.

All requests for copies must be in writing, identified by the report or recommendation number and the date of publication of this Notice in the FEDERAL REGISTER, and addressed to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(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 17, 1977.

[FR Doc.77–30618 Filed 10–19–77;8:45 am]

[4910–58]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA–459]

MT. ILIAMNA, ALASKA

Aircraft Accident; Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m., (local time) on November 9, 1977, in the McKinley Room of the Anchorage International Inn, Anchorage, Alaska.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Alaska Aeronautical Industries, Inc., DeHavilland DHC–6, N563MA, which occurred September 6, 1977, on Mt. Iliamna, Alaska.

JAMES W. KUEHL,
Senior Hearing Officer.

OCTOBER 11,1977.

[FR Doc.77–30619 Filed 10–19–77;8:45 am]

[4910–14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77–171]

CHANGE OF RADIO FREQUENCIES

The Coast Guard provides a duplex radiotelephone service on 4, 6, 8, 12, and 16 MHz at selected times, frequencies, and coast stations as part of its responsibilities relating to marine safety, and search and rescue. The principal communications consist of the collection of Automated Mutual-assistance Vessel Rescue (AMVER) System reports and weather observations. In addition, the Coast Guard will handle maritime safety related traffic from all ships having appropriate HF SSB capability, in those instances where communications could not be established on regularly designated safety channels, such as 2182 KHz or 156.8 MHz.

The weather observations will supplement reports received from regular weather reporting stations and ships which may be too far from a storm center to provide accurate weather conditions in coastal waters.

The AMVER System is a maritime assistance program that facilitates and coordinates search and rescue efforts in the oceans of the world. Necessary data is collected by means of a communications system whereby merchant vessels and other qualified vessels report their sail plans and periodic position reports to the Coast Guard for entry into a computer that maintains dead reckoning positions of participating vessels throughout their voyages. Because of the implementation of provisions resulting from the 1974 Maritime Mobile World Administrative Radio Conference, the Coast Guard duplex radiotelephone frequencies for AMVER, and other communications described above, will change on January 1, 1978. The frequencies in current use are effective until December 31, 1977. The new frequencies become effective on January 1, 1978.

COAST STATION SCHEDULE UNTIL DECEMBER 31, 1977

Calling and working frequencies for ship-shore-ship communications will be in the duplex frequency mode as indicated below. Guard times on the ship station frequencies are in GMT. Frequencies shown are carrier frequencies and emission is single sideband voice.

Coast XMIT-(Kilohertz)	4393.4	6521.8	8760.8	13144	17290
Ship XMIT-(Kilohertz) (guarded by coast stations)	4094.8	6207.2	8226.8	12365	16495
Miami (NMA)		0000-2400			
San Francisco (NMC)	0000-2400	0000-2400	0000-2400	(1)	(1)
Boston (NMF)		0000-2400			
New Orleans (NMG)	0200-1200	0000-2400	0000-2400	1200-0200	(1)
Portsmouth (NMN)	0200-1200	0000-2400	0000-2400	1200-0200	(1)
Honolulu (NMO)	0000-2400	0000-2400	0000-2400	(1)	(1)
Kodiak (NOJ)	(1)	0000-2400	(1)	(1)	(1)
Adak (NOX)	1700-0500	0000-2400	(1)		
Guam (NRV)		0900-2100		2100-0900	

[1] On request.

COAST STATION SCHEDULE EFFECTIVE JANUARY 1, 1978

Calling and working frequencies for ship-shore-ship communications will be in the duplex frequency mode as indicated below. Guard times on the ship station frequencies are in GMT. Frequencies shown are carried frequencies and emission is single sideband voice.

Coast XMIT (Kilohertz)	4428.7	6506.4	8765.4	13113.2	17307.3
Ship XMIT (Kilohertz) (guarded by coast (station)	4134.3	6200	8241.5	12342.4	16534.4
Miami (NMA)		0000-2400			
San Francisco (NMC)		0000-2400	0000-2400	(1)	(1)
Boston (NMF)		0000-2400			
New Orleans (NMG)	0200-1200	0000-2400	0000-2400	1200-0200	(1)
Portsmouth (NMN)	0200-1200	0000-2400	0000-2400	1200-0200	(1)
Honolulu (NMO)	0000-2400	0000-2400	0000-2400	(1)	(1)
Kodiak (NOJ)	(1)	0000-2400	(1)	(1)	(1)
Adak (NOX)	1700-0500	0000-2400	(1)		
Guam (NRV)		0900-2100		2100-0900	

[1] On request.

Dated: October 11, 1977.

C. C. HOBBY, Jr.,
Acting Chief of Operations.

[FR Doc.77-30683; Filed 10-19-77;8:45 am]

[4910-14]

Coast Guard

[77-195]

DELAWARE BAY, DELAWARE RIVER VESSEL TRAFFIC SERVICE

Public Hearing

The U.S. Coast Guard will conduct, pursuant to authority of the Ports and Waterways Safety Act of 1972 (Sec. 102, 86 Stat. 426; 33 U.S.C. 1224), a public hearing on Wednesday, November 16, 1977, in the auditorium of the Social Security Administration Building, Third and Spring Garden Streets, Philadelphia, Pa. The hearing is scheduled to begin at 10 a.m.

The purpose of this hearing is to provide the Coast Guard with comments from public and private sectors relative to evaluation of present vessel traffic services, including aids to navigation, and to help determine the relative need for additional vessel traffic management techniques in the Delaware Bay-Delaware River area.

Public comment is encouraged regarding the following issues: (a) the scope and degree of hazards related to vessel traffic on the Delaware Bay and its main tributary, the Delaware River; (b) vessel traffic characteristics including minimum interference with the flow of commercial traffic, traffic volume, the sizes and types of vessels, the usual nature of local cargoes, and similar factors; (c) port and waterway configurations and different geographic, climatic and other conditions and circumstances; (d) environmental factors; (e) economic impact and effects; (f) adequacy of existing vessel traffic systems, services and schemes and (g) local practices and customs.

Interested persons are invited to attend the hearing and present oral statements. Persons wishing to present oral statements are requested to complete a registration card, available from the Commander (mps), Third Coast Guard District, Building 108, Governors Island, N.Y. 10004, Telephone 212-264-8723, and return it by 4 p.m., on November 1, 1977. Persons may also submit written statements to the above address. All written statements received by November 30, 1977, and oral statements presented at the hearing will be fully considered by the Coast Guard before it takes any action that affects the vessel traffic services.

W. F. REA III,
Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc.77-30684 Filed 10-19-77;8:45 am]

[4910-13]

Federal Aviation Administration

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 November 16, 1977, Sheraton National Motor Hotel North I Room, Arlington, Va., commencing at 2 p.m. The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Summary Report of Special Committee Activities for past year; (3) RTCA/EUROCAE Activities and Cooperation; (4) Needed Technical Areas of International Cooperation and Coordination; (5) Need for International Standards Organization TC-20/SC-5 and RTCA/EUROCAE Cooperation in Developing Environmental Test Standards; (6) Summary Commentary by International Associates Representatives, and (7) Other Business.

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 October 14, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-30595 Filed 10-19-77;8:45 am]

[4910-60]

Materials Transportation Bureau

ASSOCIATED UNIVERSITIES, INC.; APPLICATION FOR INCONSISTENCY RULING

Date, Time and Location for Public Hearing

In the October 6, 1977 FEDERAL REGISTER (42 FR 54487) the Materials Transportation Bureau announced that a public hearing would be held on the application by Associated Universities, Inc. for an administrative ruling 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 or regulations issued thereunder.

The date, time and location of the public hearing, which were not definite at the time of the October 6, 1977 public notice, have now been determined. The hearing will be held beginning at 9:30 AM on November 10, 1977 in the Oval Room, 43d Floor, #1 World Trade Center (North Tower), entrance located on Church Street (between West Vesey and Liberty Streets), New York, New York. Seating will be limited to approximately 200 persons. Other than for those making oral presentations, no reserved seating will be available, and attendance will be on a first-come, first-served basis.

(49 U.S.C. 1811; 49 CFR 1.53(e); 49 CFR, Part 107, Subpart C.)

Issued in Washington, D.C. on October 12, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-30550 Filed 10-19-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Drought Order No. 71 (Sub-No. 3)]

COMMONWEALTH OF VIRGINIA

It appearing, that by reasons of drought conditions existing in certain portions of the Commonwealth of Virginia, hereinafter referred to as the disaster area, the Secretary of the United States Department of Agriculture has requested the Commission to enter an order under Section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in transportation of hay to the counties of:

Bedford	Grayson
Floyd	Lunenburg

all located in the Commonwealth of Virginia, referred to herein as the disaster area, be, and they are hereby, authorized under Section 22 of the Interstate Commerce Act to establish and maintain until December 31, 1977, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in Section 6 of the Interstate Commerce Act except that they may be effective upon not less than one day's notice to the Commission and the public.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of the order.

It is further ordered, That, any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

It is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relationship to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

It is further ordered, That tariffs containing release rates filed under authority of this order shall show in connection with such rates the following notation:

The release value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 71 (Sub-No. 3) of October 14, 1977.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of Federal Register; the Governor of Virginia; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroads Association, Washington, D.C.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 14th day of October 1977.

By the Commission, Vice Chairman Clapp.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30644 Filed 10-19-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 17, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 4, 1977.

FSA No. 43448—*Chemicals Between Points in Louisiana and Texas*. Filed by Southwestern Freight Bureau, Agent (No. B-711), for interested rail carriers.

Rates on chemicals, in tank-car loads, as described in the application, between specified points in Louisiana and Texas, and Bay City and Midland, Mich., and Sarnia, Ontario, Canada.

Grounds for relief—Rate relationship and kindred articles.

Tariff—Supplement 19 to Southwestern Freight Bureau, Agent, tariff 12-K, I.C.C. No. 5272.

Rates are published to become effective on November 9, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30641 Filed 10-19-77;8:45 am]

[Ex Parte No. MC-101]

INITIAL PROCESSING OF MOTOR CARRIER FINANCE PROCEEDINGS

On June 13, 1977, the Commission entered a Notice and Policy Statement (Statement) in this proceeding which provided that enforcement of compliance with the contained provisions would commence on August 23, 1977.

The Commission has received a number of comments in response to the Statement and in order to adequately consider all of the issues raised prior to implementation of the provisions it will be necessary to again postpone enforcement of compliance.

It is ordered, therefore:

1. That the Notice and Policy Statement entered June 13, 1977, be, and it is hereby, modified so as to provide that enforcement of compliance with the contained provisions shall commence on November 14, 1977.

2. That this order shall be effective on the date it is served.

Decided October 7, 1977.

By the Commission. Vice Chairman Clapp and Commissioner Murphy did not participate in the disposition of this proceeding.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30645 Filed 10-19-77;8:45 am]

[7035-01]

[Notice No. 241]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 20, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77362. By application filed October 13, 1977, AIR LAND TRANSPORT, INC., 591 West 67th Avenue,

Anchorage, Alaska 99502, seeks temporary authority to transfer the operating rights of Aurora Delivery, Inc., Star Rte. A, Box 493–C, Anchorage, Alaska 99507, under section 210a(b). The transfer to air Land Transport, Inc., of the operating rights of Aurora Delivery, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30643 Filed 10-19-77;8:45 am]

[7035–01]

[Notice No. 242]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–77219, filed October 12, 1977. Transferee: CURLEY'S TRUCKING, INC., P.O. Box 1107, Monahans, Tex. 79756. Transferor: R. R. Kennedy Trucking, Inc., McCamey, Tex. Applicants' representative: William D. Lynch, Attorney at Law, P.O. Box 912, Austin, Tex. 78767. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 98868 (Sub-No. 2), issued April 20, 1964, as follows: Specified commodities between all points in Texas. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77332, filed September 27, 1977. Transferee: HERMAN POWELL & SONS, INC., P.O. Box 216, Phenix City, Ala. 36867. Transferor: Herman Powell, P.O. Box 216, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, P.O. Box 2707, Columbus, Ga. 31902. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits Nos. MC 109729 (Sub-No. 1), MC 109729 (Sub-No. 3), and MC 109729 (Sub-No. 4), issued by the Commission September 23, 1948, April 5, 1960, and May 2, 1973, respectively, as follows: (1) Tile and clay products, between Phenix City, Ala., and points in Alabama, within ten miles of Phenix City, on the one hand, and, on the other, points in Georgia; (2) Clay products, from Phenix City, Ala., and points within ten miles thereof, to points in that part of Florida on and west of the Aucilla River, and empty containers for other such incidental facilities used in transporting the latter commodities on return; for the account of Bickerstaff Clay Products Co., of Phenix City, Ala.; and (3) Ceramic tile, bricks, and concrete blocks, from points in Russell and Jefferson Counties, Ala., Cobb County, Ga., and Escambia County, Fla., to points in Alabama, Georgia, Mississippi, and Tennessee, and to points in that part of Florida in and west of Hamilton, Suwannee, Layfayette, and Dixie Counties, Fla., for the account of Bickerstaff Clay Products Co., Inc. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under Section 210a(b).

No. MC–FC–77333, filed September 27, 1977. Transferee: PERILLO MOTOR LINES, INC., 499 Central Ave., New Providence, N.J. 07974. Transferor: Wheelways, Inc., 499 Central Ave., New Providence, N.J. 07974. Applicants' representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 117669 and MC 117669 (Sub-No. 3), issued July 24, 1968, and June 30, 1977, respectively, as follows: General commodities (with exceptions) from points in the District of Columbia, Delaware, and New Jersey, points in New York on and south of U.S. Highway 6, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 6 to Milford, Pa., thence along U.S. Highway 209 to Pottsville, Pa., thence along Pennsylvania Highway 61 (portion formerly U.S. Highway 122) to Reading, Pa., thence along Pennsylvania Highway 10 (portion formerly U.S. Highway 122) to Morgantown, Pa., thence continuing along Pennsylvania Highway 10 to Oxford, Pa., and thence along U.S. Highway 1 to the Pennsylvania-Maryland State line, and points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 to the Maryland-District of Columbia line, thence along U.S. Highway 50 to junction Maryland Highway 450, thence along Maryland Highway 450 to Annapolis, Md., thence across the Chesapeake Bay to the eastern shore and thence along the eastern shore to the Maryland-Virginia State line, to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized. *Electrical supplies, equipment, fittings, fixtures, and accessories,* between Philadelphia, Pa., on the one hand, and, on the other, points in the District of Columbia, Delaware, and New Jersey, and points in Pennsylvania, and Maryland on and east of a line as described above. *Sewing, knitting, and pressing machines,* with *parts, equipment fittings, fixtures, and accessories therefor,* between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and points in that part of New York on and scuth of U.S. Highway 6. *Soap chemicals* and *textile and lubricating oils,* in containers, from Philadelphia, Pa., to New York, N.Y., and Bayonne, Beverly, and Camden, N.J., with no transportation for compensation on return except as otherwise authorized. *Radios and television sets, incidental parts, batteries and supplies,* and *electrical equipment,* between points in Philadelphia County, Pa. Between Philadelphia, Pa., on the one hand, and, on the other, Wilmington and Dover, Del., Newark, Perth Amboy, Elizabeth, Trenton, Hammonton, Edgewater, Atlantic City, and Camden, N.J., and points in the New York, N.Y., Commercial Zone as defined by the Commission in 1 M.C.C. 665. (1) Electrical equipment, fittings, and fixtures, and (2) materials, supplies, and equipment used in the production of the commodities in (1) (except commodities in bulk). Between Union, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y.), Rhode Island, and Vermont. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 117669 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77336, filed September 30, 1977. Transferee: SERVICE BUS CO., INC., 798 Nepperhan Ave., Yonkers, N.Y. Transferor: Holiday Bus Corp., 798 Nepperhan Ave., Yonkers, N.Y. Applicants' representative: Sidney J. Leshin, Attorney at Law, 575 Madison Ave., New York, N.Y. 10022. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 877, issued May 17, 1974, as follows: Passengers and their baggage, restricted to traffic originating at the points indicated immediately below, in round-trip charter operations. From New York, N.Y., to points in New Jersey,

Pennsylvania, and Connecticut, and return. Transferee is presently authorized to operate as a common and contract carrier under Permit No. MC 126317 (Sub-No. 1) and Certificate No. MC 103210 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77337, filed September 30, 1977. Transferee: SERVICE BUS CO., INC., 798 Nepperhan Ave., Yonkers, N.Y. Transferor: Bronxville Transit Corp., 798 Nepperhan Ave., Yonkers, N.Y. Applicants' representative: Sidney J. Leshin, Attorney at Law, 575 Madison Ave., New York, N.Y. 10022. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 138428, issued June 20, 1974, as follows: Passengers, between points in New Jersey, on the one hand, and, on the other, the site of Camp Hillard at Hartsdale, N.Y., during the period from June 15 to September 10, inclusive, of each year. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Camp Hillard, of Hartsdale, N.Y. Transferee is presently authorized to operate as a common and contract carrier under No. MC 126317 (Sub-No. 1) and Certificate No. MC 103210 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77342, filed October 4, 1977. Transferee: WES-MAR TRANSPORTATION, INC., 333 North Marine Ave., Wilmington, Calif. 90744. Transferor: Mercury Freight Lines, 2845 Workman Mill Rd., Whittier, Calif. 90601. Applicants' representative: R. Y. Schurman, Attorney at Law, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 99991 (Sub-No. 1), issued April 15, 1977, as follows: General commodities, with exceptions, between points in the described Los Angeles (California) Basin Region. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30642 Filed 10-19-77;8:45 am]

[7035-01]

[Notice 36574]

PETITION OF RAILROADS SEEKING AUTHORIZATION TO WAIVE DEMURRAGE CHARGES CAUSED BY SEVERE WINTER WEATHER

OCTOBER 14, 1977.

In an order served August 12, 1977, the Commission granted specified rail carriers the right to waive a portion of demurrage charges caused by severe winter weather. (Published in the FEDERAL REGISTER, on August 19, 1977, vol. 42, p. 41,948.) In that order, the Commission stated that other carriers who want to participate in the proposal could, upon notifying the Commission in writing of their intent to do so. In a letter filed October 3, 1977, The Lake Erie & Eastern Railroad Co., gave notice of its intent to participate in the approved proposal.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30646 Filed 10-19-77;8:45 am]

[7035-01]

[Volume No. 39]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

OCTOBER 14, 1977.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission 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 9071 M1 (Notice of filing of petition to remove restriction) filed August 22, 1977. Petitioner: David Steinman, doing business as N. Steinman Trucking Co., River Street and North Washington Ave., Scranton, Pa. 18503. Petitioner's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Petitioner holds a motor *common carrier* certificate in No. MC 9071, issued September 18, 1964, authorizing transportation, as pertinent, over regular routes, of: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Carbondale, Pa., and Scranton, Pa., serving all intermediate points from Carbondale over U.S. Highway 6 to Scranton, and return over the same route; from Carbondale over county highways known as the Montdale Road and O'Neill Highway to Scranton, and return over the same route. Restriction: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the New York, Ontario and Western Railway Co., hereinafter called the railway. Carrier shall not serve any point not a station on the rail line of the railway. All contractual arrangements between carrier and the railway shall be reported to the Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, rail service. By the instant petition, petitioner seeks to delete the above "restriction" in its entirety.

No. MC 103926 (Sub-No. 14), M1 (Notice of filing of petition for modification of certificate) filed August 24, 1977. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Petitioner's representative: William H. Driskell (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 103926 (Sub-No. 14), issued October 30, 1974, authorizing transportation over irregular routes, of: *Tractors* (except truck tractors) and *parts, implements, attachments, accessories and supplies* therefor, when moving incidentally thereto as a part of the same shipment, between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to the transportation of office originating at and destined to points within the States described above. By the instant petition, petitioner seeks (1) to remove from the commodity description the phrase "when moving incidentally thereto as a part of the same shipment," and (2) to delete the restriction which reads "restricted to the transportation of traffic originating at and destined to points within the States described above."

No. MC 119547 (Sub-No. 43) (M1) (Notice of filing of petition to add an origin point), filed August 29, 1977. Petitioner: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, Ohio 43701. Petitioner's representative: Richard H. Brandon, P.O. Box 97, Dublin, Ohio 43017. Petitioner holds a motor *common carrier* certificate in No. MC 119547 (Sub-No. 43), issued August 29, 1977, authorizing transportation, over irregular routes, of (1) *Glassware*, from Jeannette, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) *Chinaware* and *stoneware*, from Sebring, Ohio, to points in the destination States listed in (1) above; and (3) *Plastic ware*, from Lake City

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and Girard, Pa., to points in the destination States listed in (1) above. By the instant petition, petitioner seeks to add the origin point of Bedford Heights, Ohio in part (2) above.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before November 21, 1977. Such pleading shall comply with Special Rule 247 (d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 116686 (Sub-No. 3) (Republication) (Notice of filing of petition for modification of certificate, filed January 25, 1977, published in the FEDERAL REGISTER issue of May 5, 1977, and republished this issue. Petitioner: G. S. FURNITURE SERVICES, INC., 1080-B, Route No. 9, North Lindenhurst, N.Y. 11757. Petitioner's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. An Order of the Commission, Review Board No. 3, dated September 29, 1977, and served October 6, 1977, finds that the present and future public convenience and necessity require modification of petitioner's certificate in No. MC 116686 (Sub-No. 3), issued April 16, 1975, (1) by deleting from petitioner's certificate the phrase "Between the facilities of G. S. Furniture Services, Inc., at Central Islip, N.Y., on the one hand" and substituting in lieu thereof "Between the facilities of Long Island Furniture Express, Inc., at North Lindenhurst, N.Y., on the one hand" and (2) by deleting from petitioner's certificate the phrase "and points in Bergen, Essex, Hudson, Passaic, Union, Middlesex, Somerset and Morris Counties, N.J.," and substituting in lieu thereof "and points in New Jersey." Petitioner 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 in (2) above the authorization of all points in New Jersey in lieu of the eight New Jersey counties presently authorized.

No. MC 130331 (Republication), filed July 14, 1975, published in the FEDERAL REGISTER issue of October 9, 1975, and republished this issue. Applicant: MONARCH TOURS, INC., P.O. Box 692, Manchester, Mo. 63011. Applicant's representative: Donald R. Wilson, 940 Pierre Laclede Center, 7733 Forsyth Blvd., St. Louis, Mo. 63105. An order of the Commission, Review Board No. 2, dated September 20, 1976, and served October 4, 1976, finds that the present and future public convenience and necessity require operation by applicant at Manchester, Mo., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in *special operations*, in round-trip all expense tours, beginning and ending at points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and points in St. Louis and St. Charles Counties, Mo., and extending to points in the United States, including Alaska but excluding Hawaii 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 change "in charter operations" to "in special operations" in lieu of the authority that was previously published.

No. MC 141274 (Sub-No. 1) (Republication), filed August 11, 1976, published in the FEDERAL REGISTER issue of September 30, 1976, and republished this issue. Applicant: C. C. Ankeney, Inc., P.O. Box 1034, Whittier, Calif. 90609. Applicant's representative: Charles C. Ankeney (same address as applicant). A Decision and Order of the Commission, Review Board Number 2, dated August 3, 1977, and served September 12, 1977, as corrected September 29, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *Plastic scrap, pellets, plastic scrap flakes, and plastic scrap powders* (except commodities in bulk), from Beaumont, Orange, Port Arthur, Houston, Galveston, Bay City, and Odessa, Tex., and New Orleans and Lake Charles, La., to Warren, Ohio, Mayfield, N.Y., Woodland, Calif., and points in Los Angeles, Orange, and San Francisco Counties, Calif., under a continuing contract, or contracts, with Go-Plas Enterprises, of Orange, Calif., 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 eliminate the restriction "in tank vehicles" and to broaden the commodity and territorial descriptions.

MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing on the application is published in the FEDERAL REGISTER. Failure to seasonably 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 2253 (Sub-No. 76), filed August 29, 1977. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and fittings*, from Charlotte, N.C., to points in Maine, New Hampshire, and Vermont, and (2) *plastic pipe and fittings*, from Bakers, N.C., to points in Maine, New Hampshire, and Vermont.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 10169 (Sub-No. 4), filed September 8, 1977. Applicant: HATCHER TRUCKING CO., INC., 1515 11th Street

N.E., Roanoke, Va. 24012. Applicant's representative: Nancy Pyeatt, 815 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bassett, Danville, Ferrum, Martinsville, and Rocky Mount, Va., on the one hand, and, on the other, points in North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C., or Charlotte, N.C.

No. MC 20916 (Sub-No. 29), filed Septmber 7, 1977. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. 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: *Lumber*, (1) from points in Nottoway County, Va., to points in Maryland, Pennsylvania, West Virginia, New Jersey, and the District of Columbia, and (2) from points in Highland, Bedford, Rockbridge, and Prince William Counties, and Lynchburg, Va., to points in North Carolina.

NOTE.—Applicant holds motor contract carrier authority in No. MC 134427 and Sub-No. 2 thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 27817 (Sub-No. 136), filed August 31, 1977. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products* (except commodities in bulk), from the facilities of O. M. Scott & Sons Co., at or near Marysville, Ohio, and Columbus, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and North Carolina. Restricted to traffic originating at the above origins and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 30657 (Sub-No. 28), filed September 9, 1977. Applicant: DIXIE HAULING COMPANY, (a corporation), 540 Englewood Ave. SE Atlanta, Ga. 30315. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Corrugated fibreboard boxes, and pulpboard, other than corrugated, from the plantsite and warehouse facilities of Container Corporation of America located at or near Chattanooga, TN, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Virginia. (2) Steel fibreboard and pulpboard drums, corrugated fibreboard boxes, and plastic articles, other than expanded, from the plantsite and warehouse facilities of Container Corporation of America located at or near Lithonia, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. (3) Fibreboard boxes, other than corrugated, and pulpboard trays, from the plantsite and warehouse facilities of Container Corporation of America located at or near Stone Montain, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. (4) Fibreboard cans, and aluminum or steel can ends, from the plantsite and warehouse facilities of Container Corporation of America located at or near Atlanta, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. (5) Corrugated fibreboard boxes from the plantsites anl warehouse facilities of Container Corporation of America located at or near Knoxville and Nashville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. (6) Materials and supplies used in the manufacture and distribution of commodities named in (1) through (5) above (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to Atlanta, Lithonia, and Stone Mountain, Ga., and Chattanooga, Knoxville, and Nashville, Tenn. Restricted to transportation under a continuing contract(s) with Container Corporation of America.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 37248 (Sub-No. 21, filed September 8, 1977. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: Terrell C. Clark (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Floor covering, and commodities used or useful in the installation, maintenance, sale, or distribution of floor covering* (except commodities in bulk). From Lancaster County, Pa., to Florence, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 46737 (Sub-No. 52), filed September 6, 1977. Aplicant: GEO. F. ALGER CO., a corporation, 26380 Van Born Rd., Dearborn Heights, Mich. 48125. Applicant's representative: Martin J. Leavitt, 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: *Cement* from points in Emmet County, Mich., to points in Indiana, Ohio, Wisconsin and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 52704 (Sub-No. 153), filed September 6, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, 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: (1) *Paper and paper articles, plastic bags and plastic sheeting*, From the plantsite and warehouse facilities of Hudson American Corp. at or near Richmond, Va., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and the District of Columbia, and (2) *Matrials, equipment and supplies* (except in bulk) used in the manufacture and distribution of paper and paper articles, plastic bags and plastic sheeting, From points in the States named in (1) above to the plantsite and warehouse facilities of Hudson American Corp. at or near Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 57697 (Sub-No. 11), filed August 29, 1977. Applicant: LESTER SMITH TRUCKING, INC., P.O. Box 1642, Denver, Colo. 80216. Applicant's representative: Michael J. Norton, P.O. Box 2135, Suite 404, Boston Bldg., Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, Lumbermill products, Sawmill products, Wood products, Composition Board, and Wallboard*, from points in South Dakota to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wisconsin.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Denver, Colo., or Rapid City, S. Dak. Common control may be involved.

No. MC 59531 (Sub-No. 105), filed September 8, 1977. Applicant: AUTO CONVOY CO., 3020 South Haskell Ave., Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movement, in truckaway service, from Shreveport, La., to points in Arkansas, Louisiana, Mississippi, Tennessee, Oklahoma, and Texas, restricted to the transportation of traffic having an immediately prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 60887 (Sub-No. 5), filed August 25, 1977. Applicant: HARRY H. LONG MOVING STORAGE & EXPRESS, INC., P.O. Box 1425, Appleton, Wis. 54911. Applicant's representative: John R. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except classes A & B explosives, household goods, commodities in bulk, commodities because of size or weight which requires the use of special equipment), restricted to rail, steamship, trailers, and containers, having a prior or subsequent movement by rail, water or air, between points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Illinois.

No. MC 61396 (Sub-No. 336), filed September 6, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from Crawfordsville, Mt. Vernon and Terre Haute, Ind.; Bellevue, Iowa; Crystal City, Mo.; and Henderson, Ky., to points in Illinois, and (2) from Niota and Albany, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill. or Omaha, Nebr.

No. MC 61403 (Sub-No. 247), filed August 30, 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 Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude cottonseed oil*, in bulk, in tank vehicles, from Montgomery, Ala. to the plantsite of Cincinnati Milacron Chemicals, Inc., at or near Reading Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Cincinnati, Ohio or Louisville, Ky.

No. MC 61592 (Sub No. 406), filed August 29, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Ave., P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts and materials and supplies* (except commodities in bulk), Between Cameron, Tex. and Tupelo, Miss., 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, the applicant requests it be held at Denver, Colo.

No. MC 73165 (Sub-No. 418), filed September 6, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Bldg., 1927 1st Avenue North, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric welders, together with carriages and parts therefor*, from the plant site and warehousing facilities of Miller Electric Manufacturing Company, located in Appleton and Neenah, Wis., and Dallas and Fort Worth, Tex., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—If a hearing is deemed neecssary, applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 77972 (Sub-No. 30), filed August 22, 1977. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. 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 Eutaw, Ala. and the Alabama-Georgia State line: From Eutaw over Interstate 20 to the Alabama-Georgia State line, and return over the same route, serving all intermediate points; (2) between Columbus, Miss. and Tuscaloosa, Ala.: From Columbus, Miss. over U.S. Highway 82 to Tuscaloosa, Ala., and return over the same route, serving all intermediate points; (3) between Birmingham, Ala. and the Alabama-Georgia State line: From Birmingham, Ala. over U.S. Highway 11 and/or Interstate 59 to the Alabama-Georgia State line, and return over the same route, serving all intermediate points; (4) between Birmingham, Ala. and the Alabama-Tennessee State line: From Birmingham, Ala. over U.S. Highway 31 and/or Interstate 65 to the Alabama-Tennessee State line, and return over the same route, serving all intermediate points; (5) between Anniston, Ala. and the Alabama-Tennessee State line: From Anniston, Ala. over U.S. Highway 431 to the Alabama-Tennessee State line north of Huntsville, Ala., and return over the same route, serving all intermediate points; (6) between Birmingham, Ala. and Scottsboro, Ala.: From Birmingham, Ala. over Alabama Highway 79 to Scottsboro, Ala., and return over the same route serving all intermediate points; (7) between Pell City, Ala. and Huntsville, Ala.: From Pell City, Ala. over U.S. Highway 231 to Huntsville, Ala., and return over the same route, serving all intermediate points; (8) between Hamilton, Ala. and the Alabama-Georgia State line: From Hamilton, Ala. over U.S. Highway 278 to the Alabama-Georgia State line, and return over the same route, serving all intermediate points, including Hamilton, Ala.; (9) between Hamilton, Ala. and Birmingham, Ala.: From Hamilton, Ala. over U.S. Highway 78 to Birmingham, and return over the same route, serving all intermediate points; (10) between Tuscaloosa, Ala. and the Alabama-Tennessee State line: From Tuscaloosa, Ala. over U.S. Highway 43 to Florence, Ala.; thence over Alabama Highway 17 to the Alabama-Tennessee State line, and return over the same route, serving all intermediate points; (11) between Tuscaloosa, Ala. and Arab, Ala.: From Tuscaloosa, Ala., over Alabama Highway 69 to Arab, Ala., and return over the same route, serving all intermediate points; (12) between Memphis, Tenn. and the Alabama-Tennessee State line: From Memphis, Tenn. over U.S. Highway 72 and Alternate 72 to the Alabama-Tennessee State line near Bridgeport, Ala., and return over the same route, serving all intermediate points on said routes in Mississippi and Alabama lying between Corinth, Miss. and the Alabama-Tennessee State line, including Corinth, Miss.: (13) between Tupelo, Miss. and Corinth, Miss.: From Tupelo, Miss. over U.S. Highway 45 to Corinth, Miss., and return over the same route, serving all intermediate points; (14) between Tremont, Miss. and Decatur, Ala.: From Tremont, Miss. over Mississippi Highway 23 to Red Bay, Ala.; thence over Alabama Highway 24 to Decatur, Ala., and return over the same route, serving all intermediate points; (15) between Booneville, Miss. and Red Bay, Ala.: From Booneville, Miss. over Mississippi Highway 30 to Red Bay, Ala., and return over the same route, serving all intermediate points; (16) between Fulton, Miss. and Iuka, Miss.: From Fulton, Miss. over Mississippi Highway 25 to Iuka, Miss., and return over the same route, serving all intermediate points; (17) between Jasper, Ala. and the junction of Alabama Highway 5 and U.S. Highway 43 near Phil Campbell, Ala.: From Jasper, Ala. over Alabama Highway 5 to its junction with U.S. Highway 43 near Phil Campbell, Ala., and return over the same route serving all intermediate points; (18) between Millport, Ala. and Fayette, Ala.: From Millport, Ala. over Alabama Highway 96 to Fayette, Ala. and return over the same route, serving all intermediate points; (19) between Birmingham, Ala. and the Alabama-Georgia State line: From Birmingham, Ala. over Alabama Highway 75 to the Alabama-Georgia State line, and return over the same route serving all intermediate points; (20) between Clebume, Ala. and Scottsboro, Ala.: From Clebume, Ala. over Alabama Highway 9 to its junction with Alabama Highway 35 near Lawrence, Alabama; thence over Alabama Highway 35 to Scottsboro, Ala., and return over the same route, serving all intermediate points; (21) between Muscle Shoals, Ala. and Cullman, Ala.: From Muscle Shoals, Ala. over Alabama Highway 157 to its junction with U.S. Highway 31; thence over U.S. Highway 31 to Cullman, Ala., and return over the same route, serving all intermediate points;

(22) between Anniston, Ala. and Piedmont, Ala.: From Anniston, Ala. over Alabama Highway 21 to Piedmont, Ala., and return over the same route, serving all intermediate points; (23) between Decatur, Ala. and the junction of Alabama Highway 67 and U.S. Highway 278: From Decatur, Ala. over Alabama Highway 67 to its junction with U.S. Highway 231 near Summit, Ala., and return over the same route, serving all intermediate points; (24) between Columbus, Miss. and York, Ala.; From Columbus, Miss. and Mississippi Highway 69 to Pickensville, Ala.; thence over Alabama Highway 14 to Aliceville, Ala.; thence over Alabama Highway 17 to York, Ala., and return over the same route, serving all intermediate points; (25) service Pelham and Talladega, Ala. as off-route points in connection with the above described regular routes; and (26) serving as intermediate and off-route points all points in the State of Alabama lying on and north of Interstate Highway 20, restricted against the transportation of shipments received from another carrier at a point in Ala. for delivery to a point in Ala. and further restricted against the pickup of shipments at points in Ala. for delivery to an interline carrier at another point in Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn., Birmingham, Ala.; Jackson, Miss.; and Tupelo, Miss.

No. MC 83539 (Sub-No. 467), filed September 6, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Yard tractors*, between Lyons, Ill., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 83835 (Sub-No. 146), filed September 6, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier* by motor vehicle, over irregular ruotes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E.D. Goodfellow Co., Inc., located at Tulsa, Okla. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary applicant requests it be held at Dallas, Texas.

No. MC 85970 (Sub-No. 11), filed September 6, 1977. Applicant: SARTAIN TRUCK LINE, INC., 1354 N. 2nd Street, Memphis, Tenn. 38107. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Containers, and materials, equipment and supplies used in the manufacture of contaners* between the plantsite and storage facilities of Tote Systems, Division of Hoover Ball and Bearing Co., in Dyer County, Tenn., 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 that it be held in Memphis, Tennessee or Nashville, Tennessee.

No. MC 95540 Sub-No. 991), filed September 6, 1977. Applicant: Watkins Motor Lines, Inc., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* (except commodities in bulk, in tank vehicles), and (2) *Frozen meats and meat-by-products*, unfit for human consumption (except commodities in bulk, in tank vehicles); From the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, Wis., to points in Arkansas, Ala., and Mississippi and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., Washington, D.C. or Tampa, Fla.

No. MC 95876 (Sub-No. 209), filed September 6, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000, First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer handling equipment* and *front end loaders*, from Willmar, Minn., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture of fertilizer handling equipment and front end loaders, from points in Ohio, to Willmar, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis-St. Paul, Minn.

No. MC 95876 (Sub-No. 211), filed September 8, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative; Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Agricultural machinery, implements, equipment, and parts and accessories*, from Kaukauna, Wis., to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico; (2) *Material, equipment and supplies used* in the manufacture of the commodities described in part (1) above, from the destination States involved in part (1), to Kaukauna, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis-St. Paul, Minn.

No. MC 98399 (Sub-No. 5), filed August 31, 1977. Applicant: SHULL TRUCK LINE COMPANY, INC., P.O. Box A, Savannah, Tenn. 38372. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Nashville, Tenn., and Selmer, Tenn.; from Nashville over U.S. Highway 31 to Columbia, Tenn., thence over U.S. Highway 43 to Lawrenceburg, Tenn., thence over U.S. Highway 64 to Selmer, Tenn., and return over the same route, serving all intermediate points between Selmer and Waynesboro, including Selmer and Waynesboro, and serving all other points in Hardin and McNairy Counties, Tenn., as off-route points in connection with the carrier's regular route authority; (2) between Adamsville, Tenn., and Pickwick Dam, Tenn.; from Adamsville over U.S. Highway 64 to its junction with unnumbered highway known as the Gilchrist Road, thence over the Gilchrist Road to its junction with Tennessee Highway 57, thence over Tennessee Highway 57 to Pickwick Dam, Tenn., and return over the same route, serving all intermediate points; (3) between Savannah, Tenn., and Counce, Tenn.; from Savannah, Tenn., over Tennessee Highway 128 to Pickwick Dam, Tenn., thence over Tennessee Highway 57 to Counce, Tenn., and return over the same route, as an alternate route for operating convenience only; (4) between Savannah, Tenn., and the Yellow Creek Port Authority and Industrial Park, Miss.; from Savannah, Tenn., over Tennessee Highway 128 to its junction with Tennessee Highway 57, thence over Tennessee Highway 57 to its junction with Mississippi Highway 25, thence over Mississippi Highway 25 to the Yellow Creek Port Authority and Industrial Park, and return over the same route, serving the Yellow Creek Port Authority and Industrial Park in or near Tishomingo and Alcorn Counties, Miss.; (5) between the junction of U.S. Highway 43 and Tennessee Highway 20, (serving said junction for joinder only) and the junction of U.S. Highway 64 and the Summertown Pike (unnumbered) as an alternate route for operating convenience only in connection with carrier's regular route authority; from the junction of U.S. Highway 43 and Tennessee Highway 20 over Tennessee Highway 20 to its junction with the Summertown Pike, to its junction with U.S. Highway 64, and return over the same route; (6) between

Nashville, Tenn., and Columbia, Tenn., for operating convenience only in connection with carrier's regular route authority and serving Columbia for the purpose of joinder only; from Nashville over Interstate Highway 65 to its junction with Tennessee Highway 99, thence over Tennessee Highway 99 to Columbia, and return over the same route.

NOTE.—Authority sought in Routes 1, 2, and 3 above is to convert existing Certificates of Registration to Certificates of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests that it be held at Savannah, Tenn.

No. MC 99610 (Sub-No. 27), filed: Sept. 8, 1977. Applicant: Ross Neely Express, Inc., 1500 Second St., Pratt City Station, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, over regular routes, transporting general commodities (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment); (1) Between junction of U.S. Highways 72 and 43 at or near Tuscumbia, Ala., and Memphis, Tenn. From junction of U.S. Highways 72 and 43 over U.S. Highway 72 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama. (2) Between Hamilton, Ala., and Memphis, Tenn. From Hamilton, Ala., over U.S. Highway 78 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama. (3) Between Reform, Ala., and Memphis, Tenn. From Reform, Ala., over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 via Aberdeen, Nettleton, Shannon, and Verona to Tupelo, Miss., thence over U.S. Highway 78 to Memphis, Tenn., and return over the same routes, serving all intermediate points in Alabama. (4) Between Atlanta, Ga., and Memphis, Tenn. From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama. Service under Routes 1 through 4 above includes service to Memphis, Tenn., commercial zone. Authority is sought for applicant to tack Routes 1 through 4 with applicant's authority presently held under Certificate of Public Convenience and Necessity No. MC 99610 (Sub-No. 14) and to interline with other carriers at all points of interchange in Alabama, and at Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 100666 (Sub-No. 366), filed September 9, 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 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lumber* and *lumber products*, from points in Missouri to points in Indiana, Michigan, Minnesota, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 105045 (Sub-No. 69), filed September 8, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. 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: *Machinery, equipment, materials and supplies* used in, or in connection, with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, on the on hand, and, on the other, points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 106074 (Sub-No. 43), filed September 9, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorations and ornaments*, from Gastonia, N.C., and points in its commercial zone, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and points in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

NOTE.—Applicant holds motor contracts carrier authority in No. MC 140842 (Sub-No. 1), therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

MC 107460, Sub-No. 71, filed September 7, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, 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 accessories*, (except commodities in bulk), from the plantsites of Fabral Corp., located at or near Lancaster, Pa., and Gridley, Ill., to the distribution centers of Sears Roebuck Co., located at or near Los Angeles, Calif., and Seattle, Wash., 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. 1106), filed September 7, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50304. 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: *Acids, chemicals, alcohol, denatured alcohol solvent and polyethylene resins*, in bulk, in tank or hopper-type vehicles, from Tuscola, Ill., to points in the United States on and east of U.S. Highway 85, including points in Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107541 (Sub-No. 47), filed August 15, 1977. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 Northeast Rockwell Drive, Vancouver, Wash. 98665. Applicant's representative: David C. White, 2400 Southwest Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Soda products, from points in Sweetwater County, Wyo., to the ports of entry on the international boundary line between the United States and Canada, located at points in Washington and Idaho, restricted to traffic destined to the Province of British Columbia, Canada; (2) Borax and boric acid, from the facilities of U.S. Borax Corp., at or near Boron, Calif., and from Trona and Wilmington, Calif., to the ports of entry on the international boundary line between the United States and Canada, located at points in Washington and Idaho, restricted to traffic destined to the Province of British Columbia, Canada; (3) Copper oxide, from Santa Fe Springs, Calif., to the ports of entry on the international boundary line between the United States and Canada, located at points in Washington and Idaho, restricted to traffic destined to the Province of British Columbia, Canada; and (4) Fly ash, from the ports of entry on the international boundary line between the United States and Canada, located at points in Washington and Idaho, to Santa Fe Springs, Calif., restricted to traffic originating at the Province of British Columbia, Canada.

NOTE.—Applicant states it intends to join authority with corresponding British Columbia authority or with British Columbia carrier to provide through service. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 110563 (Sub No. 208), filed September 8, 1977. Applicant: COLD-

WAY FOOD EXPRESS, INC., P.O. Box 747, St. Route 29 North, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Prepared Frozen Foods, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in Ohio, Pennsylvania, West Virginia, Virginia, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 111214 (Sub-No. 12), filed Sep-September 6, 1977. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 443, Greenwood, Miss. 38930. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *pre-cast* and *pre-stressed concrete products*, from Pass Christian, Miss., to points in Alabama, Florida, Louisiana, and Texas, under a continuing contract or contracts with Gulf Coast Pre-Stress Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss.

No. MC 112298 (Sub-No. 4), filed September 8, 1977. Applicant: RAY'S GARAGE, INC., 14429 West County Highway 24, Hales Corners, Wis. 53130. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled aerial work platforms*, from the plant and warehouse facilities of Krause Mfg. Co., Inc., at Milwaukee, 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 Milwaukee or Madison, Wis.

No. MC 112669 (Sub-No. 14), filed September 2, 1977. Applicant: FRIESEN TRUCK LINE, INC., P.O. Box 891, Hutchinson, Kans. 67501. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ice cream, dairy products and ice products*, from the facilities of Jackson Ice Cream Co. in Hutchinson, Kans., to points in Iowa, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 112822 (Sub-No. 426) (Correction), filed August 26, 1977, published in the FEDERAL REGISTER issue of October 6, 1977, and republished as corrected this issue. Applicant: BRAY LINES INC., 1401 N. Little Street, 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. (one week). To be consolidated with No. MC 111375 (Sub-No. 85) et al. The purpose of this republication is to give notice that applicant intends to tack paragraphs (a) and (b) above at Denver, Colo.

No. MC 113280 (Sub-No. 9), filed September 6, 1977. Applicant: BUCHMEIER & SONS, INC., P.O. Box 68, Hubertus, Wis. 53023. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Cold Spring, Minn., to Mequon, Shawano, and Watertown, Wis., and (2) from Dubuque, Iowa, to Germantown, Wis., under continuing contracts with Suburban Beverages, Inc., located at Mequon, Wis., Schuppert Distributing Co., Inc., located at Watertown, Wis., Better Brands Distributing Co., Inc., located at Germantown, Wis., and Tony's Distributing, located at Shawano, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 113475 (Sub-No. 27), filed September 8, 1977. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, Va. 23847. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (a) from Wakefield and McKenny, Va., to points in Delaware, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and (b) from Petersburg, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 113651 (Sub-No. 226) (correction), filed July 25, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Worthington, Ind., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Missouri, Michigan, Minnesota, Mississippi, Maryland, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, and ports of entry on the International Boundary Line Between the United States and Canada located at Buffalo and Niagara Falls, N.Y., and Detroit, Mich. Restriction: Restricted to traffic originating at the plant site and storage facilities of Herkly Packing Co. located at or near Worthington, Ind., and destined to the named destination states or to traffic destined to the named ports of entry for movement to final destinations located in Canada.

NOTE.—The purpose of this correction is to indicate that applicant seeks service to Ohio, Oklahoma, Pennsylvania, Rhode Island, and South Carolina as destination states. If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 113908 (Sub-No. 406), filed September 6, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Yogurt*, in bulk, from Farmington, Minn., and Lebanon and Springfield, Mo., to Atlanta, Ga.; Hutchinson, Kans.; and Denver, Colo., and (2) *liquid yogurt mix*, in bulk, from Evansville, Ind., to Bryon, Tex.; Southbury, Conn.; and Burbank, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Mo., or Washington, D.C.

No. MC 114273 (Sub-No. 296), filed September 6, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as appli-

cant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, and materials and supplies used in the installation thereof* (except commodities in bulk), from Beaver Falls, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: Restricted to traffic originating at the plantsite and shipping facilities utilized by Armstrong Cork Co. at or near Beaver Falls, Pa., and destined to the above named points.

NOTE.—Common control may be involved. If hearing is deemed necessary, applicant requests it be held either at Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 297), filed September 6, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products* (except commodities in bulk, in tank vehicle), from Marysville, Ohio, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska. Restricted to traffic originating at the plantsite and storage facilities of O. M. Scott & Sons at or near Marysville, Ohio, 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 Chicago, Ill., or Washington, D.C.

No. MC 114533 (Sub-No. 362), filed September 9, 1977. Applicant: BANKERS DISPATCH CORP., 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, Transporting: *Audit Media and other business records*, (1) between Lawrence, Kans., on the one hand, and, on the other, Kansas City, Mo., and (2) between Indianapolis, Ind., on the one hand, and, on the other, Lafayette, Rossville, and Frankfort, Ind. 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 Kansas City, Mo.

No. MC 114569 (Sub-No. 190), filed September 6, 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 of a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities of RJR Foods, Inc., located at or near Cambridge, Md., to Denver, Colo.; Haskell, Okla.; Highlands, Tex.; Ortonville, Minn.; Phoenix, Ariz.; and Plymouth, Ind.

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 115162 (Sub-No. 383), filed August 29, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers, and plastic articles* from the facilities utilized by Bes-Pak & Co., Inc. located in Montgomery County, Ala., to all 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 manufacture of plastic bags, plastic can liners, plastic containers, and plastic articles* (except commodities in bulk, in tank vehicles) from all points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to the facilities utilized by Bes-Pak & Co., Inc. located in Montgomery County, Ala.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Montgomery, Ala., or Atlanta, Ga.

No. MC 115331 (Sub-No. 429), filed September 2, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail hardware, farm supply, grocery, drug and chain store businesses*, from the facilities of the Gillette Co. located at or near St. Paul, Minn., and the facilities of Gillette Co., Hyponex Division located at or near Copley, Ohio, to points in Illinois, Indiana, Kentucky, Kansas, Michigan, Missouri, Minnesota, Ohio, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests that it be held at either St. Paul, Minn., or St. Louis, Mo.

No. MC 115331 (Sub-No. 430), filed September 7, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the facilities of Illinois Cement Co. at or near La Salle, Ill., to points in Illinois, Indiana, Michigan, Iowa, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115496 (Sub-No. 62), filed September 8, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Roofing and roofing materials and panels*, from the facilities of Masonite Corp., located at or near Meridian, Miss., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115496 (Sub No. 63), filed September 8, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Pipe, castings, valves, hydrants, fittings, and parts and accessories*, used in connection therewith, from the plant site of Central Foundry, Inc. at Holt, Ala., to points in Arkansas, Alabama, Georgia, Florida, Kentucky, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 272), September 2, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk in tank vehicles), between Laramie, Wyo., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Kentucky, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, and Virginia.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held at Denver, Colo. Common control may be involved.

No. MC 115841 (Sub-No. 550), filed September 8, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. 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 in bulk), from Dallas, Fort Worth, and San Antonio, Tex., to points in the United States in the east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either

Dallas or San Antonio, Tex. Common control may be involved.

No. MC 115841 (Sub-No. 551), filed September 8, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, Bldg. 100, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products and canned pet food*, from the plantsite and warehouse facilities utilized by Allen Canning Co., located at or near Alma, Van Buren, Gentry, Siloam Springs, Ark.; and Proctor and Kansas, Okla., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C. Common control may be involved.

No. MC 117068 (Sub-No. 83), filed September 7, 1977. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. 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: (1) *Compressors*, from Michigan City, Ind., to points in Iowa; (2) *Streetsweepers*, from Elgin, Ill., to points in Iowa; and (3) *Snow plow attachments*, from Clayton, N.Y., to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117147 (Sub-No. 7), filed September 6, 1977. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *contract carrier* by motor vehicle over irregular route transporting: Material, equipment and supplies (except commodities in bulk) used or useful in the manufacture, sale, or distribution of lumber, forest products, and manufactured wood products from Ivoryton, Conn., to Morrisville, Vt., under a continuing contract with Pratt-Read Corp. of Ivoryton, Conn.

NOTE.—Applicant is presently authorized to transport lumber, forest products, and wood products from Morrisville, Vt., to Ivoryton, Conn. Applicant holds common carrier authority in No. MC 140956 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 118038 (Sub-No. 15), filed August 29, 1977. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Umatilla and Morrow Counties, Oreg., and points, in Walla Walla, Franklin, Grant, Adams, Benton, and Spokane Counties, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash.

No. MC 118846 (Sub-No. 19), filed September 8, 1977. Applicant: DALE JESSUP, R. R. 1, Box 252, Camby, Ind. 46113. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: Paper and plastic articles (1) From Mooresville, Ind. to Commerce, Calif.; Jacksonville, Fla.; Oskaloosa, Iowa; Detroit, Mich.; Flowood, Miss.; Austin and Irving, Tex. (2) (a) From Mt. Vernon and Lyonsdale, N.Y. to Commerce, Calif., and (b) between Mt. Vernon, N.Y. and the port of entry on the United States-Canada boundary line located at or near Buffalo, N.Y. (3) From Shawano, Wis. to the port of entry on the United States-Canada boundary line located at or near Detroit, Mich. (4) Used pallets from Mooresville, Ind. to Shawano, Wis. Restricted to service under Parts (1), (2), (3), and (4), to contracts or continuing contracts with Nice-Pak Products, Inc., Mooresville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

Docket No. MC 119090 (Sub-No. 2), filed September 2, 1977. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 56, Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act, between Philadelphia, Pa., Wilmington, Del., on the one hand, and, on the other, Baltimore, Md., and Washington D.C., and points in Delaware.

NOTE.—Applicant also seeks authority to tack its present authority in No. MC 119090 and Sub-No. 1, with that sought above at Philadelphia, Pa., to provide a through service from and to the New York, N.Y. commercial zone. Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at New York, N.Y., or Washington, D.C.

No. MC 119560 (Sub-No. 16), filed September 6, 1977. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, S.C. 29448. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, from Harleyville, S.C., to points in Alabama, Florida, Kentucky, Maryland, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 119789 (Sub-No. 371), filed September 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic film, (A) between Griffin, Ga., on the one hand, and, on the other, points in California; and (B) from Griffin, Ga., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 121074 (Sub-No. 2), filed September 22, 1977. Applicant: ECHO FREIGHT LINES, INC., 844 Union Street, West Springfield, Mass. 01089. Applicant's representative: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is related to a Section 212(b) transfer proceeding in MC-FC 77322, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, the applicant requests it be held either at Boston, Mass., or Hartford, Conn.

No. MC 125146 (Sub-No. 6) (correction), filed July 11, 1977, published in the FEDERAL REGISTER issue of August 25, 1977 as No. MC 125246 (Sub-No. 6), republished in the FEDERAL REGISTER issue of September 29, 1977 as No. MC 125246 (Sub-No. 6) and republished as corrected this issue. Applicant: BOB WHITAKER, doing business as BOB WHITAKER & SON, P.O. Box 65, Roswell, N. Mex. 88201. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products and articles distributed by meat-packing houses, between points in Bernalillo, Chaves Counties, N. Mex.; Potter, Randall Counties, Tex.; DeSoto County, Miss.; Shelby County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Glover, Inc., restricted against traffic moving from the facilities of Glover, Inc.; at or near Roswell, N. Mex., to points in Arizona, California, and Texas.

NOTE.—The purpose of this republication is to correct the commodity description and also to indicate No. MC 125246 (Sub-No. 6) as the correct docket number, in lieu of No. MC 125246 (Sub-No. 6) as previously published.

Docket No. MC 125872 (Sub-No. 5), filed: September 6, 1977. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, Utah 84041. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Applicant seeks authority to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of *meats, meat products, meat by products, and articles distributed by meat packinghouses*, 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), (a) between the plant site of Joe Doctorman & Sons, Inc., located at or near South Salt Lake City, Utah, and points in Colorado in a non-radial movement; (b) from the plant site of Joe Doctorman & Sons, Inc., located at or near South Salt Lake City, Utah, to Hillsboro, and Portland, Oreg.; and (c) from Los Angeles and San Francisco, Calif., to the plant site of Joe Doctorman & Son, Inc., located at or near South Salt Lake City, Utah, under a continuing contract or contracts with Joe Doctorman & Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah. Common control may be involved.

No. MC 126045 (Sub-No. 20), filed: August 29, 1977. Applicant: ALTER TRUCKING AND TERMINAL CORP., 1010 South Farragut Street, Davenport, Iowa 52802. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minnesota 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting coal from the barge terminals and storage facilities of Alter Co. located at or near Buffalo, Davenport, Burlington, and Council Bluffs, Iowa; St. Paul, Minn.; and LaCrosse, Wis., to points in Iowa, Illinois, Missouri, Minnesota, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C. Applicant holds contract authority in MC 133880 (Sub-No. 2) therefore, dual operations may be involved.

Docket No. MC 128273 (Sub-No. 264), filed: September 7, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Glazing units, glass and glass products, and machinery, materials, equipment and supplies*, used in connection with the manufacture, sale, transportation or distribution of glazing units, glass and glass products (except commodities in bulk), between the plantsites and storage facilities of the Fourco Glass Co., and its divisions located at or near Clarksburg, and points in Taylor County, W. Va., on the one hand and, on the other other, points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Charleston, W. Va.

No. MC 133330 (Sub-No. 10) (Correction), filed August 12, 1977, published in the FEDERAL REGISTER issue of October 6, 1977 as No. MC 13330 (Sub-No. 10), and republished as corrected this issue. 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) (a) *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 in foreign commerce and (3) *experimental 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. The purpose of this republication is to indicate the correct docket number in this proceeding as No. MC 133330 (Sub-No. 10) in lieu of No. MC 13330 (Sub-No. 10) as previously published in error.

No. MC 133841 (Sub-No. 4), filed September 2, 1977. Applicant: DAN BARCLAY, INC., 362 Main St., Lincoln Park, N.J. 07035. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *fibering machinery, floatation machinery, power pumps* used in conjunction with or independently with same, for sewage treatment plants, industrial plants, all for environmental control, and (2) *related materials, equipment and supplies* used in the manufacture or sale of the foregoing commodities (except commodities in bulk) between the facilities of Komline-Sanderson, Inc., located at or near Peapack, N.J., Highbridge, N.J., and points on the international boundary line between the United States and Canada located in New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Washington, D.C.

No. MC 135732 (Sub-No. 27), filed September 2, 1977. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irreguar routes, transporting: (1) *Roofing and siding materials, and materials, equipment and supplies* used in the manufacture and sale thereof (except commodities in bulk), between the facilities of GAF Corp., located at South Bound Brook, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *floor titles, materials, equipment and supplies* used in the installation, manufacturing, and sale thereof (except commodities in bulk), between the facilities of GAF Corp., located at Vails Gate, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (3) *floor coverings, materials, equipment and supplies* used in the manfacture, installation and sale thereof (except commodities in bulk), between the facilities of GAF Corp. located in Lehigh County, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (4) *plastic articles, materials, equipment and supplies* used in the manufacture and sale thereof, (except commodities in bulk), between the facilities of GAF Corp., located at or near Gloucester City and Thorofare, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (5) *foam products, materials, equipment and supplies* used in the manufacture and sale thereof, between the facilities of GAF Corp., located at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Washington, D.C.

No. MC 136315 (Sub-No. 23), filed September 6, 1977. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes transporting: *Gypsum Wallboard*, from the facilities of Weyerhaeuser Co. at Briar, Ark., to points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE.—Applicant states it holds motor contract authority in No. MC 123905 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 136817 (Sub-No. 4), filed September 6, 1977. Applicant: HUNTER BROKERAGE, INC., 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Ohio, Tennessee, Indiana, Arkansas, Illinois, Iowa, Pennsylvania, Missouri, Michigan, Kentucky, and Wisconsin, to points in Utah and California; (2) from points in Iowa, to points in Colorado, Michigan, Kansas, and Alabama; and (3) from points in Missouri, to points in Minnesota, Wisconsin, Nebraska, Illinois, Iowa, Ohio, Kentucky, Tennessee, Georgia, North Carolina, Virginia, Indiana, Arkansas, Pennsylvania, Colorado, Michigan, Kansas, and Alabama, restricted to a transportation service to be performed under a continuing contract, or contracts, with McGuffin Lumber, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Omaha, Nebr. Common control may be involved.

MC 138468 (Sub-No. 3), filed August 29, 1977. Applicant: BI-COUNTY TRUCKING, INC., Rt. 1, Box 210, Warden, Wash. 98857. Applicant's representative: CHARLES C. FLOWER, 303 East "D" Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *dry fertilizer* between Adams, Benton, Franklin, Grant, Walla Walla, and Yakima Counties, Wash., and Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties, Oreg., and Latah, Kootenai, Nez Pierce and Shoshone Counties, Idaho; (2) *liquid fertilizer* between Whitman, Washington, and Benewah, Latah and Lewis Counties, Idaho; (3) *liquid feed* supplements between Grant County, Wash., and Missoula, Ravelli, and Teton Counties, Mont., a nonradial movement.

NOTE.—If a hearing is determined necessary, Applicant requests it be held at Yakima, Washington.

No. MC 139495 (Sub-No. 265), filed September 6, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: HERBERT ALAN DUBIN, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by discount and variety stores, from Jersey City and Newark, N.J. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—Applicant holds contract authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 140595 (Sub-No. 1), filed August 29, 1977. Applicant: ATLAS TOWING CO., a corporation, 1353 Pennsylvania Ave., St. Louis, Mo. 63133. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wrecked, disabled*, or *repossessed motor vehicles* and *self-propelled equipment*, between points in Illinois on and south of U.S. Highway 136 and points in Missouri on and east of U.S. Highway 63, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 140612 (Sub-No. 30), filed September 6, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances, furnaces*, and *air conditioners*, between points in California, Washington, Idaho, Oregon, Arizona, Utah, Nevada, Montana, and Columbia, Tenn.; and (2) *Appliances, furnaces*, and *air conditioners* (except commodities which, because of size or weight, require the use of special equipment) from Louisville, Ky., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, and Utah. Restriction: Restricted in parts (1) and (2) above to the transportation of traffic originating at the facilities of General Electric Co. within the named origin territories and destined to the named points.

NOTE.—By the instant application, applicant seeks conversion of motor contract carrier authority held in No. MC 138003 (Sub-No. 2) and MC 138003 (Sub-No. 10). Applicant holds other motor contract carrier authority in MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Cedar Rapids, Iowa.

No. MC 141529 (Sub-No. 1), filed September 6, 1977. Applicant: WAINWRIGHT TRANSFER CORPORATION, OF VIRGINIA, P.O. Box 1854, Quantico, Va. 22134. Applicant's representative: Dwight L. Koerber, Jr., 666 Eleventh Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *used household goods*, between the warehouse facilities of Wainwright Transfer Corp., of Virginia, in Stafford County, Va., on the one hand, and, on the other, points in Stafford, Spotsylvania, Prince William, Fauquier, Loudoun, Fairfax, and Arlington Counties, Va.; Vienna, Fredericksburg, Manassas, Manassas Park, Alexandria, Falls Church, and Fairfax City, Va.; Washington, D.C.; and Prince Georges and Montgomery Counties, Md.

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 it be held at Washington, D.C.

No. MC 141557 (Sub-No. 1) (Correction), filed August 19, 1977, published in the FEDERAL REGISTER issue of October 6, 1977, as No. MC 143631, and republished as corrected this issue. Applicant: ROBERT L. CURTIS, doing business as CURTIS TRANSPORTS, P.O. Box 2464, Jackson, Tenn. 38301. Applicant's representative: James N. Clay, III, 2700 Sterick Building, 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) between Jackson, Tenn., and Nashville, 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 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.—The purpose of this republication is to indicate applicant's correct docket number as No. MC 141557 (Sub-No. 1) in lieu of No. MC 143631 as previously published in error. If a hearing is deemed necessary, applicant requests that it be held at Memphis or Nashville, Tenn.

No. MC 141641 (Sub-No. 7), filed September 6, 1977. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 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: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, frozen foods, commodities in bulk and those requiring special equipment) which are moving on bills of lading of freight forwarders operating pursuant to part IV of the Interstate Commerce Act, from Akron, Cincinnati, Cleveland, Ohio; Baltimore, Md.; Boston, Mass.; New Haven, Milford, Conn.; North Bergen, Moonachie, Secaucus, New Jersey; Philadelphia, Pennsylvania and Syracuse, New York, to Amarillo, Dallas, Fort Worth, El Paso, Houston, Laredo, Lubbock and San Antonio, Tex., and from Dallas, Tex. to Akron, Cincinnati, Cleveland, Ohio; Baltimore, Md.; Boston, Mass.; New Haven, Conn.; North Bergen, N.J.; Philadelphia, Pennsylvania and Syracuse, N.Y.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136168 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141804 (Sub-No. 78), filed September 6, 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: *Gymnasium equipment, sporting equipment and parts, attachments and accessories for gymnasium equipment and sporting equipment* (1) from the facilities of Universal Gym Equipment at or near Fresno and Irvine, Calif., and the facilities of Nissen Corp., at or near Cedar Rapids, Iowa, to Kansas City, Mo.; Oklahoma City, Okla.; Arlington, Tex.; Memphis, Tenn.; Atlanta, Ga.; Baltimore, Md.; Hempstead, N.Y.; Latrobe, Pa.; Chicago, Ill.; Hillsboro, Wis.; London, Ky.; Seattle, Wash.; Portland, Oreg.; Miami, Fla.; Phoenix, Ariz.; Albuquerque, N. Mex.; Houston, Tex.; Monroe, La.; Ames, Iowa; and Minneapolis, Minn.; (2) between the facilities of Universal Gym Equipment, at or near Fresno and Irvine, Calif., on the one hand, and on the other, the facilities of Nissen Corp., at or near Cedar Rapids, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn. or Los Angeles, Calif.

No. MC 141804 (Sub-No. 79), filed September 6, 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: *New Furniture* from points in Georgia to points in Washington, Montana, Idaho, Oregon, California, Nevada, Utah and Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 142778 (Sub-No. 4), filed September 7, 1977. Applicant: DON BAKER, R.F.D. No. 1, McLeansboro, Ill. 62859. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union, Jackson, White, Wabash, Perry and Washington Counties, Ill., to points in Vigo, Vermillion, Knox, Hamilton, Floyd, and Gibson Counties, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill., or Evansville, Ind.

No. MC 142839 (Sub-No. 2), filed September 8, 1977. Applicant: JOHN KING ENTERPRISES, INC., Garden Valley Center Building, Suite 320, 2860 S. Circle Drive, Colorado Springs, Colo. 80906. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: such commodities as are dealt in or used by restaurants, gift shops, and specialty shops for tourists, from Colorado Springs and Denver, Colo., to points in Colorado, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, under a continuing contract or contracts with Stuckey's, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 142898 (Sub-No. 1), filed September 6, 1977. Applicant: MAURICE G. RICHE, Daysmills Road, R.F.D. No. 1, Kennebunk, Maine 04043. Applicant's representative: Maurice G. Riche (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as are dealt in by chain grocery stores* from White River Junction, Vt., to points in Maine, under a continuing contract or contracts with P & C Food Markets, Inc., located at White River Junction, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Maine.

No. MC 143037 Sub-No. 1), filed August 23, 1977. Applicant: JERRY E. TILLER, doing business as T & T TRUCKING, 6632 East Parlier, Fowler, Calif. 93625. Applicant's representative: Edward L. Fanucchi, 2409 Merced Street, Suite 3, Fresno, Calif. 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil shortening, shortening meat fat, imitation cheese made from vegetable oils, margarine liquid salad/cooking oil, salad dressing, lard, vegetable oil, and animal fat blend, table sauces and cheese*, from the plant and/or shipping facilities of Anderson Clayton & Co., located in Fresno County, Calif., to the warehouse facilities of Anderson Clayton & Co., located at or near Phoenix (Maricopa County), Ariz., and points in Arizona, under a continuing contract or contracts with Anderson Clayton & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fresno, or Sacramento, or San Francisco, Calif.

No. MC 143167 (Sub-No. 2), field September 2, 1977. Applicant: SEYFORTH EXPRESS, INC., Suite 1209 Barnett Regency Tower, Jacksonville, Fla. 32211. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract* carrier, by motor vehicle, over *irregular* routes, transporting: (1) *Drink preparation powder, vitamins, liquid food supplements*, and *cosmetics*, from West Chicago, Ill.; Hempstead, N.Y.; and Hawthorne, N.J., to points in the United States (except Alaska and Hawaii); (2) *bookbinders*, from Bay Shore, N.Y., and Vincent, Ala., to points in the United States (except Alaska and Hawaii); (3) *printed matter*, from Danbury, Conn., and Los Angeles, Calif., to points in the United States (except Alaska and Hawaii); and (4) *polyester bags*, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Seyforth Laboratories, Inc., restricted to traffic destined to the warehouses and facilities of Seyforth Laboratories, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Fla.

No. MC 143250 (Sub-No. 3), filed Septemper 6, 1977. Applicant: WILDCAT CONSTRUCTION CO., INC., St. Albans Bay, Vt. 05481. Applicant's representative: David M. Yarnell, 99 North Main Street, St. Albans, Vt. 05478. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Cheese and cheese prod-

ucts, from Swanton, Vt., to points in Florida, under a continuing contract or contracts with Lucille Farm Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Boston, Mass., or Albany, N.Y.

No. MC 143273 (Sub-No. 1), filed August 29, 1977. Applicant: JOHN THURSTON LYNCH, 651 N. Main Street, Marion, Va. 24354. Applicant's representative: John Thurston Lynch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Wood, plastic, and vinyl wrap moulding, from Marion, Va., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, New Jersey, and the District of Columbia, and (2) materials equipment, and supplies used in the manufacture of the commodities in (1) above, from points in the destination states named in (1) above, to Marion, Va., under a continuing contract or contracts with D. G. Shelter Products of Marion, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Bristol or Roanoke, Va.

No. MC 143420 (Sub-No. 1) filed September 6, 1977. Applicant: HANDEY TRANSIT, INC., P.O. Box 127, Elcho, Wis. 54428. Applicant's representative: Colin Handeyside, P.O. Box 127, Elcho, Wis. 54428. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Pallets, pallet parts, pallet related goods, from Elcho, Wis., to points in Illinois, and Minnesota, under a continuing contract or contracts with Northern Lakes Pallet, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Antigo, Wis. or Wausau, Wis.

No. MC 143471 (Sub-No. 1), filed September 6, 1977. Applicant: SHERIDAN HEIGHTS, INC., doing business as, KNECHT TRANSPORT, a corporation, 301 Mt. Rushmore Road, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Such commodities as are handled or dealt in by wholesalers, warehousers, retailers, manufacturers, processors or distributors of building materials and supplies; hardware; plumbing supplies; electrical supplies; cement materials; and landscaping materials;* (1) Between points in Campbell County, Wyo., and Pennington County, S. Dak., on the one hand, and, on the other, points in California, Colorado, Idaho, Iowa, Minnesota, Montana. Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) Between points in Montana, Nebraska, North Dakota, South Dakota, and Wyoming, on the one hand, and, on the other, points in California, Colorado, Idaho, Lowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; under a continuing contract, or contracts, with Knecht Industries, Inc., including their wholly owned, unincorporated divisions of Building Materials Distributors, Big K Cash & Carry, Mastercraft Factory, Homes by Knecht, Mastercraft Homes and Knecht Lumber Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Rapid City, or Pierre, S. Dak.

No. MC 143547 (Sub-No. 2), filed September 8, 1977. Applicant: GRADY WALKER doing business as GRADY WALKER USED CARS, P.O. Box 7820, Fort Worth, Tex. 76111. Applicant's representative: Billy R. Reid, P.O. Box 9092, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, from Boston, Mass.; Detroit, Mich.; and Chicago, Ill.; to Dallas, Tex., under continuing contract or contracts with E. K. Arledge, Inc. and Texas Vehicle Management, Inc., located at or near Dallas, Tex.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at either Dallas or Fort Worth, Tex.

No. MC 143565 (Sub-No. 1), filed September 6, 1977. Applicant: HIGHWAY TRANSPORTATION CO., a corporation, P.O. Box 1327, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada located at or near Calais, Maine, to Searsport, Maine, under a continuing contract or contracts with Delta Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bangor, Maine, Portland, Maine, or Boston, Massachusetts.

No. MC 143568 (Sub-No. 2) (correction) filed August 12, 1977, published in the FEDERAL REGISTER issue of September 22, 1977 as No. MC 140690 (Sub-No. 3), and republished as corrected this issue. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, Mo. 63541. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Coal and fly ash*, between points in Missouri, Iowa, and Illinois.

NOTE.—Applicant holds motor contract carrier authority in No. MC 140690 (Sub-No. 2); therefore dual operations may be involved. The purpose of this republication is to indicate the correct docket number assigned to this proceeding as No. MC 143568 (Sub-No. 2) in lieu of No. MC 140690 (Sub-No. 3) as previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 143569 (Sub-No. 1), filed September 1, 1977. Applicant: JAMES L. PARRAMORE, doing business as PARRAMORE TRUCKING CO., P.O. Box 1413, Valdosta, Ga. 31601. Applicant's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Poles, piling, posts, lumber, and lumber materials*, between points in Alabama, Georgia, Florida, South Carolina, and North Carolina, under a continuing contract or contracts with Clark-Hill Lumber Co. of Jacksonville, Fla. and The Langdale Co. of Valdosta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Valdosta, Ga. or Atlanta, Ga.

Docket No. MC 143616 (Sub-No. 2), filed September 6, 1977. Applicant: MADDOX AND STARLING TRUCK BROKERS, INC., P.O. Box 368, Sultana, California 93666. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire and Cable* from Gloucester City, N.J., and Virginia Beach, Va., to Atlanta, Ga., Houston, Tex., St. Louis, Mo., and points in Arizona, California, Utah, Idaho, Nevada, New Mexico, Oregon, and Washington, under continuing contract or contracts with Eastern International Wire & Cable Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 143664, filed August 31, 1977. Applicant: MEUWSEN PRODUCE & GRAIN, INC., 9525 Ransom, Zeeland, Mich. 49464. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *fertilizer and fertilizer ingredients in bulk, in dump vehicles;* and (2) *fertilizer, fertilizer ingredients and agricultural products in bags in van equipment*, from points in Illinois, Indiana, and Ohio, to plantsites, warehouses, and outlet of Smith Douglas, Division of Borden Chemicals located at points in Michigan, under a continuing contract or contracts with Smith Douglas, Division of Borden Chemical, Borden Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, or Grand Rapids, Mich.

No. MC 143683 (Sub-No. 1), filed September 6, 1977. Applicant: AMERICAN CONTRACT EXPRESS, INC., Route 1, Box 327, Sylacauga, Ala. 35150. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and equipment, materials, and supplies* used in, or in the operation of, paper mills, between the plantsite and warehouse of the Kimberly-Clark Corp., located in Talladega County, Ala., on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80, and points in Florida, under a continuing contract or contracts with Kimberly-Clark Corp. of Coosa Pines (Talladega County), Ala. Restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sylacauga, Ala., or Birmingham, Ala.

No. MC 143691, filed September 6, 1977. Applicant: PONY EXPRESS COURIER CORPORATION, Post Office Box 4313, Atlanta, Ga. 30302. Applicant's representative: Francis J. Mulcahy (same address as applicant). Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes transporting: *microfilm, microfiche, microforms and related items* between Flora, Miss., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, Ohio, South Carolina and Tennessee, restricted to shipments under a continuing contract or contracts with banks, banking institutions and Southern Vital Records Center; (2) *microfilm, microfiche, microforms and related items* between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, and Missouri, restricted to shipments under a continuing contract or contracts with banks, banking institutions and Eastman Kodak; and (3) *microfilm, microfiche, microforms and related items* (a) between Jackson, Miss., on the one hand, and, on the other, Flora, Miss., and (b) between Orlando and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to the transportation of shipments having an immediately prior and subsequent movement by air and further restricted to the transportation of shipments under a continuing contract or contracts with banks, banking institutions and Southern Vital Records Center.

NOTE.—Applicant has motor common carrier authority pending in No. MC 142330 (Sub-No. 5), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 143705, filed September 8, 1977. Applicant: AMERICAN INTERNATIONAL MOVERS, INC., 5611–208th Ave. SW., Lynnwood, Wash. 98036. Applicant's representative: Del Benedict (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *Used household goods*, between points in Washington. Restricted to the transportation of shipments 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 the packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 143707, filed September 6, 1977. Applicant: KENNEDY ENTERPRISES, INC., 2420 Diana Drive, Hallandale, Fla. 33009. Applicant's representative: Frank J. Hathaway, 7615 Biscayne Boulevard, Miami, Fla. 33138. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dade, Broward, and Palm Beach counties, Fla., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Miami or Fort Lauderdale, Fla.

No. MC 143712, filed September 6, 1977. Applicant: A & D MOVING & STORAGE CO., Inc., 250 Globe Street, Radcliffe, Ky. 40160. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036. Authority to operate as a *common carrier*, over irregular routes, in the transportation of *used household goods* as defined by the Commission, restricted (1) to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and (2) to the performance of pickup and delivery service in connection with packing, crating, or containerization, or unpacking, uncrating, or decontainerization of such shipment. Between points in the counties of Jefferson, Bullitt, Spencer, Shelby, Oldham, Henry, Hardin, Meade, Nelson, Breckinridge, Trimble, and Owen, Ky., and the counties of Harrison, Floyd, Clark, Crawford, Perry, Jefferson, Scott Jennings, Jackson, Washington, Orange, and Dubois, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Radcliffe, Ky.

No. MC 108378 (Sub-No. 9), filed September 7, 1977. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson, Phoenix, Ariz. 85004. Applicant's representative: W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *passengers and their baggage*, in special operations, in sightseeing and pleasure tours, (1) in round trips from points in Maricopa, Yuma, Pinal, and Mohave Counties, Ariz., San Bernardino County, Calif., and Clark County, Nev., to points in the United States, including Alaska but excluding Hawaii, and return, (2) in one way operations from points in the counties in Arizona, California, and Nevada named in (1) above, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz. and Las Vegas, Nev.

FREIGHT FORWARDER

No. FF 502, filed September 8, 1977. Applicant: ANDREWS FORWARDERS, INC., Seventh and Park Avenue, Norfolk, Nebr. 68701. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate and foreign commerce, as a *freight forwarder*, through the use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska) restricted in (b) to the transportation of export-import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

FINANCE APPLICATIONS; NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with special rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–13308 (Correction) (KOWALSKY'S EXPRESS SERVICE—PURCHASE—KOWALSKY'S EXPRESS SERVICE), published in the September 8, 1977, issue of the FEDERAL REGISTER on pages 45093 and 45094. Prior notice should have read as follows: *Operating rights sought to be transferred: General commodities, with certain specified exceptions, as a common carrier primarily over irregular routes between points in defined portions of Delaware, Maryland, New Jersey, New York, and Pennsylvania* * * *.

No. MC–F–13323. Authority sought for purchase by SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn. 06415, of a portion of the operating rights of M & M Transportation Co., 750 Third Avenue, New York, N.Y. 10007. Applicants' attorneys: Herbert Burstein, 2373 One World Trade Center, New York, N.Y. 10048, and Donald L. Caldera, 750 Third Avenue, New York, N.Y. 10017. Op-

erating rights sought to be purchased: General commodities, with exceptions, as a *common carrier* over regular routes between Albany, N.Y., and Buffalo, N.Y., serving all intermediate points, all points in Oneida County, N.Y., and the off-route points of Norwich, Glens Falls, Watervliet, Troy, Cohoes, Saratoga Springs, Oswego, Rochester, and those within 15 miles of the route specified: From Albany over New York Highway 5 to Buffalo, and return over the same route; Between Syracuse, N.Y., and Buffalo, N.Y., serving all intermediate points; From Albany, N.Y., and Utica, N.Y., serving all intermediate points, all points in Oneida County, N.Y., and the off-route points of Berlin, Georgetown, Hamilton, Leonardsville, Northville, Old Forge, Oswego, and Rochester, N.Y.; General commodities with exceptions over irregular routes between points in Onondaga County, N.Y., on the one hand, and on the other, points in Broome, Cattaraugus, Cayuga, Chemung, Chenango, Cortland, Erie, Genesee, Monroe, Niagara, Oneida, Onondaga, Ontario, Oswego, Otsego, Schuyler, Seneca, Tioga, Tompkins, Wayne, and Wyoming Counties, N.Y., and New York City, N.Y.; From points in Onondaga County, N.Y., to points in Allegany, Chautauqua, Columbia, Essex, and Suffolk Counties, N.Y., with no transportation for compensation on return except as otherwise authorized; Between Syracuse, N.Y., on the one hand, and, on the other, points in Albany, Fulton, Herkimer, Madison, Montgomery, Renesselaer, and Schenectady Counties, N.Y.; Between points in Albany, Erie, Monroe, and Oneida Counties, N.Y., on the one hand, and, on the other, points in Broome, Chemung, and Tioga Counties, N.Y., except as otherwise authorized herein, and for operating covenience only, with restrictions. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13335 (Correction) (FROEHLICH TRANSPORTATION CO., INC.—PURCHASE—FLEET TRANSPORTATION CO., INC.), published in the September 29, 1977, issue of the FEDERAL REGISTER on page 51722. Prior notice should have read as follows: Operating rights sought to be transferred: Under a Certificate of Registration in Docket No. MC–98591 (Sub-No. 2) covering the transportation of general commodities, as a common carrier, in interstate commerce, between points in the Commonwealth of Massachusetts. Vendee is authorized to operate as a common carrier under Certificate No. MC–1759 in the states of Connecticut, Massachusetts, New Jersey, New York, Vermont, New Hampshire, Maryland, Delaware, and Pennsylvania. Application has been filed for temporary authority under Section 210a(b).

NOTE.—Docket No. MC–1759 (Sub-No. 36) is a directly related matter.

No. MC–F–13356. Authority sought for purchase by PACIFIC MOTOR TRUCKING CO., 9 Main St., San Francisco, Calif. 94105, of the operating rights of Charles Rufus Cadenhead, d.b.a. Valley Motor Express, 1831 Mills Ave., El Paso, Tex. 79901, and for acquisition by Southern Pacific Transportation Co., S.P. Bldg., One Market Plaza, San Francisco, Calif. 94105, of control of such rights through the transaction. Applicants' attorneys: Martin J. Rosen, 256 Montgomery Street, San Francisco, Calif. 94104, and John MacDonald Smith, Room 813, S.P. Bldg., One Market Plaza, San Francisco, Calif. 94105. Operating rights sought to be transferred: General commodities, in the performance of collection and delivery service for line-haul motor carriers, as a common carrier over irregular routes between points in El Paso County, Tex.; General commodities, with exceptions as a common carrier over regular routes between El Paso, Tex., and Tornillo, Tex., serving all intermediate points: From El Paso over U.S. Highway 80 to Tornillo, and return over the same route. Between Tornillo, Tex., and Esperanza, Tex., serving all intermediate points, and those off-route points within 5 miles of U.S. Highway 80: From Tornillo over U.S. Highway 80 to junction unnumbered county road about 12 miles east of McNary, Tex., and thence over unnumbered county road to Esperanza, and return over the same route. General commodities, with exceptions, between El Paso, Tex., and Berino, N. Mex., serving all intermediate points, and all off-route points within 2 miles of the route described below: From El Paso over U.S. Highway 80 to Berino, and return over the same route. Transferee, Pacific Motor Trucking Co., holds authority as a common carrier by motor in Docket No. MC–78786 and sub numbers, and permits as a motor contract carrier in Docket No. MC–78787 and sub numbers. It operates over a series of regular routes between El Paso, Tex., and Portland, Oreg., via Phoenix and Tucson, Ariz., Los Angeles, San Francisco, and Sacramento, Calif., and Medford, Oreg. States served include Texas, New Mexico, Arizona, California, Nevada, Oregon, and Washington. Pacific Motor Trucking Co. also operates as a contract carrier of new automobiles in initial and/or secondary movement in the states of Arizona, California, Nevada, and southern Oregon. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13358. Authority sought for the purchase by RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, Colo. 80207, of all of the operating rights and tangible property of Ringsby-Pacific Ltd., 3980 Quebec Street, Denver, Colo. 80207 and for acquisition by J. W. Ringsby, J. V. Ringsby, and D. W. Ringsby, all of 3980 Quebec Street, Denver, Colo. 80207, and Susan Ringsby Pietrzak, Route 4, Box 170, Longmont, Colo. 80501 of control of such rights through the purchase. Applicants' attorney: Russell R. Sage, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Operating rights sought to be transferred: (A) general commodities, with exceptions as a common carrier over regular routes: (1) between points in California, serving all intermediate and specified off-route points subject to restriction, as follows: (a) San Francisco and San Diego; (b) Los Angeles and Sacramento; (c) Sacramento and Woodland; (d) Sacramento and Yuba City; (e) San Francisco and Auburn; (f) San Francisco and Placerville; (g) Gilroy and Califa; (h) San Francisco and Manteca; (i) Tracy and Maricopa; (j) junction California Highway 166 and U.S. Highway 99 and Maricopa; (k) Davis and Portola; (l) junction California Highway 89 and Alternate U.S. Highway 40 and Greenville; (m) Crescent Mills and Taylorsville; (n) Greenville and Taylorsville; (o) Portola and Herlong; (p) Woodland and Sacramento; (q) junction California Highway 4 and U.S. Highway 40 and junction California Highway 4 and U.S. Highway 99; (r) junction California Highway 12 and U.S. Highway 40 and junction California Highway 12 and U.S. Highway 99; (s) Sacramento and junction California Highway 160 and 4; (t) Modesto and Vernalis; (u) Merced and Gustine; (v) Fresno and Famoso; (w) Tipton and Fresno; (x) Mendota and Fresno; (y) Coalinga and junction California Highway 198 and U.S. Highway 99; (z) Famoso and junction U.S. Highway 466 and California Highway 33; (aa) McKittrick and Bakersfield; (bb) Taft and Greenfield; and (cc) junction U.S. Highways 99W and 40 and Sacramento, on the one hand, and, on the other, San Francisco;

(2) Between Auburn, Calif., and junction California Highways 89 and 49 as an alternate route; (3) between junction California Highways 89 and 40 near Sierraville and Blairsden, Calif., as an alternate route; (4) between junction California Highways 89 and 49 near Sierraville and Vinton, Calif., as an alternate route; (5) between Spokane, Wash., and Oroville, Wash., serving specified intermediate and off-route points; (6) between Oroville, Wash., and the U.S.-Canada Boundary Line 8 miles north of Oroville, serving no intermediate points; (7) between Wenatchee, Wash., and Brewster, Wash., serving all intermediate points; (8) between Brewster, Wash., and Grand Coulee, Wash., serving all intermediate points; (9) between Tonasket, Wash., and Republic, Wash., serving all intermediate points; (10) between Grand Coulee, Wash., and Coulee City, Wash., serving all intermediate points; (11) between Coulee City, Wash., and Wenatchee, Wash., serving all intermediate points; (12) between Spokane, Wash., and Seattle, Wash., serving all intermediate points, subject to restriction; (13) between Quincy, Wash., and Ellensburg, Wash., serving all intermediate points, subject to restriction; (14) between Prosser, Wash., and Ellensburg, Wash., serving all intermediate points, subject to restriction; (15) between Yakima, Wash., and Portland, Oreg., serving specified intermediate and off-route points, subject to restriction; (16) between Biggs,

Oreg., and Maryhill, Wash., serving no intermediate points, subject to restriction; (17) between Biggs, Oreg., and Spokane, Wash., serving no intermediate points, subject to restriction; (18) between Kalispell, Mont., and Coram, Mont., serving all intermediate points and points within 5 miles of Coram as off-route points; (19) serving points within 15 miles of Spokane, Wash., as intermediate and off-route points;

(20) Between junction U.S. Highway 2 and unnumbered highway at a point northeast of Troy, Mont. (known as Yaak Junction, Mont.), and the site of the U.S. Air Force Base at or near Yaak, Mont., serving no intermediate points; (21) between Spokane, Wash., and Great Falls, Mont., serving all intermediate points between Milltown, Mont. (not including Milltown), and Great Falls; (22) between Coram, Mont., and Shelby, Mont., serving all intermediate points; (23) between Browning, Mont., and Great Falls, Mont., serving no intermediate points; and (24) between Shelby, Mont., and Great Falls, Mont., serving no intermediate points; (B) classes A, B, and C explosives as a common carrier over regular routes between junction U.S. Highway 395 and California Highway 70 and Reno, Nev., serving no intermediate points; subject to restriction; (C) general commodities, with exceptions, as a common carrier over irregular routes (1) between specified points and areas in California; and (2) from Portland, Oreg., to points in Yakima County, Wash., exclusive of certain points; and (D) specified commodities as a common carrier over irregular routes as follows: (1) latex, from points in the Los Angeles Harbor, Calif., Commercial Zone to points in the Los Angeles, Calif., Commercial Zone; (2) cotton, from Bakersfield, Calif., and points within 75 miles of Bakersfield, to Los Angeles Harbor, Calif.

(3) Wool, from points in Kern County, Calif., to Los Angeles Harbor, Calif., and from points in Kern County, Calif., east of U.S. Highway 6 to Stockton, San Francisco, and Oakland, Calif.; (4) electric conduit, farm machinery and equipment, and groceries, from Los Angeles Harbor, Calif., to Bakersfield, Calif.; (5) conduit, wire netting, steel and copperwire, lumber, paper, steel pipe and tubing, seed, nuts, honey, clay products, peat moss, grain, rice, bran, fish meal, tapioca meal, flaxseed meal, sesame seed meal, perilla meal, copra meal, peanut meal, fertilizer, and oil in drums, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles and Vernon, Calif.; (6) clay products, fertilizer, talc, honey, and oil in drums, from Los Angeles and Vernon, Calif., to Los Angeles Harbor and Long Beach, Calif.; (7) fertilizer, from Los Angeles Harbor and Long Beach, Calif., to San Fernando, Whittier, Upland, Claremont, Glendora, Alta Loma, Rivera, Canoga Park, Covina, Pomona, and Pacoima, Calif., and points within five miles of each; (8) machinery, from Alhambra, Calif., to Los Angeles Harbor and Long Beach, Calif.; (9) burlap bags, bagging, and bale ties, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 100 miles of Bakersfield, Calif.; (10) paper and paper products, except newsprint, from Los Angeles Harbor, Calif., to Bakersfield, Calif., and points within 15 miles of Bakersfield, Calif.;

(11) Pipe and heavy machinery and equipment, between Los Angeles Harbor, Calif., on the one hand, and, on the other, Bakersfield, Calif., and points within 75 miles of Bakersfield; (12) edible oils and linseed oil, in bulk, in tank vehicles, between points in the Los Angeles, Calif., Commercial Zone, on the one hand, and, on the other, points in the Los Angeles Harbor, Calif., Commercial Zone and between points in the Los Angeles and the Los Angeles Harbor, Commercial Zone, on the one hand, and, on the other, Buena Park and Norwalk, Calif.; (13) machinery, materials, supplies, and equipment incidental to, or used in, mining, milling, building construction, and highway building and maintenance, between points in a defined area of California and Malheur County, Oreg.; (14) machinery and machinery parts, and mining and construction materials, equipment, and supplies, (a) between points, both of which are located in the same state, in Washington and Oregon (except Malheur County, Oreg., subject to restriction, (b) between points in California, on the one hand, and, on the other, points in Oregon and Washington, (c) between points in Nevada, on the one hand, and, on the other, points in Oregon and Washington, and (d) between points in a defined area of California; (15) frozen berries, from Tacoma and Grandview, Wash., and Beaverton, Gresham, and Portland, Oreg., to points in Alameda County, Calif.; (16) frozen fruit, from Grandview, Wash., and Beaverton, Oreg., to points in Alameda County, Calif.

(17) Frozen vegetables, from Arlington, Wash., to San Francisco, Modesto, and Sacramento, Calif.; (18) canned goods, between points in a defined area of California; (19) farm products, from points in Yakima County, Wash. (with exceptions) to Portland, Oreg. and Seattle, Wash.; (20) paper, from Oregon City, Oreg., to Hanford, Wash., and points in Yakima County, Wash.; (21) spray and spray materials, (a) from Portland, Oreg., to Wenatchee, Wash., and (b) from Yakima, Wash., to Hood River, Oreg.; (22) powdered milk, from Sunnyside, Wash., to Portland, Oreg.; and (23) commodities which because of size or weight require the use of special equipment, and commodities not requiring the use of special equipment by reason of size or weight when moving in the same vehicle at the same time as the commodities set forth above, from one consignor to one consignee, between Las Vegas, Nev., on the one hand, and, on the other, points in Nevada. Ringsby Truck Lines, Inc., and Ringsby-Pacific Ltd. are currently commonly controlled. Ringsby Truck Lines, Inc. is authorized to operate in the States of Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—F.D. 28563 is a directly related matter.

No. MC–F–13359. Authority sought for purchase by NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, Wis. 54556, of a portion of the operating rights of Robert J. Grall, P.O. Box 313, Manitowoc, Wis. 54220, and for acquisition by Donald Nussberger, of Catawba, Wis., and Willis Nussberger, of Prentice, Wis., of control of the rights through the purchase. Applicants' attorneys: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705, and Edward Solie, 4513 Vernon Boulevard, Suite 100, Madison, Wis. 53705. Operating rights sought to be purchased: Forest products, including rough and surface lumber, but not including veneer, plywood, dimension stock and cedar poles and posts, over irregular routes, between points in Baraga, Dickinson, Houghton, Iron, Marquette, Menominee, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Wisconsin; pallets, bin boxes, skids, and wooden cheese boxes, over irregular routes, from the plantsite of Millersville Box Co. located at or near Herman, Wis., to points in Illinois and Indiana, except points in the Chicago, Ill., Commercial Zone, as defined by the Commission; lumber, over irregular routes, from points in Wisconsin to points in Illinois, Indiana, and the Lower Peninsula of Michigan; lumber, from points in the Lower Peninsula of Mchigan (except Gaylord) to points in Wisconsin (except Marshfield, Neenah, Two Rivers, and Algoma); pallets, bin boxes, and skids, from the Town of Lima (Sheboygan County), Wis., to points in the Lower Peninsula of Michigan; lumber and sawdust, between Oconto, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; sawdust, between Oconto, Wis., on the one hand, and, on the other, points in the Upper Peninsula of Michigan; and from Ironwood, Mich., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, the Lower Peninsula of Michigan, and Wisconsin; lumber, from Ironwood and Menominee, Mich., to Oconto, Wis.; from Oconto, Wis., to points in the Upper Peninsula of Michigan; and from points in Iowa, Illinois, Indiana, Ohio, and Wisconsin (except Eagle River, Wis., and points in Wisconsin within 50 miles thereof) to Ironwood, Mich., wooden flooring, form Ironwood, Mich., to points in Wisconsin, Illinois, Iowa, Indiana, and Ohio; wood chips,

from Ironwood, Mich., to Oconto Falls, Wis.; plywood, veneer, wood paneling, and composition board, from Oshkosh, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio, as described in Certificate No. MC–119406 and Sub-Nos. 1, 3, 5, and 7. Vendee is authorized to operate as a contract carrier in all 48 states and the District of Columbia. Dual operations and duplicating authority may be involved. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–13360. Authority sought for purchase by WINTZ MOTOR FREIGHT, INC. (no-carrier), 656 Pelham Boulevard, St. Paul, Minn. 55114, of a portion of the operating rights and properties of Connolly Cartage Corp., P.O. Box 3660, 1088 North Snelling Ave., St. Paul, Minn. 55165, and for acquisition by George L. Wintz, Jr., 656 Pelham Boulevard, St. Paul, Minn 55114, of control of such rights through the transaction. Applicants' attorney: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Operating rights sought to be transferred: Paper and paper products, as a common carrier over irregular routes from the plant site of International Paper Co. at Arden Hills, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin (except La Crosse and points in its commercial zone as defined by the Commission), with no transportation for compensation on return except as otherwise authorized, with restrictions; Corrugated pulp board and corrugated products and materials and supplies used in the manufacture and sale thereof; paper scrap and paper waste, from the plant site of International Paper Co. at Arden Hills, Minn., to La Crosse, Wis., with no transportation for compensation on return except as otherwise authorized, with restrictions. Wintz Motor Freight, Inc., holds no authority from this Commission. However George L. Wintz, the individual who controls transferee, also controls Wintz Warehousing Co., a motor carrier holding authority issued by the Interstate Commerce Commission in Docket Nos. MC–117681 and MC–129757. The authority in Docket No. MC–117681 is contract authority to transport ink from Minneapolis, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, and Minnesota. The authority in Docket No. MC–129757 is common carrier authority to transport meats, meat products, dairy products and articles distributed by meat packing houses to points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13362. Authority sought for purchase by WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul, Minn. 55114, of the operating rights and properties of OLSON TRANSFER CO., 6351 Oasis Avenue North, Stillwater, Minn. 55082, and for acquisition by GEORGE L. WINTZ, JR., 656 Pelham Boulevard, St. Paul, Minn. 55114, of control of such rights through the transaction. Applicants' attorney: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Minneapolis, Minn., and Webster, Wis., from Minneapolis over city streets to St. Paul, Minn., thence over Minnesota Highway 212 to Houlton, Wis., and thence over Wisconsin Highway 35 to Webster, and return over the same route. Service is authorized to and from all intermediate points and the off route points of Luck, Milltown, Alden, Nye, Ubet, and Balsam Lake, Wis., and points and places within 10 miles of Balsam, and off route points within 5 miles of Webster, between Stillwater, Minn., and Frederic, Wis.; from Stillwater over Minnesota Highway 95 to junction Minnesota Highway 97, thence over Minnesota Highway 97 to Scandia, Minn., thence over unnumbered highway to Lindstrom, Minn., thence over U.S. Highway 8 to St. Croix Falls, Wis., and thence over Wisconsin Highway 87 to junction unnumbered highway five miles north of Cushing, Wis., thence over unnumbered highway to Trade Lake, Wis., thence over Wisconsin Highway 48, to Frederic, and return over the same route. Service is authorized to and from all intermediate points and the off route points of Chicago City, Minn., and West Sweden and Atlas, Wis., and those intermediate and off route points within 10 miles of St. Croix Falls, Wis. General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment over alternate regular routes for operating convenience only, in connection with said carrier's otherwise authorized routes, between Minneapolis, Minn., and junction Minnesota Highways 36 and 212: From Minneapolis over Minnesota Highway 36 to junction Minnesota Highway 212. Between St. Paul, Minn., and junction Minnesota Highways 36 and 212: From St. Paul over Minnesota Highway 51 to its junction with Minnesota Highway 36, and thence over Minnesota Highway 36 to its junction with Minnesota Highway 212. Return over these routes. Service is not authorized to or from intermediate points. Service is authorized to and from (1) points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission and also Scotchlite, Minn., as intermediate or off route points in connection with said carrier's presently authorized regular route operations to or from Minneapolis and St. Paul, restricted to the transportation of such commodities as said carrier is presently authorized to transport to or from Minneapolis or St. Paul over regular routes, and (2) points in the said commercial zone and Scotchlite, in lieu of Minneapolis and St. Paul, whichever is presently authorized to be served by said carrier over irregular routes, restricted to the transportation of such commodities as said carrier is presently authorized to transport to or from Minneapolis or St. Paul, over irregular routes; General commodities, with exceptions as a common carrier over regular routes serving the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, as an off route point in connection with carrier's presently authorized regular route operations. WINTZ MOTOR FREIGHT, INC., holds no authority from this Commission. However, GEORGE L. WINTZ, the individual who controls transferee, also controls WINTZ WAREHOUSING COMPANY, a motor carrier holding authority issued by the Interstate Commerce Commission in Docket No. MC 117681 and MC 129757. The authority in Docket No. MC 117681 is contract authority to transport ink from Minneapolis, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, and Minnesota. The authority in Docket No. MC 129757 is common carrier authority to transport meats, meat products, dairy products, and articles distributed by meat packinghouses to points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13365. Authority sought for purchase by TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif., 90245, of a portion of the operating rights of AUTOMOTIVE MERCHANDISERS OF TEXAS, INC., and OHIO MERCHANDISING CORPORATION, 1800 Moler Road, Columbus, Ohio, 43207. Vendee's attorney: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Vendor's attorney: John Fessenden, Suite 1301, 1600 Wilson Boulevard, Arlington, Va. 22209. Operating rights sought to be transferred: General commodities, with the usual exceptions, as a common carrier, over regular routes between Point Pleasant, W. Va., and Charleston, W. Va., serving all intermediate points: From Point Pleasant over West Virginia Highway 17 to junction U.S. Highway 60, thence over U.S. Highway 60 to Charleston, and return over the same route; between Point Pleasant, W. Va., and Huntington, W. Va., serving all intermediate points; from Point Pleasant over West Virginia Highway 2 to Huntington, and return over the same route; between Point Pleasant, W. Va., and Columbus, Ohio, serving the intermediate points of Athens, Longan, Gallipolis, Ohio, and those on West Virginia Highway 62 and Ohio Highway 7, and the off route points in that part of Meigs County, Ohio, on and east of

Ohio Highway 7; from Point Pleasant over U.S. Highway 35 to Kanauga, Ohio, thence over Ohio Highway 7 to Pomeroy, Ohio, thence over U.S. Highway 33 to Columbus, and return over the same route; from Point Pleasant over West Virginia Highway 62 to Mason, W. Va., thence across the Ohio River to Pomeroy, Ohio, thence to Columbus as specified above, and return over the same route; from Point Pleasant over U.S. Highway 35 to Chillicothe, Ohio, thence over U.S. Highway 23 to Columbus, and return over the same route. Vendee is authorized to operate as a common carrier in Docket No. MC 110325 in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—The authority being purchased was formerly owned by Point Express, Inc., and is now owned by AUTOMOTIVE MERCHANDISERS OF TEXAS, INC., and OHIO MERCHANDISING CORPORATION, pursuant to MC-FC-77023, published in the FEDERAL REGISTER on April 11, 1977, approved April 4, 1977, effective May 16, 1977 and consummated May 25, 1977. A certificate has not yet been issued.

No. MC-F-13366. Authority sought for purchase by BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, Va., 24034, of a portion of the operating rights of BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex., 75601, and for acquisition by J. W. STANLEY, J. W. STANLEY, JR., G. H. STANLEY, and L. V. STANLEY, all of P.O. Box 13447, Roanoke, Va., 24034, of control of such rights through the purchase. Applicants' attorneys: John R. Sims, Jr., and John L. Boyd, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: That portion of BERRY TRANSPORTATION INC., authorizing, generally, the transportation of malt beverages and materials and supplies used in the manufacture and distribution thereof, as a common carrier over irregular routes (1) between San Antonio, Tex., on the one hand, and, on the other, points in Alabama and Tennessee, (2) from Fort Worth, Tex., to Hernando, Miss., and (3) from the plant-site and warehouse facilities of the Miller Brewing Co., at Fort Worth, Tex., to Hot Springs, Ark., and Clarksdale, Greenville, Jackson, Natchez, Vicksburg, and Yazoo City, Miss., returning with empty containers. Vendee is authorized to operate as a common carrier in New York, New Jersey, Maryland, Georgia, Indiana, Ohio, West Virginia, Virginia, Delaware, Illinois, South Carolina, North Carolina, the District of Columbia, Tennessee, Alabama, Connecticut, Kentucky, Michigan, Florida, Arkansas, Louisiana, Mississippi, Oklahoma, Texas, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13368. Authority sought for purchase by CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052, of a portion of the operating rights of GLOSSON MOTOR LINES, INC. (Charles E. Herbert, trustee in bankruptcy), P.O. Box 1328, Lexington, N.C., and for acquisition by DAVID L. BAYNE and PEGGY I. BAYNE, also of Gastonia, N.C., of control of the rights through the purchase. Applicants' attorneys: Eric Meierhoefer, 1511 K St. NW., Washington, D.C. 20005, and Marshall Kragen, 1721 DeSales St. NW., Washington, D.C. 20036, for transferee, and Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301, and Frank P. Holton, Jr., P.O. Box 1124, Lexington, N.C. 27292, for transferor. Operating rights sought to be purchased: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquids in bulk, in tank trucks, and commodities requiring special equipment, from New York, N.Y., Baltimore, Md., Philadelphia, Pa., and points in Union, Essex, Middlesex, Somerset, Mercer, Burlington, and Camden Counties, N.J., to points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 1 to the junction of U.S. Highway 15 south of Sanford, N.C., thence along U.S. Highway 15 to Carthage, N.C., thence along North Carolina Highway 27 to Charlotte, N.C., thence along U.S. Highway 74 to Ashville, N.C., thence along U.S. Highway 23 to the North Carolina-Tennessee State line, and thence along the North Carolina-Tennessee and North Carolina-Virginia State lines to point of beginning, including points on the specified portions of the highways indicated, with no transportation for compensation on return except as otherwise authorized. Electrical appliances and equipment, including radios and refrigerators, from New York, N.Y., Newark, N.J., and Wilmington, Del., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Pianos, from Washington, D.C., and Philadelphia, and York, Pa., to Salisbury, N.C., with no transportation for compensation on return except as otherwise authorized. Bakery products, from Baltimore, Md., to Fayetteville, Greenville, Rockingham, Wilmington, and New River, N.C. General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquids, in bulk, in tank trucks, and commodities requiring special equipment), from New York, N.Y., Baltimore, Md., Philadelphia, Pa., and points in Union, Essex, Middlesex, Somerset, Mercer, Burlington, and Camden Counties, N.J., to points in North Carolina west of Onslow, Jones, Carteret, Pamlico, Beaufort, Washington, Chowan, and Gates Counties and east of Transylvania County, Haywood County, and that portion of Madison County on and east of U.S. Highway 23, with no transportation for compensation on return except as otherwise authorized, as more fully described in MC 41255 and subs thereto. Vendee is authorized to operate pursuant to permit Nos. MC 136464 and MC 138635 as a contract and common carrier between points in all 48 of the contiguous United States. Approval of the transaction may result in dual operations but vendee expects to file an application seeking conversion of those rights in the immediate future. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13369. Authority sought for purchase by OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261 of a portion of the operating rights of GLOSSON MOTOR LINES, INC. (Charles E. Herbert, trustee), P.O. Box 1328, Lexington, N.C. 27292 and also for acquisition by E. E. CONGDON, P.O. Box 2006, High Point, N.C. 27261, and J. R. CONGDON, P.O. Box 4265, Richmond, Va. 23224, of control of such rights through the transaction. Applicants' attorneys: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303; Frank P. Holton, Jr., P.O. Box 1124, Lexington, N.C. 27292; Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Operating rights sought to be transferred: General commodities, except classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, commodities, in bulk, and those requiring special equipment, as a common carrier over irregular routes between points in that part of North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties, and west of Onslow, Jones, Carteret, Pamlico, Beaufort, Washington, Chowan, and Gates Counties. Vendee is authorized to operate over regular and irregular routes in No. MC 107478 in the States of Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Approval of the proposed transaction will result in Vendee acquiring duplicating authority as Vendee and Vendor operate between some common points in North Carolina. Approval of the proposed transaction will result in a split of Vendor's authority. Common control may be involved. Application has been filed for temporary authority under section 210a(b).

NOTES.—MC-107478 (Sub-No. 30) is a directly related matter.

MC–F–13370. Authority sought for purshase by BENNETT TRUCKING CO., P.O. Box 526, Hawkinsville, Ga. 31036 of the operating rights of J. D. LEWIS CORP., Route 3, Box 15, Cordele, Ga. 31015 and for arquisition by LAWRENCE L. BENNETT, P.O. Box 526, Hawkinsville, Ga. 31036 of control of the rights through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Operating rights sought to be purchased: (1) Lumber, rough, and wet and dried dressed lumber, as a common carrier over irregular routes, from Cordele, Nashville, Mystic, Perry, Fitzgerald and Ashburn, Ga. to points in Florida and sawdust and bark when transported in mixed shipments with sawdust from Cordele, Georgia, to points in Florida as more fully described in Certificate No. MC 115494 and subs: and; fertilizer in bags as a contract carrier from Cordele, Georgia to points in Alabama and Florida and from Tyner, Tenn. to points in Alabama, Florida, and Georgia as more fully described in Permit No. MC 125070. Vendee is authorized to operate pursuant to Certificate MC 126358 as a common carrier in the states of Alabama, Florida, Georgia, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolna, Tennessee, Texas, and Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–126858 (Sub-No. 12), is a directly related matter.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.-247) and 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 applicant's representative, or applicant if no representative is named.

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 94170 (Sub-No. 5), filed September 26, 1977. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 12 Lake Flower Ave., Saranac Lake, N.Y. 12983, Applicant's representative: W. Norman Charles, 80 Bay Street (P.O. Box 724), Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Saranac Lake, N.Y., and points in New York within 40 miles thereof, on the one hand, and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to indicate applicant's intent to tack at and eliminate the gateway of Knoxville, Md., and points in Maryland, Virginia, and West Virginia, within 20 miles of Knoxville, Md., to provide a through service to points in Kentucky and Tennessee.

NOTE.—This is a matter directly related to a Section 212(b) transfer proceeding in MC–FC–76703, published in the FEDERAL REGISTER issue of December 6, 1976.

No. MC 107478 (Sub-No. 30), filed October 5, 1977. Applicant: OLD DOMINION FREIGHT LINE (a corporation), P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, commodities in bulk, and those requiring special equipment. (1) Between points in that part of North Carolina in and east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties, in and west of Onslow, Jones, Carteret, Pamlico, Beaufort, Washington, Chowan, and Gates Counties on the one hand, and, on the other, points in South Carolina and Georgia. (2) Between points in that part of North Carolina in and west of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties, on the one hand, and, on the other, points in that part of North Carolina in and east of Onslow, Jones, Carteret, Pamlico, Beaufort, Washington, Chowan, and Gates Counties.

NOTE.—The purpose of this application is to eliminate the gateways of Martinsville, Va. and Wilmington and Wilson, North Carolina. This application is directly related to a section 5 application in No. MC–F–13369 published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126358 (Sub-No. 12), filed October 4, 1977. Applicant: BENNETT TRUCKING CO. (a corporation), P.O. Box 526, Hawkinsville, Ga. 31036. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Fertilizer, in bags;* (1) From Cordele, Ga. to points in Alabama and Florida; (2) From Tyner, Tenn. to points in Alabama, Florida and Georgia.

NOTE.—This application is directly related to a section 5(2) proceeding in MC–F–13370 Bennett Trucking Co., Purchase, J. D. Lewis Corp., published in a previous section of this FEDERAL REGISTER. The purpose of this application is to convert a Permit to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

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–1 (Sub-No.9)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WREN, IOWA, AND IROQUOIS, SOUTH DAKOTA, IN SIOUX AND PLYMOUTH COUNTIES, IOWA, AND UNION, LINCOLN, TURNER, MCCOOK, MINER AND KINGSBURY COUNTIES, SOUTH DAKOTA

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, Division 3, stating that, subject to the conditions for the protection of employees enacted in and developed pursuant to Section 405 of the Rail Passenger Service Act, the present and future public convenience and necessity permit the abanment by the Chicago and North Westetrn Transportation Company of its branch line of railroad between Wren, Iowa, and Iroquois, South Dakota, a distance of 155.7 miles but excluding that segment of the line between milepost 75.5 and milepost 76.4 at Salem, South Dakota. A certificate of abandonment will be issued to the Chicago and North Western 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. 33)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN LEWIS SPRINGS AND FORT HUACHUCA IN COCHISE COUNTY, ARIZONA

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. & 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 line of railroad extending from milepost 1058.77 near Lewis Springs to the end of the branch at milepost 1070.99 near Fort Huachuca, a distance of 12.22 miles in Cochise County, Arizona. 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. 42)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN COPPER AVENUE AND ROCKFIELD IN FRESNO COUNTY, CALIFORNIA

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 September 16, 1977, a finding, which is administratively final, was made by the Commission, Division 3, acting as an Appellate Division, stating that, subject to the conditions for the protection of employees enacted in and developed pursuant to Section 405 of the Rail Passenger Service Act, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from milepost 223.15 near Copper Avenue in a northerly direction to the end of the branch at milepost 225.77 near Rockfield, a distance of 2.62 miles, in Fresno 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–18 (Sub-No. 10) (Correction), Chesapeake and Ohio Railway Company, Abandonment of the Pomeroy Branch between Oldtown and Pomeroy, Ohio), published in the September 22, 1977, issue of the FEDERAL REGISTER, on page 47937. Prior notice should read as follows: 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 June 18, 1976, and the decision and order of the Commission, Division 3, served April 12, 1977, except as modified, affirmed and adopted the initial decision of the Administrative Law Judge entered on June 18, 1976, which is administratively final, stating that, (1) 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, (2) subject to the continued operation by applicant of the involved trackage for 365 days subsequent to the effective date of the decision and order of Division 3, served April 12, 1977, approving the abandonment, and (3) for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company of its line of railroad extending between milepost 51.21 near Oldtown and milepost 69.36 near Creola, Ohio, and its line of railroad extending between milepost 78.02 near Dundas and milepost 110 near Kerrs, Ohio, and operations over its line of railroad between milepost 110 near Kerrs and milepost 135.05 at the end of the line. A certificate of abandonment

will be issued to the Chesapeake and Ohio Railway 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-35 (Sub-No. 3)]

LOS ANGELES & SALT LAKE RAILROAD COMPANY, UNION PACIFIC RAILROAD COMPANY AND THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY ABANDONMENT—PORTION OF THE "IRONTON BRANCH" IN UTAH COUNTY, UTAH

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Order dated September 27, 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 *Oregon Short Line R. Co.—Abandonment—Goshen* 354 I.C.C. 76 (1977), and those provided pursuant to Section 405 of the Rail Passenger Service Act (45 U.S.C. 565), the present and future public convenience and necessity permit the Los Angeles & Salt Lake Railroad Co. and Rio Grande Western Railroad Co. to physically abandon and the Union Pacific Railroad Co. and the Denver & Rio Grande Western Railroad Co. to abandon operations over a branch line of railroad known as the Ironton Branch, which extends from milepost 0.00 to milepost 1.87 near Ironton in Utah County, Utah. A certificate of public convenience and necessity permitting abandonment was issued to the Los Angeles & Salt Lake Railroad Co., Union Pacific Railroad Co. and the Denver & Rio Grande Western Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (sec. 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed 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 108449 (Deviation No. 9), INDIANHEAD TRUCK LINE, INC., Box 3355, St. Paul, Minn. 55165, filed October 7, 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 junction U.S. Highway 18 and Interstate Highway 90 near Madison, Wis., over Interstate Highway 90 to Janesville, Wis., thence over U.S. Highway 14 to junction Illinois Highway 23, thence over Illinois Highway 23 to Marengo, Ill., thence over U.S. Highway 20 to junction U.S. Highway 41 at Chicago, Ill., 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 Madison, Wis., over U.S. Highway 18 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, Ill., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in 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.

Florida Docket No. 770729-CCT, filed September 21, 1977. Applicant: G & C CARTAGE COMPANY, INC., 694 North Edgewood Ave., Jacksonville, Fla. 32205. Applicant's representative: O. C. Beakes, 1409 Barnett Bank Building, Jacksonville, Fla. 32202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between points in Jacksonville and its suburban territory (except points in Nassau County). Restricted against the transportation of household goods, articles of unusual value (including armored car service, and cash letters), classes A & B explosives, commodities in bulk, cement, commodities which because of size or weight require the use of special equipment, beer containers and closures therefor, building and construction materials on flatbed trailers, and traffic both originating at and destined to U.S. Naval U.S. facilities. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, 700 South Adams St., Tallahassee, Fla. 32302, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 76,380, M, Route No. 7084, filed September 7, 1977. Applicant: ROSS TRUCK LINE, INC., 902 North Pearl St., Paola, Kans. Applicant's representative: Floyd E. Gehrt, P.O. Box 5186, Topeka, Kans. 66605. Certificate of Public Convenience and Necessity sought to a freight service as follows: Transportation of: *General commodities*, except

those of unusual value, class A and B explosives, household goods, commodities in bulk, and those requiring special equipment, to, from and between Paola, Osawatomie, Beagle, Parker, La Cygne, Centerville, Greeley, Garnett, Lone Elm, Kincaid, Blue Mound, Mound City, Pleasanton, Trading Post, Jingo, Louisburg, Stilwell, Stanley, Overland Park, Olathe, Bonita, Spring Hill and Hillsdale, also, movements to, from and between Paola, Osawatomie, Beagle, Parker, La Cygne, Centerville, Greeley, Garnett, Lone Elm, Kincaid, Blue Mound, Mound City, Pleasanton, Trading Post, Jingo, Louisburg, Stilwell, Stanley, Overland Park, Kansas City, Bonita, Spring Hill and Hillsdale, also, between Garnett, on the one hand, and the Wolf Creek Generating Station and/or construction site located approximately 3 miles west of New Strawn, Kans., on the other hand, in connection with carrier's presently authorized operations. South from Garnett, Kans., on U.S. Highway 59 to its intersection with U.S. Highway 169, thence southwesterly to the intersection of U.S. Highway 169 and Kansas Highway 75; thence westerly to U.S. Highway 75; thence northerly over U.S. Highway 75 to New Strawn, Kans.; thence over county roads to the Wolf Creek Generating Station and/or construction site, and return over the same route, serving no intermediate points, with right of joinder to all authority held in Route 7084; also, southwesterly over county roads from Garnett, Kans., to Burlington, Kans.; thence north over U.S. Highway 75 to New Strawn, Kans.; thence west over county roads to the Wolf Creek Generating Station and/or construction site, and return over the same route, serving no intermediate points, with right of joinder to all authority held in Route 7084, as an alternate route for operating convenience of the carrier. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place set for Tuesday 10 a.m., October 11, and Wednesday October 12, 1977, before the State Corporation Commission, State Office Building, 4th Floor, Topeka, Kans. Requests for procedural information should be addressed to the Kansas State Commission, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. MC 3437 filed August 31, 1977. Applicant: MOLERWAY FREIGHT LINES, INC., 1931 Broadwater Ave., Billings, Mont. 59102. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: Transportation of: *General commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring the use of special equipment): Between Lewistown and Billings, Mont., over U.S. Highway 87, serving the intermediate and off-route points of Grassrange and Roundup. Intrastate, interstate, and foreign commerce authority sought. Hearing: November 22, 1977, at 10 a.m., Billings, Mont., at a place to be later assigned. Requests for procedural information should be addressed on Montana Public Service Commission, 1227 11th Ave., Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4396 (Sub-No. 5), filed September 28, 1977. Applicant: GENERAL TRUCKING COMPANY, INC., P.O. Box 269, 1100 School St., Columbia, Tenn. 38401. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Columbia, Tenn. 38401. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: (1) *Plastic materials, flake granules, power mass waste,* for reclamation of raw materials, in truckload lots, from the plantsite of DuPont & Co., Inc., at Old Hickory Tenn., to the plantsite of DuPont & Co., Inc., at Columbia, Tenn.; and (2) *Sodium chloride, pig iron, coal tar pitch, and other commodities,* over irregular routes, in bulk, in dump trucks and dump trailers, from various points on the Tennessee River in west Tennessee, from the Alabama line, to the Kentucky line, and various points on the Cumberland River, from the Kentucky line, to the point where same crosses Tennessee Highway 109 south of Gallatin, Tenn., to all points (unspecified), in Tennessee, restricted to freight having a prior movement by water. Intrastate, interstate and foreign commerce authority sought. Hearing: November 30, 1977, at 9:30 a.m., CL–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information should be addressed to Tennessee Public Service Commission, CL–110 Cordell Hull Building, Nashville, Tenn. 37129, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-30537 Filed 10-19-77;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]

1

CIVIL AERONAUTICS BOARD.

OCTOBER 14, 1977.

Additions and deletions at the October 13, 1977, meeting.

TIME AND DATE: 10 a.m.—October 13, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1a. Docket 25908 et al., Transatlantic Route Proceeding (Memo No. 7492, OGC).

5. Proposed Amendment of Separation of Functions Rule (Memo No. 7473, OGC).

6. Docket 29818, Notice of Proposed Rulemaking SPDR–55, Free and reduced-rate transportation of travel agents on ABC's, ITC's, OTC's (Memo No. 6697–B, OGC).

8. Waivers for agent familiarization trips on OTC's, ITC's, and ABC's to destinations within the Western Hemisphere (Memo No. 7466, BOR, BFR).

20. Docket 28738, Horbach-Modern Acquisition Proceeding (Memo No. 6815–B, OGC).

STATUS: Open

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: At the October 13, 1977, Board meeting the Board voted that item 1a be deleted from the October 13, 1977, agenda because the necessary material from the staff that was to be discussed was not ready for the Board's consideration, and that this item be rescheduled for a meeting October 17, 1977. Accordingly, the following Members voted that agency business required the deletion of item 1a from the October 13, 1977, meeting agenda; that agency business required the rescheduling of this item for a meeting on less than seven days' notice for October 17, 1977; and that no earlier announcement of these changes was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Elizabeth E. Bailey

Since item 1a was deleted from the October 13, 1977, agenda and since items 5, 6, 8, and 20 had originally been deleted from the October 13, 1977, agenda to allow time to discuss item 1a, the Board voted to add these items to the October 13, 1977, agenda again. Upon advice from the General Counsel Office, however, that there would not be sufficient time to notify the public and the affected parties and that there was no apparent requirement for immediate Board consideration for most of the items, the Board reconsidered its vote to add these items and voted to delete again items 5, 6, and 8 but to consider item 20 on the October 13, 1977, agenda. Item 20, an uncontested matter, involved the transfer of operating authority and the provision of new services to the traveling public. Accordingly, the following Members voted that agency business required these deletions and this addition in the October 13, 1977, agenda and no earlier announcement of these changes was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Elizabeth E. Bailey

[S–1609–77 Filed 10–18–77;11:41 am]

[6320–01]

2

CIVIL AERONAUTICS BOARD

OCTOBER 14, 1977.

Deletion of item from the October 20, 1977, meeting agenda.

TIME AND DATE: 10 a.m.—October 20, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

5. Dockets 27124 and 26183; Continental's Subpart N Application; Application of Delta Air Lines (Houston–New Orleans Restriction) (Memo No. 5197–F, BOR).

12. Dockets 28848; 28778; 28800; 28961; 29186; 24778; and 28308, *Improved Authority to Wichita Case; Additional Dallas/Fort Worth–Kansas City Nonstop Service Case; Sacramento–Denver Nonstop Case; Memphis–Twin Cities/Milwaukee Case; and Greenville/Spartanburg – Washington / New York Subpart M Case*, Memorandum of Issues and Request for Instructions (Memo No. 7483, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretray, 202–673–5068.

SUPPLEMENTARY INFORMATION: Item 5 concerns Continental's Subpart N Application and the Application of Delta Air Lines, Dockets 27124 and 26183. A voting quorum will not be present at the meeting on this item since Member West will not be present and Chairman Kahn and Member Bailey are not qualified in this case. Therefore, it is necessary to delete this item from the October 20, 1977, agenda.

Item 12 concerns Memorandum of Issues and Request for Instructions in Dockets 28848; 28778; 28800; 28961; 29186; 24778; and 28308. It is now evident that all the briefs to the Board in these cases will not be filed by the October 20, 1977, meeting. Consequently, it is necessary to delete this item from the agenda of October 20, 1977.

[S–1610–77 Filed 10–18–77;10:41 am]

Accordingly, the following Members have voted that agency business requires the deletion of items 5 and 12 from the agenda of October 20, 1977, and that no earlier announcement of these deletions was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Elizabeth E. Bailey

[S–1610–77 Filed 10–18–77;10:41 am]

[6320–01]

3

CIVIL AERONAUTICS BOARD.

OCTOBER 14, 1977.

TIME AND DATE: 2 p.m.—October 25, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Pan American World Airways to make a presentation to the Board regarding its status.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

[S–1611–77 Filed 10–18–77;11:41 am]

[6335–01]

4

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: September 27, 1977, 7:30 p.m. to finish.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Closed to public.

MATTER TO BE CONSIDERED: Discussion of revised Affirmative Action Report.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202–254–6697.

[S–1607–77 Filed 10–17–77;2:50 pm]

[6712–01]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Followed 9:30 a.m. Open Meeting, Thursday, October 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS CONSIDERED:

Agenda, Item No., and Subject

* * * * *

General—2—*Teleprompter Cable Communications Corp.* v. *FCC* (D.C. Cir. No. 75–1563).

General—3—Internal investigation and management study.

The prompt and orderly conduct of Commission business did not permit announcement of these additional items prior to the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer; telephone 202–632–7260.

Issued: October 14, 1977.

[S–1613–77 Filed 10–18–77;11:41 am]

[6712–01]

6

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Followed 9:30 a.m. Open Meeting, Thursday, October 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTER CONSIDERED: The Commission's Public Notice issued October 6, 1977, 42 FR 54978, stated that prior to the consideration of the closed meeting items on Thursday, October 13, the Commissioners as a first order of business would vote on the matter of closing the meeting. A vote was taken on October 13, 1977, and Commissioners Lee, Quello, Washburn, Fogarty, and White voted to close the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer; telephone 202–632–7260.

Issued: October 14, 1977.

[S–1614–77 Filed 10–18–77;11:41 am]

[6740–02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 55670.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: October 20, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

GP–21.—CP77–476, Columbia Gas Transmission Corp.

P–20.—ER77–533, Louisiana Power & Light Co.

KENNETH F. PLUMB,
Secretary.

[S–1617–77 Filed 10–18–77;11:41 am]

[6730–01]

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 26, 1977—10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Report on Notation Items Disposed of by the Commission during September 1977.

2. Report on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during September 1977.

3. Report on Applications for Admission to Practice approved during September 1977.

4. Assignment of Informal Dockets during September 1977.

5. Docket No. 77–44—Agreement between Puerto Rico Maritime Shipping Authority and Puerto Rico Marine Management, Inc./Puerto Rico Marine Operating Co., Inc.—Request for Oral Argument.

6. Docket No. 76–33—*Transoceanic Terminal Corporation* v. *Ceres Marine Terminals, Inc.*, and Docket No. 76–44—*Ceres Marine Terminals, Inc.* v. *Transoceanic Terminal Corporation* and *Calumet Barge Terminal, Inc.*—Determination whether to Review Order of Discontinuance.

7. Docket No. 77–6—In Re Agreement Nos. 8210–29 and 9214–19; A/AA Modifications—Determination whether to Review Order of Discontinuance.

Portions closed to the public:

1. Sea-Land Service, Inc.—General Rate Increase in the U.S. South Atlantic/Puerto Rico Trade.

2. Sea-Land Service, Inc.—General Rate Increase in the U.S. North Atlantic/Puerto Rico, Canada/Puerto Rico, and East Coast/Virgin Islands Trades.

3. Docket No. 76–15—*Thomas P. Gonzalez* v. *Westfal-Larsen & Co., A/S*—Petition to Correct Final Order.

4. Docket No. 77–39—Latinvan, Inc., Freight Forwarder License No. 1660—Motion to Dismiss Order to Show Cause.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Assistant Secretary, 202–523–5727.

[S–1618–77 Filed 10–18–77;11:41 am]

[6750–01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, October 25, 1977.

PLACE: Room 432, 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 Meeting of October 18, 1977.

(2) Consideration of issuance of Investigational Resolution Authorizing Compulsory Process in a Part II Matter.

(3) Consideration of request for Formal Investigation and authorization to serve notice upon manufacturers, distributors, retailers and contractors of home insulation materials pursuant to section 205 of the Magnuson-Moss Warranty—FTC Improvement Act and for a resolution directing the use of compulsory process in an industry-wide investigation.

(4) Consideration of request for approval of an advertising substantiation round directed toward energy-related claims.

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of October 18, 1977.

(2) Consideration of Proposed Disposition of Respondent's Appeal from the Initial Decision in Docket No. 9059, Trans World Accounts et al.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202–523–3830; Recorded Message; 202–523–3806.

[S–1620–77 Filed 10–18–77;11:41 am]

[6750–01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Wednesday, October 26, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:
(1) Consideration of making additional disclosures of background information and minutes relating to open meetings.
(2) Consideration of status report on rulemaking under Title V, Part B, Section 324 of the Energy Policy and Conservation Act.
(3) Consideration of proposal to initiate a rulemaking proceeding regarding thermal insulation Program 114.
(4) Report from General Counsel on Congressional Matters

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message: 202–523–3806.

[S–1621–77 Filed 10–18–77;11:41 am]

[7030–01]

11

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 A.M., October 27, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public.

Docket 197, Nisqually.
Docket 206, Squaxin.
Docket 208, Steilacoom.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Tel 202–653–6174.

[S–1619–77 Filed 10–18–77;11:41 am]

[4910–58]

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND PLACE: 9:30 a.m., Thursday, October 27, 1977 (NM–77–35).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items on the agenda will be open to the public; the sixth item will be closed to the public.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report.*—Texas International Airlines, Inc., Stapleton International Airport, Denver, Colo., November 16, 1976.
2. *Aircraft Accident Report.*—Knob Hill, Inc., C–421, Nogales, Ariz., January 22, 1977.
3. *Marine Accident Report.—SS EDGAR QUEENY* and *S/T CORINTHOS* collision, explosion, and fire, near Marcus Hook, Pa., January 31, 1975.
4. *Letter* to State Governors urging consideration of Operation Lifesaver, a program to improve railroad/highway grade crossing safety.
5. *Brief of Accident*—Bellanca 8GCBC, N86981, Edwards, Miss., April 7, 1977.
6. *Opinion and Order*—Commandant, United States Coast Guard, v. Ogeron, Dkt. ME–63, disposition of appellant's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202–755–4930.

[S–1612–77 Filed 10–18–77;11:41 am]

[7590–01]

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: As noted.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

1. Meeting on New Mexico Uranium Mill Lawsuit (Closed—exemption 10) was rescheduled to 2:00 p.m., Thursday, October 13.

2. Discussion of Procedure for Processing User Office Research Requirements, scheduled approx. 11:00 a.m., Wednesday, October 19, will be a public meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

Dated October 13, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–616–77 Filed 10–18–77;10:41 am]

[8010–01]

14

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 55357, October 14, 1977.

CHANGES IN THE MEETING SCHEDULE:

The following item will be considered by the Commission at a closed meeting to be held on Monday, October 17, 1977, at 2 p.m.:

Regulatory matters bearing enforcement implications.

The following additional item will be considered by the Commission at the open meeting scheduled for Thursday, October 20, 1977, at 10 a.m.:

Proposed amendments to Regulation S–X concerning (1) the permanent exemption of mineral resource assets employed in oil and gas producing operations from Rule 3.17, replacement cost disclosures and (2) disclosure of information on the estimated future net revenues from proved oil and gas reserves.

Chairman Williams, Commissioners Evans and Karmel determined that Commission business determined consideration of these matters and that no earlier notice thereof was possible.

OCTOBER 17, 1977.

[S–1615–77 Filed 10–18–77;11:41 am]

[8240–01]

15

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: October 26, 1977, 9:00 a.m.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

PORTIONS CLOSED TO THE PUBLIC
(9:00 A.M.)

1. Consideration of internal personnel matters.

2. Review of ConRail proprietary and financial information for monitoring and investment purposes.

3. Review of Delaware & Hudson Railway Company proprietary and financial information for monitoring and investment purposes.

4. Review of Missouri-Kansas-Texas Railroad Company proprietary and financial information for monitoring and investment purposes.

5. Litigation Report.

PORTIONS OPEN TO THE PUBLIC

1:00 P.M.

6. Approval of minutes of the September 28, 1977 Board of Directors meeting.

7. Election of President.

8. Consideration of resolution establishing Audit Committee.

9. Establishment of future Board of Directors schedule.

10. Report on ConRail Monitoring.

11. Discussion of Methodology for evaluating ConRail financial requirements.

12. Report on Delaware and Hudson Monitoring.

13. Report on Missouri-Kansas-Texas Railroad Monitoring.

14. Consideration of ConRail Drawdown Request for November–December 1977.

15. Status of Section 211(h) Loans to ConRail.

16. Budget Developments.

17. 1977 Fiscal Year End Financial Statements.

18. Litigation Report.

19. Contract Actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202–426–4250.

[S–1608–77 Filed 10–17–77;3:37 pm]

[7590–01]

16

NUCLEAR REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 55518, October 17, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Week of October 17, 1977.

CHANGES IN THE MEETINGS: Meetings for Wednesday, October 19 have been revised as follows:

WEDNESDAY, OCTOBER 19

11:00 a.m. (approximately)—Discussion of Procedure for Processing User Office Research Requirements (approximately 1 hour) (Closed—Tentative) (Meeting is Cancelled; may be rescheduled at a later date).

4:05 p.m. (approximately)—Review of ALAB–425 (EXXON) (5 minutes) (Public Meeting) (Meeting is Canceled).

CONTACT FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

Dated at Washington, D.C. this 18th day of October, 1977.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S–1624–77 Filed 10–18–77;3:12 pm]

federal register

THURSDAY, OCTOBER 20, 1977
PART II

GENERAL SERVICES ADMINISTRATION

■

UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

[6820–24]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H–108]

UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This final rule amends certain GSA regulations concerning utilization and disposal of personal property. The changes are necessary to comply with Pub. L. 94–519.

EFFECTIVE DATE: October 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait (703–557–1914), Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406.

SUPPLEMENTARY INFORMATION: This regulation revises and reissues Part 101–44 and changes portions of Subparts 101–43.3, 101–43.5, 101–43.6, and 101–45.5 of Title 41, Code of Federal Regulations. The regulation implements certain provisions of Pub. L. 94–519, approved October 17, 1976, 90 Stat. 2451, which amended the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public and for other purposes. This amendment takes the necesssary action to amend the FPMR accordingly.

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

The table of contents for Part 101-43 is amended by adding or revising the following entries.

Sec.

101–43.319	Use of excess property on cost-reimbursement type contracts.
101–43.320	Use of excess property on grants.
101–43.321	Certification of non-Federal agency screeners.
101–43.503	Holding agency responsibilities.

Subparts 101–43.6—101–43.46—[Reserved]

Subpart 101–43.47—Reports

101–43.4700	Scope of subpart.
101–43.4701	Performance reports.
101–43.4902–2946	GSA Form 2946, Screener's Identification.

Subpart 101–43.3—Utilization of Excess

1. Section 101–43.319 is revised as follows:

§ 101–43.319 Use of excess property on cost-reimbursement type contracts.

(a) Executive agencies are responsible under § 101–43.302 for fulfilling requirements for property, including requirements of cost-reimbursement type contractors, by transferring to and obtaining from other Federal agencies excess personal property. The use of excess personal property shall be considered by Federal agencies in their cost-reimbursement type contracts. For the purpose of this section, the term "cost-reimbursement type contract" means a contract providing for payment to the contract of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract.

(b) It is the responsibility of all agencies to achieve their program objectives at the least possible cost. Excess personal property can be used to reduce the Government's contract costs and shall be considered for that use whenever possible. Excess personal property may be furnished to a cost-reimbursement type contractor with the approval of an authorized Federal official provided a determination is made by the contracting Federal agency that the acquisition will result in a reduction in the cost to the Government of the contract. This provision is subject to the annual reporting requirements of § 101–43.4701(c). Transfer orders for excess personal property must be executed by a duly authorized official of the contracting agency.

(c) Excess personal property is transferred from one Federal agency to another Federal agency as provided in § 101–43.315–5. The receiving Federal agency may furnish the property to its cost-reimbursement type contractor as Government-furnished property, but title normally remains vested in the Government. Federal agencies, when drawing up contract documents, shall ensure that appropriate provisions are included therein to accommodate the furnishing of excess personal property to cost-reimbursement type contractors. The system of accountability for such property shall be in accordance with contractual and agency procedures, and records shall be subject to audit by an internal audit group of the contracting Federal agency. In addition, the records shall be made available to the General Accounting Office upon request. The contract shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(d) Upon completion or termination of the contract in whole or in part, Government-furnished personal property acquired from excess sources and no longer needed for the contract shall be reassigned, as far as practicable, to other cost-reimbursement type contracts or contractors or to other activities of the contracting Federal agency, except consumable property which has been expended. If no reassignment is made and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contractor inventory, it shall be reported to GSA by the contracting Federal agency for possible further Government use, as provided in § 101–43.311 unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be handled as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the contractor until transfer, donation, or disposal instructions are received. Contracting agencies shall have published procedures which clearly delineate the obligations of contractors with respect to the use and consumption or return to Government custody of property acquired from excess sources.

(e) Generally, title to excess property furnished to a contractor by a Federal agency remains vested in the Government; however, certain Federal agencies have specific statutory authority to vest title in contractors under certain circumstances. When competing Federal claims are made for particular items of excess personal property, with or without payment of reimbursement, GSA will give preference to the Federal agency that will retain title in the Government.

2. Section 101–43.320 is revised as follows:

§ 101–43.320 Use of excess property on grants.

(a) Federal agencies may obtain excess personal property for the purpose of furnishing such property to agency grantees only when the non-Federal recipient is an institution or organization which is the holder of a federally sponsored project grant and which is a public agency as defined in § 101–44.001–10 or is nonprofit and exempt from taxation under section 501 of the Internal Revenue Code of 1954. For the purpose of this section, the term "project grants" means grants made for specific purposes with specific termination dates.

(b) Excess personal property is transferred between Federal agencies as provided in § 101–43.315–5 and may be furnished to project grantees: *Provided*, That authorization for the grantee to use excess property is contained in the grant document; a written determination is made by the sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the grant or an enhancement of the product or the benefit from the grant; the property will not be stockpiled by the grantee but will be placed into use within a reasonable period of time following acquisition as directed in writing by the granting agency; and the transfer is approved by an authorized Federal official of the granting agency. Transfers to grantees include excess property reported to the General Services Administration in accordance with § 101–43.311; property excepted from the reporting requirements of § 101–43.311; and otherwise reportable property which, prior to reporting as required in § 101–43.311, is transferred directly between Federal agencies to fill a known need. Transfers to grantees are further subject to the following conditions:

(1) A Federal agency may obtain excess personal property for transfer to a project grantee: *Provided*, The sponsoring Federal agency pays an amount equal to 25 percent of the original acquisition

cost (except for costs of care and handling) of the property, such funds to be deposited into the U.S. Treasury as miscellaneous receipts. Property obtained by a Federal agency from excess sources for other purposes shall not subsequently be furnished to a grantee unless the granting agency pays an amount equal to 25 percent of the original acquisition cost and deposits such payment into the U.S. Treasury as miscellaneous receipts. Title to excess property so furnished shall vest in the grantee and shall be accounted for and disposed of in accordance with Office of Management and Budget Circular A–102 procedures that are established by the granting agency governing the accountability of personal property acquired under the grant agreement.

(2) The provisions of subparagraph (1), above, shall not apply to the following:

(i) Excess personal property transferred under section 608 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2358), when and to the extent that property to be transferred under that act is not needed for donation pursuant to the provisions of Subparts 101–44.2 and 101–44.4 as determined by GSA;

(ii) Excess personal property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a) through the U.S. Forest Service in connection with cooperative State forest fire control programs; *Provided,* That title to such property is retained in the Government;

(iii) Excess personal property furnished by Federal agencies in connection with grants to Indian tribes, as defined in section 3(c) of the Indian Financing Act (25 U.S.C. 1452(c)) as eligible for services from the Department of the Interior, Bureau of Indian Affairs (Title to this property shall remain vested in the Government unless the title is vested pursuant to specific statutory authority.); and

(iv) Excess scientific equipment transferred pursuant to section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will consider items of personal property as scientific equipment for transfer without reimbursement to the National Science Foundation for use by a project grantee when the property requested has a unit acquisition cost of $1,000 or more and is within Federal Supply Classification Groups 14 (Guided Missiles), 43 (Pumps and Compressors), 48 (Valves), 58 (Communication, Detection, and Coherent Radiation Equipment), 59 (Electrical and Electronic Equipment Components), 66 (Instruments and Laboratory Equipment), 67 (Photographic Equipment), 70 (General Purpose Automatic Data Processing Equipment, Software, Supplies, and Support Equipment), or 74 (Office Machines and Visible Record Equipment). Automatic data processing equipment, as defined in § 101–32.301, must be acquired under the provisions of Subpart 101–32.3 and § 101–32.4702. GSA will give consideration to the transfer without reimbursement of items of excess property in other Federal supply classification groups, and items with a unit acquisition cost of less than $1,000, when the National Science Foundation certifies that the item requested is a component part of or related to a piece of scientific equipment or is an otherwise difficult to acquire item needed for scientific research. Items of property determined by GSA to be common-use or general purpose property, regardless of classification or unit acquisition cost, shall not be transferred to the National Science Foundation for use by a project grantee without reimbursement.

(3) The exceptions listed in subparagraph (2), above, shall not preclude any Federal agency from obtaining excess personal property and furnishing it to a project grantee of that agency under the provisions of subparagraph (1) of this paragraph.

(c) To ensure that all excess personal property transferred to project grantees is for the specific purpose authorized by the grantor agency, all transfer orders submitted to GSA for excess personal property to be made available to project grantees shall be signed by the agency accountable officer and shall state the name of the project grantee, the grant number, and the scheduled date of grant termination. The transfer order also shall specify the purpose of the transfer and affirm that the transfer of the property is requested for use by a project grantee in accordance with provisions of this Part 101–43. In cases in which reimbursement is required, the transfer order shall state the amount of reimbursement to be made for deposit in the U.S. Treasury as miscellaneous receipts. Upon receipt of the property, the grantor agency shall ensure that payment of 25 percent of the original acquisition cost (except for costs of care and handling) is made by the grantor agency to the U.S. Treasury and that a copy of the deposit document is furnished to the holding agency in accordance with the procedures in § 101–43.317–2.

(d) With the exception of consumable items and within the limitations of § 101–43.320(b)(2)(iv), Federal grantor agencies may make available to their project grantees excess personal property that is determined by the granting agency to be necessary and usable for the purposes of the grant. Requests for transfer of a consumable item to a Federal agency for use by a project grantee will be considered by GSA provided adequate justification accompanies such requests. For the purpose of this section, the term "consumable items" means those items which are intended for one-time use and are actually consumed in that one time; e.g., drugs, medicines, surgical dressings, cleaning and preserving materials, and fuels. When a question arises regarding the consumability of an item of excess personal property for transfer to a project grantee, final determination shall rest with the appropriate GSA regional office. Excess personal property may be transferred to a project grantee for the purpose of cannibalization: *Provided,* The granting Federal agency accompanies the transfer request with a supporting statement which clearly indicates that disassembly of the requested item for secondary use of its component parts, or for repair and maintenance of a similar item, has greater potential benefit than utilization of the item in its existing form and that a clear cost savings to the Government will result, subject to final determination by GSA. When circumstances warrant, agencies may set economic quantities for orders processed or set minimum life expectancies for excess personal property made available to grantees.

(e) To help ensure a more equitable distribution of property among project grantees, Federal grantor agencies shall limit the amount of excess personal property (in terms of original acquisition cost) transferred to a project grantee to the dollar value of the grant. Any higher percentage of excess personal property transferred to a project grantee shall be subject to approval by an official at an administrative level in the Federal agency higher than the project officer administering the grant. It is expected that agencies will give full consideration to all factors in determining whether to approve or disapprove transfers to grantees of excess personal property above the dollar value of the grant. Pro forma approvals or disapprovals are inconsistent with the purpose of this regulation. The grantor agency shall ensure compliance with the provisions of this § 101–43.320. Limits on the value of excess personal property and/or material grants consisting of excess personal property used in lieu of financial support below the dollar value of the grant may be authorized by Federal grantor agencies but shall be justified and documented in the grant file.

(f) The system of accountability for excess personal property furnished for use by a project grantee shall be in accordance with agency procedures, and records will be subject to audit by an internal audit group of the granting Federal agency and shall be made available to the General Accounting Office upon request. Federal grantor agencies shall include the following information in their grants recordkeeping systems: Total original acquisition cost of property furnished for use by all project grantees; original acquisition cost of each item furnished for use by each project grantee; date of grant termination; dollar value of the grant; and original acquisition cost of property furnished expressed as a percentage of the total dollar value of the grant.

(g) Each Federal grantor agency shall develop and maintain an effective system for the prevention or detection of situations involving the nonuse, improper use, or unauthorized disposal or destruction of excess personal property furnished to grantees, whether or not title to that property is vested in the grantee. This responsibility shall include compliance reviews, field inspections, audits, and other enforcement procedures to monitor the excess personal property being used by its grantees. Each grantor agency shall publish procedures

which clearly outline the scope of its surveillance program and which specify the policies and methods for the enforcement of its compliance responsibilities, including the frequency of scheduling of audits, reviews, and field inspections, and for the correction of abuses with respect to excess personal property furnished to project grantees. Upon request, and as a prior condition of approval of the transfer of excess personal property for use by project grantees, the grantor agency shall furnish GSA with copies of its published surveillance procedures and its grantee recordkeeping system as provided in this § 101.43.320(g).

(h) Except when title is vested in the grantee, Federal agencies, upon termination of a grant in whole or in part, shall reassign Government-furnished property as far as practicable to other activities of the grantor Federal agency. If reassignment is not made, the property shall be reported to GSA by the grantor Federal agency for potential further Government use as provided in § 101–43.311, or § 101–32.4702 for automatic data processing equipment, unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be processed as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the grantee until transfer, donation, or disposal instructions are received. Grantor agencies shall publish procedures which clearly delineate the obligations of grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

(i) When competing Federal claims are made for particular items of excess personal property, with or without payment of reimbursement, GSA will give preference to the Federal agency that will retain title in the Government.

3. Section 101–43.321 is added as follows:

§ 101–43.321 Certification of non-Federal agency screeners.

(a) For the purposes of minimizing delays in screening excess personal property at holding activities and to make property available quickly and efficiently, all non-Federal agency screeners shall be subject to certification by Federal authority.

(b) The sponsoring Federal agency recommending the designation of a non-Federal agency screener shall prepare a request covering each designation and forward it for evaluation and approval to the appropriate GSA regional office serving the region in which the intended screener is located. (See § 101–43.4802 for regional offices, addresses, and assigned areas.) The request shall state the applicant's qualifications to screen excess personal property; indicate the name, number, and termination date of the specific project to which the screener is to be assigned; and list the Federal installations which the sponsoring Federal agency wishes the applicant to visit. Since GSA certification of screeners will be made on a regional basis, the list of installations shall be limited to those located within the boundaries of the GSA region in which the screener is located. Requests by sponsoring Federal agencies for screeners to visit holding activities located in a GSA region other than the region in which the screener is located shall be a matter of separate handling by GSA, and any such requests will require special approval by the involved GSA officials. Requests for approval of such interregional visits shall include the name of the installation(s) and the specific reason for the visit. Information shall also be included as to whether similar requests for interregional visits have been sent to other GSA regional offices. The request shall be forwarded to the GSA regional office representative serving the region in which the screener is located. The GSA representative will coordinate the request with the regional office in which the installation is located and inform the requestor of the action taken on the request.

(c) Sponsoring Federal agencies shall accompany each non-Federal agency screener request with GSA Form 2946, Screener's Identification (illustrated at § 101–43.4902–2946). GSA Forms 2946 must contain the typed names of both the screener's organization and the sponsoring Federal agency, the signature of the sponsoring Federal agency official, the typed name and signature of the proposed non-Federal agency screener, and an affixed passport-style photograph of the screener.

(d) GSA regional offices are responsible for processing the sponsoring Federal agency request for certification of the non-Federal agency screener. Following review, the GSA regional office, if the request is approved, will complete the GSA Form 2946 and return it to the sponsoring Federal agency for issuance to the screener. The GSA Form 2946 shall provide for an expiration date coinciding with the expiration or termination of the specific project. Whenever the services of an approved non-Federal agency screener are discontinued, the sponsoring Federal agency shall recover the GSA Form 2946 and forward it to the validating GSA regional office for cancellation. Each sponsoring Federal agency shall be responsible for maintaining a record of the number of certified screeners operating under its authority and shall immediately notify the GSA regional office of any changes in screening assignments.

(e) Each non-Federal agency representative of a Federal agency physically screening property at holding installations for the purpose of selecting property for transfer shall possess a GSA Form 2946 validated by GSA as provided in this § 101–43.321. However, non-Federal personnel visiting holding activities in order to participate in onsite screenings or for the purpose of technical inspection, evaluation, and/or removal of specific property previously selected or approved by GSA for transfer shall not be required to possess a GSA Form 2946.

Subpart 101–43.5—Utilization of Foreign Excess Personal Property

1. Section 101–43.503 is revised and retitled as follows:

§ 101–43.503 Holding agency responsibilities.

(a) Prior to any sale, exchange, or lease, or donation of medical materials or supplies pursuant to the provisions of section 402 (a) or (b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), it is the responsibility of the head of each executive agency holding foreign excess personal property, or of the Administrator of General Services after consultation with that agency head, to determine whether it is in the interest of the United States to return foreign excess personal property from overseas for further Federal use or for donation as prescribed in Subpart 101–44.3. In exercising this authority, full consideration shall be given to the continuing and significant needs for excess and surplus equipment and supplies by Federal agencies and donee institutions and organizations. Therefore, Federal agencies are encouraged to make their foreign excess personal property available to GSA for selection and return to the United States for further Federal use or for donation to the maximum extent possible consistent with the national interest.

(b) Before making foreign excess personal property available for return to the United States for further Federal use or for donation as prescribed in § 101–43.503(a) and in Subpart 101–44.3, the holding agency may make such property available for use by recipients in authorized overseas programs. At the request of Federal activities, GSA will assist in locating and acquiring foreign excess personal property for their overseas programs.

2. Section 101–43.504 is amended as follows:

§ 101–43.504 Screening and selection.

(a) GSA onsite representatives located in designated overseas locations will screen, on behalf of Federal agencies and donees for return and use in the United States, foreign excess personal property made available for such purposes. The property shall be made available by the holding or reporting agency, including the Defense Property Disposal Service (DPDS) and the Defense European and Pacific Redistribution Activity (DEPRA), for screening for a period of not less than 10 days unless otherwise agreed to by the holding or reporting agency and GSA.

(b) Property identified by the GSA onsite representatives as having potential for further Federal agency use or for donation shall be designated for return to the United States. Through its onsite representatives or other means, GSA will arrange for shipment (including containerized loads). GSA initially may pay the actual costs incurred and billed in the packing, crating, handling, and transporting of foreign excess property

to GSA facilities in the United States.

(c) Care will be exercised by the GSA onsite representatives inthe selection of property to ensure that it is economical to return the property to the United States for Federal use. Full consideration will be given by GSA onsite representatives to transportation and accessorial costs in determining whether property will be returned. Each GSA onsite representative is furnished a consolidated want list of personal property items identified by Federal supply classification. This want list, developed from needs registered by Federal agencies with GSA regional offices, will be used by the GSA onsite representative as a guide in selecting personal property for return to the United States. Available items which are not on the want list will not be selected by GSA onsite representatives for return to the United States without prior coordination with the overseas property officer in the appropriate regional office.

* * * * *

3. Section 101–43.508 is revised as follows:

§ 101–43.508 Donation availability.

Foreign excess personal property made available for return to the United States under this subpart, if not required for further Federal use as determined by GSA, shall be made available for donation in accordance with Subpart 101–44.3.

Subparts 101–43.6—101–43.46—[Reserved]

Subpart 101–43.47 is added as follows:

Subpart 101–43.47—Reports

§ 101–43.4700 Scope of subpart.

This subpart prescribes the requirements for reporting to GSA on matters pertaining to the general area of utilization and disposal of personal property.

§ 101–43.4701 Performance reports.

(a) An annual report of the utilization of domestic excess personal property shall be submitted in duplicate to GSA within 60 calendar days after the close of each fiscal year, using Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Interagency report control number 0015–GSA–AN has been assigned to this report in accordance with Subpart 101–11.11. Section 101–43.4901–121 illustrates SF 121, and § 101–43.4901–121–1 provides instructions for its use.

(b) An annual report of the utilization of foreign excess property shall be submitted in duplicate to the President of the United States Senate and to the Speaker of the United States House of Representatives, within 90 days after the close of each fiscal year, using Standard Form 365, Annual Report of Disposal of Foreign Excess Property. Interagency report control number 1526–GSA–AN has been assigned to this report in accordance with Subpart 101–11.11. Section 101–43.4901–365 illustrates SF 365 and provides instructions for its use.

(c) In accordance with section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), an annual report, in letter form, of personal property obtained as excess property or as property not excess to the owning agency but determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished in any manner whatsoever within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa to any recipient other than a Federal agency, shall be submitted by each executive agency to the General Services Administration (FW), Washington, D.C. 20406, within 90 calendar days after the close of each fiscal year. The report shall include only those items furnished non-Federal recipients during the fiscal year being reported. Interagency report control number 0154–GSA–AN has been assigned to this report in accordance with Subpart 101–11.11. Negative reports are required.

(1) The report shall reference FPMR 101–43.4701(c) and shall provide the following data:

(i) The name and address of each recipient;

(ii) The status of each recipient; i.e., cost-reimbursement type contractor, fixed-price type contractor, project grantee, etc. (If the recipient acquired Federal personal property of the types specified in this § 101–43.4701(c) under two or more arrangements; e.g., cost-reimbursement type contract and project grant, each arrangement shall be specified in the report.); and

(iii) The total original acquisition cost of all property furnished to each recipient identified by each applicable two-digit Federal supply classification group.

(2) The Administrator will submit a report to the Senate and to the House of Representatives summarizing and analyzing the reports of the executive agencies.

Subpart 101–43.49—Illustrations of Forms

1. Section 101–43.4901–121 is revised to illustrate the October 1977 edition of Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property, as follows:

§ 101–43.4901–121 Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property.

2. Section 101–43.4902–2946 is revised to illustrate the October 1977 edition of GSA Form 2946 and to change the caption to read as follows:

§ 101–43.4902–2946 GSA Form 2946, Screener's Identification.

NOTE.—The forms illustrated in Part 101–43 are filed as part of the original document and do not appear in the FEDERAL REGISTER.

PART 101–44—DONATION OF PERSONAL PROPERTY

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101-44.901 Condemned or obsolete material.
101-44.902 Obsolete, condemned, or captured vessels.
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Subparts 101-44.10—101-44.46—[Reserved]

Subpart 101-44.47—Reports

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Subpart 101-44.48—[Reserved]

Subpart 101-44.49—Illustrations of Forms

101-44.4900 Scope of subpart.
101-44.4901 Standard forms.
101-44.4901-123 Standard Form 123, Transfer Order Surplus Personal Property.
101-44.4901-123-A Standard Form 123-A, Transfer Order Surplus Personal Property (Continuation sheet).
101-44.4901-123-1 Instructions for preparing and processing Standard Form 123.
101-44.4902 GSA forms.
101-44.4902-3040 GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property.
101-44.4902-3040-1 Instructions for preparing GSA Form 3040.

Part 101-44 is revised to read as follows:

PART 101-44—DONATION OF PERSONAL PROPERTY

§ 101-44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the donation of foreign excess personal property designated for return to the United States.

§ 101-44.001 Definitions of terms.

For the purposes of this Part 101-44 the following terms shall have the meanings set forth in this section.

§ 101-44.001-1 Agricultural commodity.

"Agricultural commodity" means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

§ 101-44.001-2 [Reserved]

§ 101-44.001-3 Donable property.

"Donable property" means surplus property under the control of an executive agency (including surplus personal property in working capital funds established under 10 U.S.C. 2208 or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services;

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling to assist him in carrying out his responsibilities with respect to price support or stabilization;

(c) Property in trust funds; or

(d) Nonappropriated fund property.

§ 101-44.001-4 Donee.

"Donee" means a service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; a public agency using surplus personal property in carrying out or promoting for the residents of a given political area one or more public purposes such as conservation, economic development, education, parks and recreation, public health, and public safety, acting by and through a State agency; an eligible nonprofit educational or public health institution or organization, acting by and through a State agency; the American National Red Cross; a public body; or an eleemosynary institution.

§ 101-44.001-5 [Reserved]

§ 101-44.001-6 Local government.

"Local government" means a government, or administration of a locality, within a State or a possession of the United States.

§ 101-44.001-7 [Reserved]

§ 101-44.001-8 Motor vehicle.

"Motor vehicle" means a conveyance, self-propelled or drawn by mechanical power, designed to be principally operated on the streets and highways in the transportation of property or passengers.

§ 101-44.001-9 No commercial value.

"No commercial value" means personal property which is not usable and cannot economically be rehabilitated for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

§ 101-44.001-10 Public agency.

"Public agency" means any State; political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

§ 101-44.001-11 Public body.

"Public body" means any State, territory, or possession of the United States; any political subdivision thereof; the District of Columbia; the Commonwealth of Puerto Rico; any agency or instrumentality of any of the foregoing; any Indian tribe; or any agency of the Federal Government.

§ 101-44.001-12 Service educational activity.

"Service educational activity" means any educational activity designated by the Secretary of Defense as being of special interest to the armed services; e.g., maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

§ 101-44.001-13 State.

"State" means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

§ 101-44.001-14 State agency.

"State agency" means the agency in each State designated under State law as responsible for the fair and equitable distribution within the State of all donations of surplus property to public agencies to be used for one or more public purposes such as conservation, economic development, education, parks and recreation, public health, and public safety, and to eligible nonprofit educational and public health institutions and organizations for educational and public health purposes, including research for any

such purposes. The State agency, defined herein, is generally titled or designated as the State Agency for Federal Property Assistance and may be identified as such.

§ 101–44.001–15 [Reserved].

Subpart 101–44.1—General Provisions

§ 101–44.101 Withdrawal of donable property.

Surplus personal property set aside for donation or approved for donation may be withdrawn for use by the holding agency, or for transfer to a Federal agency (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act), with the prior approval of GSA: *Provided,* That holding activities may withdraw such property to meet their essential valid requirements without this prior approval only in emergency situations requiring immediate action. The appropriate GSA regional office shall be immediately notified of any such actions. The State agency or donee which made application for donation of the property will be advised by the GSA regional office at the time a withdrawal is approved.

§ 101–44.102 Cooperation of holding agencies.

Holding agencies shall cooperate fully with all agencies and their duly accredited representatives authorized to participate in the donation program in locating, screening, and inspecting surplus personal property for donation. Upon reasonable request, holding agencies shall make available to these agencies or their representatives complete information regarding the quantity, description, condition, and location of donable property in their inventories. Holding agencies, however, need not prepare nor mail reports or listings not otherwise required by their procedures.

§ 101–44.103 Care and handling pending donation.

Pending donation, each holding agency shall be responsible for performing, and bearing the cost for, the care and handling of its property.

§ 101–44.104 Costs incurred incident to donation.

Direct costs incident to donation shall be borne by the State agency or the designated donee. Overhead or administrative costs or charges shall not be included. Only direct costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency. Where such costs are incurred they shall be reimbursed promptly by the State agency or designated donee upon appropriate billing, unless the holding agency waives the amount involved as being uneconomical or impractical to collect. For example, collections of amounts of less than $100 for any single shipment would appear uneconomical. Payment of all transportation costs shall be borne by the State agency or the designated donee.

§ 101–44.105 Assistance in major disaster relief.

(a) For the purposes of this section, the following terms shall have the meanings set forth in this section:

(1) "Emergency" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health, and safety or to avert or lessen the threat of a disaster.

(2) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance (pursuant to the Disaster Relief Act of 1974 (Pub. L. 93–288)) above and beyond regular emergency services provided by the Federal Government, to supplement the efforts and available resources of States and local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or the Trust Territory of the Pacific Islands.

(5) "Governor" means the chief executive of any State.

(6) "Local government" means (i) any county, city, village, town, district; or other political subdivision of any State; any Indian tribe or authorized tribal organization; or Alaska native village or organization, or (ii) any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(7) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

(b) The Disaster Relief Act of 1974 (Pub. L. 93–288) authorizes Federal assistance to States, local governments, and relief organizations. Upon declaration by the President of an emergency or a major disaster, Pub. L. 93–288 is usually invoked upon notification to Federal agencies and States by the Federal Disaster Assistance Administration (FDAA), Department of Housing and Urban Development, pursuant to Executive Order 11795 (July 11, 1974).

(c) Surplus personal property may be donated to States for use or distribution in connection with emergency or major disaster assistance purposes. Such use may include among other things the restoration of public facilities which have been damaged as well as the essential rehabilitation of individuals in need of major disaster assistance. All donations of surplus personal property for major disaster assistance require the prior approval of GSA, except where property already approved for donation is donated to eligible donees.

(d) When a major disaster or emergency is declared, the Governor of the affected State will designate a State coordinating officer to coordinate State and local disaster assistance efforts with those of the Federal Government. That same agency or official will also be the point of contact with FDAA.

(e) When Federal surplus property in the custody of a State agency is requested by the designated State official and certified by FDAA as being usable and needed, the State agency will release the property to the authorized State official.

(f) Reimbursement to the State agency releasing surplus property for disaster assistance will be made by the State receiving the property. If reimbursement is sought, the State agency should coordinate and make arrangements with the State official in charge of disaster relief for reimbursement for services provided. In addition to services rendered, State agencies are entitled to reimbursement of documented expenses originally incurred in the care and handling of the property, including the screening, transporting, and receipt of property made available for disaster relief.

(g) Property previously obtained from or through the State agency for disaster relief purposes, and not used or no longer required, shall be returned to the State agency. Such property received by the State agency will be accounted for and disposed of in the same manner as any other property approved for donation under normal circumstances.

(h) Federal assistance under the Disaster Relief Act of 1974 is terminated upon notice to the Governor of the State by the Administrator, Office of Federal Disaster Assistance Administration, or at the expiration of time periods prescribed in FDAA regulations, whichever occurs first.

§ 101–44.106 Expedited onsite donation screening.

(a) *General.* To expedite donation, surplus property may be made available on a case-by-case basis for onsite screening. Onsite screenings by GSA regional offices should be considered when the accumulation at military or civil agency activities and the types and kinds of property available indicate that a concentrated and expeditious screening may be the most economical and efficient method of accomplishing donation screening. Also, when base closure is in-

volved or holding agencies are faced with serious storage problems, onsite screening should be considered.

(b) *Scheduling of screening.* The GSA regional office will contact the holding agency not later than 15 days before the date the onsite screening is scheduled to start so that all necessary arrangements can be coordinated and agreed upon. Onsite screening generally should be scheduled to begin when the property becomes surplus, after the end of the utilization screening period. If time will not permit separate screening, concurrent screening may be scheduled with Federal, State, and donee representatives in attendance.

(c) *Participation.* GSA regional offices will arrange for the broadest possible representation by State agency representatives commensurate with the quantity and value of property available. Participation in these screening sessions is limited to State agency employees and representatives of eligible donees designated by the State agency to attend such sessions.

(d) *Screening.* Screening sessions shall be conducted as follows:

(1) The donation screening period should be limited to the specific dates established by the agreement for the particular location. Generally, a screening period of 5 workdays should be sufficient.

(2) The property selected for the screening session should be set aside in separate areas and properly identified by the holding activity to facilitate screening by the participants.

(3) GSA and State agency representatives should be present during all screening periods.

(4) The State agency representative shall prepare SF 123, Transfer Order Surplus Personal Property (illustrated at § 101–44.4901–123), at the site on a daily basis for the property selected. (The Office of Management and Budget Approval Number 29–RO167 has been assigned to this form.) Upon approval by the GSA representative, the holding activity shall release the property. Processing of donation documents shall be expedited to ensure that the property is removed at the end of each daily session to the maximum extent possible. Property shall not be released until the transfer is approved by the GSA representative, except in emergency situations as determined by GSA.

(5) When the onsite donation screening is conducted on a continuing day-to-day basis under procedures previously agreed to in writing between GSA, the holding agency, and the State agency concerned, the presence of authorized GSA and State agency representatives is not required. Arrangements may provide for processing the essential donation documents after the onsite screening and removal of the property.

§ 101–44.107 Donation of property withdrawn from sale.

Surplus personal property which is being offered for sale may be withdrawn and approved for donation: *Provided*, The property was not previously made available for donation or such action is not harmful to the sale, as jointly determined by GSA and the holding or selling agency. Withdrawal must be made before the award of such property. The State agency or donee requesting withdrawal of property from sale for purposes of donation shall submit the request to GSA for consideration and coordination with the selling agency. The request shall include a justification and a statement of whether the property had been available for screening during the authorized donation screening period.

§ 101–44.108 Donation of special categories of property.

The Administrator of General Services is authorized under section 203(j)(4) of the Federal Property and Administrative Services Act of 1949, as amended, as circumstances warrant, to impose appropriate conditions on the donation of property having characteristics that require special handling or use limitations. In exercising his discretion the Administrator may, on a case-by-case basis, prescribe additional restrictions covering the handling or use of such property.

§ 101–44.108–1 Drugs, biologicals, and reagents other than controlled substances; and certain shelf-life items.

(a) Surplus drugs, biologicals, and reagents which are in Federal Supply Class 6505 and which are not required to be destroyed as provided in § 101–45.505 may be donated to public agencies for authorized public purposes and to nonprofit health and educational institutions. When the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer such items for donation. Controlled substances (as defined in § 101–43.001–4) shall not be donated.

(1) When surplus drugs, biologicals, and reagents are considered for donation, a letter of clearance shall be obtained by the State agency or designated donee from the Food and Drug Administration (FDA) indicating which items may be safely donated. The State agency or designated donee shall obtain the letter of clearance and ensure that the letter accompanies the SF 123. Items which do not fall within the purview of FDA, or which FDA indicates are unsuitable, will not be considered by GSA for donation.

(2) For purposes of obtaining the letter of clearance from FDA, the State agency or designated donee shall be responsible for obtaining and providing samples of any item that is required. Any payment of costs for laboratory examinations for quality assurance of samples shall be arranged by the State agency. Before laboratory examinations are undertaken by FDA, an estimate of the expected cost of the quality assurance shall be furnished by FDA to the State agency.

(3) In addition, in the case of surplus drugs, biologicals, and reagents requested by a State agency, the SF 123 shall also contain a statement that (i) for any quantity of items approved for donation which is to be stored in a State agency warehouse prior to distribution, the State agency certifies that adequate facilities are available to effect full accountability and proper storage of the items in accordance with Federal, State, and local statutes governing the acquisition, storage, and accountability of the items requested; (ii) the facilities will be used for the protection of the items, including protection against theft and pilferage; (iii) the items will be distributed only to institutions licensed and authorized to administer and dispense items or to organizations authorized to store items; and (iv) in addition to the normal certifications required to be executed by responsible officials of donee institutions or organizations when property is acquired by donation, the State agency shall obtain a certification from the donee indicating that (A) the items transferred to the donee institution or organization will be safeguarded, dispensed, and administered under competent supervision; (B) adequate facilities are available to effect full accountability and proper storage of the items in accordance with Federal, State, and local statutes governing their acquisition, storage, and accountability; and (C) the administration or use of the items requested will comply with the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301–392).

(b) Shelf-life items determined to be surplus in accordance with § 101–43.313–9(i) shall be made available for donation screening for authorized public purposes, for nonprofit health and educational institutions, and for public airport purposes, pursuant to the provisions of § 101–44.109. Prior to donation, drugs, biologicals, and reagents other than controlled substances, except those requiring refrigeration or deep freeze and those which are excepted from the provisions of § 101–43.313–9, shall be processed as provided in this § 101–44.108–1.

(c) Medical materials and medical supplies held for national emergency purposes and determined to be surplus in accordance with § 101–43.313–10(g) shall be made available for donation screening for authorized public purposes, for nonprofit health and educational institutions, and for public airport purposes, pursuant to the provisions of § 101–44.109. Prior to donation, drugs, biologicals, and reagents which are not required to be destroyed as provided in § 101–45.505 shall be processed as provided in this § 101–44.108–1.

§ 101–44.108–2 Donation of aircraft.

This section provides procedures and conditions for the donation of aircraft which are not classified for reasons of national security and after removal of lethal characteristics. The requirements of this paragraph apply to the donation of any fixed- or rotary-wing aircraft with a unit acquisition cost of $3,000 or more but do not apply to any components, accessories, parts, or appurte-

nances thereof. Combat-type aircraft shall not be donated for flight use.

(a) *Plan of utilizaion.* To assist GSA in the allocation and transfer of available surplus aircraft, each SF 123 submitted to GSA for donation of an aircraft covered by this § 101–44.108–2 shall include a letter of intent, signed and dated by the authorized representative of the proposed donee, setting forth a detailed plan of utilization for the property. The letter of intent shall provide the following information:

(1) Description of the aircraft requested, including the type, model or size, and the serial number, if it is known;

(2) Description of the donee's program and the number and types of aircraft currently owned; and

(3) Whether the aircraft is to be used for flight purposes or nonflight purposes (including ground instruction or simulation use), and details of the planned utilization of the property. When the aircraft is requested for cannibalization (recovery of parts and components), the letter of intent should provide details.

(b) *Donations of aircraft to public agencies and nonprofit educational and public health activities.* (1) For the donation of an aircraft to a donee eligible in accordance with the provisions of Subpart 101–44.2, the SF 123 and the donee's letter of intent shall be processed by and through the State agency for the State in which the donee is located and submitted to GSA for approval.

(2) The State agency shall require the following use conditions on the donation of aircraft to be used for flight purposes:

(i) The aircraft shall be used solely in accordance with the plan of utilization set forth in the donee's letter of intent unless the State agency, in writing, authorizes a change in the donee's plan of utilization; and

(ii) The donee shall agree to apply to the Federal Aviation Administration (FAA) for registration of an aircraft intended for flight use within 30 days of receipt of the aircraft.

(3) In the case of combat-type aircraft, as designated by DOD:

(i) The State agency shall impose restrictions on the use of the property which shall be in perpetuity and shall not be released by the State agency without the prior approval of GSA.

(ii) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, or cannibalize for parts unless provided for in the donee's plan of utilization, or otherwise dispose of the aircraft or parts thereof without the prior written approval of GSA.

(4) When a combat-type aircraft is no longer usable or further needed by the donee, the donee shall promptly notify the State agency and:

(i) Release the aircraft to another donee as determined by the State agency. (The transfer shall be subject to the same use conditions as required herein.);

(ii) Release the aircraft to a department or agency of the United States as determined by GSA;

(iii) Sell the aircraft as determined by GSA; or

(iv) Render the aircraft completely unfit for any purpose except for the recovery of its basic material content as determined by GSA, the same to be performed in a manner satisfactory to the State agency, and the material content to be disposed of in accordance with the instructions of the State agency.

(5) When a combat-type aircraft is disposed of by the donee without the prior written approval of GSA or is used for a purpose other than the purpose stated, the donee, at the option of GSA, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft at the time of the unauthorized transaction or use, as determined by GSA.

(6) In the event of a breach by the donee of any of the above conditions pertaining to a combat-type aircraft, whether caused by the legal inability of the donee or its successor in function to perform said conditions or otherwise, all rights, title, and interest in and to the aircraft shall, at the option of GSA, revert to and become the property of the United States of America, and the donee or its successors or assigns shall forfeit all of its or their rights, title, and interest in and to the aircraft.

(7) In the case of any noncombat aircraft donated for nonflight use, the State agency shall acquire and destroy the aircraft historical modification records and the manufacturer's aircraft data plate, and shall so certify in writing to FAA at the following address: Chief, Quality Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

(8) The State agency may impose other terms, conditions, reservations, or restrictions on the use of aircraft donated under this § 101–44.108–2 which are not inconsistent with the conditions set forth in §§ 101–44.108–2(b)(2) and 101–44.208.

(9) In the case of combat-type aircraft, the State agency shall not grant waivers, amendments, modifications, or releases to the conditions required to be imposed by GSA on the use of the property nor issue disposal instructions to the donee for the aircraft without the prior written concurrence of GSA.

(10) Any breach by the donee of any conditions imposed by GSA on the donation of any aircraft shall be reported immediately by the State agency to GSA.

(c) *Donations of aircraft to service educational activities.* (1) Donation of a surplus Department of Defense (DOD) aircraft to a donee eligible in accordance with the provisions of Subpart 101–44.4 shall be made in accordance with the terms of the individual donation agreement executed by DOD and the service educational activity. The SF 123 with any additional required documentation specified shall be submitted for approval to the appropriate GSA regional office.

(2) Surplus DOD aircraft which have been demilitarized may be approved for donation by GSA to service educational activities for nonflight use, for static display, or for ground instruction and simulation purposes.

(3) Surplus DOD noncombat and commercial-type aircraft may be approved for donation by GSA at the request of DOD for flight purposes by service educational activities subject to the following use conditions and agreements which DOD shall require of the donee:

(i) The aircraft shall be used solely in connection with the plan of utilization set forth in the donee's letter of intent unless DOD authorizes a change in writing to the donee's plan of utilization.

(ii) The donee shall apply to FAA for registration within 30 days of receipt of the aircraft.

(iii) The donee shall return the aircraft, at its expense, to the nearest DOD disposal activity when the aircraft is no longer usable or needed for the original purpose for which it was acquired.

(d) *Donations of aircraft for public airport purposes.* (1) When a surplus aircraft is donated to a donee eligible in accordance with the provisions of Subpart 101–44.5, the SF 123 and the donee's letter of intent shall be processed by and through FAA and submitted to GSA for approval.

(2) Surplus cannibalized or demilitarized aircraft may be approved for donation by GSA to a public airport for use in firefighting and rescue training. Flyable aircraft will not be approved for donation for public airport purposes.

§ 101–44.108–3 Automatic data processing equipment.

For the donation of automatic data processing equipment, the State agency or other donee shall forward the SF 123 to GSA for coordination and clearance with the holding agency. Applications for a computer system(s) must be accompanied by a letter from the intended donee setting forth the proposed use of the equipment.

§ 101–44.108–4 [Reserved]

§ 101–44.108–5 Bedding and upholstered furniture.

An SF 123 submitted to a GSA regional office for donation of bedding and upholstered furniture will not be approved by GSA unless the State agency or other donee includes a statement that the material will be treated in accordance with applicable State law and regulations before reuse.

§ 101–44.108–6 Tax-free alcohol or specially denatured alcohol.

(a) When tax-free or specially denatured alcohol is requested for donation, the donee must possess a special permit issued by the Assistant Regional Commissioner of the appropriate regional office, Bureau of Alcohol, Tobacco, and Firearms (BATF), Department of the Treasury, to acquire the property.

(b) An SF 123 submitted to a GSA regional office for donation of tax-free or specially denatured alcohol will not be approved by GSA unless the appropriate BATF use-permit number is shown.

(c) A State agency shall not store tax-free or specially denatured alcohol in distribution centers. This property shall be transferred from holding activities direct to the designated donee.

§ 101–44.108–7 Franked and penalty envelopes and paper with official letterhead.

An SF 123 submitted to a GSA regional office for donation of paper with an official letterhead or for donation of franked or penalty envelopes on which the penalty indicia has not been obliterated will not be approved by GSA unless the State agency or other donee includes a statement certifying that the indicia and all other Federal Government markings on the envelopes and paper will be completely obliterated before they are used.

§ 101–44.108–8 Pesticides and herbicides.

An SF 123 requesting donation of pesticides and herbicides not registered with the Environmental Protection Agency (EPA) will not be approved by GSA regional offices until full clearances for use of the property have been received by GSA from the appropriate EPA regional office.

§ 101–44.108–9 Donation of vessels.

(a) An SF 123 submitted to a GSA regional office for donation of a vessel which is 50 or more feet in length shall be accompanied by a letter from the intended donee setting forth the proposed use of the vessel.

(b) Each donee, as a condition of the donation, shall agree to obtain documentation of the vessel under the applicable laws of the United States and the several States, to maintain this documentation at all times, and to record each document with the U.S. Coast Guard at the port of documentation of the property within 60 days after acquisition of the vessel, and in compliance with applicable State laws.

§ 101–44.108–10 Donation of certified and noncertified electronic products.

(a) For the purpose of this section "certified electronic product" means any excess electronic product that has been determined by GSA to be surplus to the needs and responsibilities of all Federal agencies and which bears the manufacturer's certification label or tag (21 CFR 1010.2) indicating that the product meets applicable radiation safety performance standards prescribed by the Food and Drug Administration under 21 CFR Part 1020. "Noncertified electronic products" are electronic products of a type subject to but manufactured before the effective date of such FDA performance standards; for example, an old model TV set or an electronic product which has been exempted from an applicable standard and is so labeled.

(b) Surplus certified and noncertified electronic products not required for transfer as excess personal property to Federal agencies in accordance with the provisions of § 101–43.313–12 shall be made available for donation screening for authorized public purposes, for nonprofit health and educational institutions, and for public airport purposes pursuant to the provisions of § 101–44.109 as follows:

(1) Pursuant to the provisions of § 101–44.108–10(c) in the case of noncertified:

(i) Color and black and white television receivers;

(ii) Microwave ovens;

(iii) Diagnostic X-ray systems and their major components;

(iv) Cabinet X-ray systems;

(v) Laser products; or

(vi) Any other electronic products for which FDA promulgates a performance standard; and

(2) Pursuant to the provisions of § 101–44.108–10(d) in the case of:

(i) Noncertified microwave ovens;

(ii) Certified and noncertified diagnostic X-ray systems and their major components;

(iii) Certified and noncertified cabinet X-ray systems; or

(iv) Noncertified laser products; and

(3) Only under conditions of destructive salvage in the case of noncertified cold-cathode gas discharge tubes.

(c) Donation of electronic products designated in paragraph (b)(1) of this section shall be accomplished as provided in § 101–44.109 provided the donee:

(1) Is appropriately warned that the item may not be in compliance with applicable radiation safety performance standards prescribed by FDA under 21 CFR Part 1020;

(2) Agrees the Government shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the item, its use, or its final disposition; and

(3) Agrees to hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the item, its use, or its final disposition.

(d) Whenever donations of electronic products designated in paragraph (b)(2) of this section are for authorized public purposes, for nonprofit health and educational institutions, or for public airport purposes, or for service educational activities, the State agency, DOD, or FAA, as applicable, shall: (1) Provide the applicable State radiation control agency in which the donee is located (see § 101–45.4809) with a copy of the donation document (SF 123, Transfer Order Surplus Personal Property) and include the name and address of the donee and a description of the item or items donated and (2) require that the donee certify on SF 123 that he:

(i) Is aware of the potential danger in using the product without a radiation test to determine the acceptability for use and/or modification to bring it into compliance with the radiation safety performance standard prescribed for the item under 21 CFR Part 1020, and agrees to accept the item from the holding agency for donation under those conditions;

(ii) Agrees the Government shall not be liable for personal injuries to, disabilities of, or death of the donee, the donee's employees, or any other person arising from or incident to the donation of the item, its use, or its final disposition; and

(iii) Agrees to hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the item, its use, or its final disposition.

§ 101–44.109 Donation screening period.

(a) A period of 21 calendar days following the surplus release date (see § 101–43.001–21) shall be provided to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes in accordance with the provisions of Subparts 101–44.2, 101–44.4, and 101–44.5. Reportable surplus property will be set aside for donation when an application for donation, with an informational copy to the holding activity, is submitted to a GSA regional office for approval within the donation screening period. Nonreportable surplus property will be set aside for donation upon notification to a holding activity within the donation screening period by a responsible Federal official, a State agency representative, or an authorized donee representative that the property is usable and necessary for donation purposes. Each holding activity shall annotate nonreportable property records to indicate to authorized State agency or donee representatives or responsible Federal officials the date of the surplus determination by the holding agency.

(b) During the prescribed 21-day donation screening period, applications for surplus personal property will be processed by GSA regional offices in the following sequence:

(1) Department of Defense personal property reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period and during the next 5 days for service educational activities. During the remaining portion of the donation screening period, the property will be available on a first-come, first-served basis to all applicants.

(2) Executive agency personal property, other than personal property of the Department of Defense, reportable to GSA in accordance with § 101–43.311 will be reserved for public airport donation during the first 5 days of the donation screening period. During the remaining portion of the donation screening period, the property will be available on a

first-come, first-served basis. This property is not available for donation to service educational activities.

(3) All executive agency personal property not reportable to GSA will be made available for donation on a first-come, first-served basis. Service educational activities are not eligible for donation of nonreportable surplus personal property of executive agencies other than the Department of Defense.

(c) A holding activity shall not take for its own use any property in its custody during the donation screening period following the determination that the property is surplus except as provided in § 101–44.101.

§ 101–44.110 Transfer orders for surplus personal property.

All transfers of surplus personal property to public agencies for authorized public purposes, for nonprofit health and educational purposes, for service educational activities, and for public airports shall be accomplished by use of SF 123 and SF 123–A, Transfer Order Surplus Personal Property (Continuation sheet). The original and five copies of SF 123 shall be forwarded to the appropriate GSA regional office for approval, and an informational copy shall be sent to the holding activity.

§ 101–44.111 Preparation and processing of transfer orders.

Applications for transfer shall be prepared and processed in accordance with the instructions illustrated at § 101–44.4901–123–1.

§ 101–44.112 Approval or disapproval of transfer orders.

(a) Surplus property shall not be released by a holding activity for donation until it has received SF 123 bearing the signed approval of the appropriate GSA regional official. In approving the SF 123, GSA regional offices will comply with the sequence established in § 101–44.109. An SF 123 which is not fully or properly prepared may be returned to the applicant or held in suspense until required information is made available. In those cases in which property is specifically requested for the purpose of secondary use (where the property is to disassembled or cannibalized), a justification of the proposed action must accompany the transfer order. The following statement shall be included on the SF 122:

> This property is requested for secondary use. When secondary use is to be accomplished by a donee, the property will be subject to the appropriate period of restriction until such time as disassembly or cannibalization has been accomplished and authorized disposal of the residue is accomplished.

Upon the request of a GSA regional office, the State agency (or the donee in the case of property donated under the provisions of Subparts 101–44.4 or 101–44.5) shall submit any additional information required to support and justify a donation application. The SF 123 will not automatically be held to the end of the screening period but will be approved and distributed as expeditiously as possible. An SF 123 received after the end of the donation screening period may be approved if the property is still available, and the holding activity has agreed to set the property aside pending receipt of donation approval.

(b) An SF 123 may be disapproved, in whole or in part, when it is determined that it is in the public interest to do so, when there is a substantive defect in the order, when the property is not surplus, or when a transfer of the property to a Federal agency is pending. The applicant and the holding activity will be informed in writing why the SF 123 was disapproved. When a donation transfer is disapproved because of a pending Federal transfer and the transfer is not completed subsequently, the applicant will be advised to resubmit SF 123.

§ 101–44.113 Rejection of property approved for transfer.

When a State agency or donee determines prior to pickup or shipment that property approved for transfer cannot be utilized, it shall so notify, through appropriate channels, the GSA regional office which approved the transfer, and the property will be released by GSA for other disposal. The GSA regional office may advise any other State agency known to be interested in the property of its possible availability and may approve a transfer request for donation purposes provided the holding activity agrees to retain the property pending the approval.

§ 101–44.114 Pickup or shipment.

(a) Surplus property set aside for donation shall be retained by the holding agency for a period not to exceed 42 calendar days from the surplus release date, pending receipt of the approved SF 123 and firm instructions for pickup or shipment of the property. At the end of this period, the holding activity may proceed with the disposal of the property if the approved SF 123 and pickup or shipping instructions have not been received.

(b) Upon receipt of the approved SF 123 and instructions for pickup or shipment, the holding activity shall promptly notify the transferee or his designated agent of the availability of the property. The transferee or his agent shall remove the property within 15 calendar days from the date of notification of availability by the holding activity.

(c) The transferee is responsible for removing the property or for making arrangements with common carriers for its shipment. Property disposal officers or other representatives of holding activities shall not act as the agent or shipper for transferees in this regard.

§ 101–44.115 Overage and shortage reports.

(a) *Overages.* Upon receipt, when it is found that personal property from a Federal installation was not listed on an approved SF 123 or the quantities exceeded the amount approved by GSA on SF 123, the State agency, or the donee in the case of property donated under the provisions of Subparts 101–44.4 or 101–44.5, shall prepare and submit to the GSA office for the region in which the holding activity is located, with a copy to the holding activity, an overage report listing all such property. The report shall provide a description of each line item of property not approved for donation, the estimated condition, the estimated fair market value (or acquisition cost if known), and the name of the holding activity from which the property was received. However, when the estimated fair value or acquisition cost of a line item of property is more than $500, it shall be listed on SF 123, and the SF 123 shall be sent to the GSA regional office for approval. In the case of property received by a public airport pursuant to Subpart 101–44.5, the overage report or SF 123 shall be forwarded to GSA through FAA.

(b) *Shortages.* When it is found that line items or portions of line items of property approved on SF 123 were not received, the State agency, or the donee in the case of property donated under the provisions of Subparts 101–44.4 or 101–44.5, shall submit to the GSA office for the region in which the holding activity is located, with a copy to the holding activity, a shortage report covering the property not received. Shortage reports covering property approved for donation to a public airport pursuant to Subpart 101–44.5 shall be forwarded to GSA through FAA.

(c) *Information.* The overage or shortage report, or the SF 123 in the case of a line item overage of more than $500, shall be signed by the responsible State agency or donee representative and shall provide the following information.

(1) Name and address of the holding activity;

(2) All pertinent control numbers including activity turn-in document number, the GSA control number if property was reported to GSA, and the State agency or donee transfer order number; and

(3) A description of each line item of property, whether it is a shortage or an overage, the condition code (estimated if an overage), the quantity and unit of issue, and the unit and total acquisition cost (estimated if an overage).

§ 101–44.116 Certification of screeners.

(a) All State agency and donee representatives wishing to visit Federal activities for the purpose of screening and selecting surplus personal property for donation in accordance with Subparts 101–44.2, 101–44.4, and 101–44.5 must be authorized and certified by GSA. Requests for certification of donee screeners shall be submitted to GSA by the appropriate State agency for the purposes of Subpart 101–44.2, by the Department of Defense (DOD) for the purposes of Subpart 101–44.4, and by the Federal Aviation Administration (FAA) for the purposes of Subpart 101–44.5.

(b) The agency recommending the designation of a donee screener shall prepare a request to inform GSA of the proposed designation and forward it for evaluation and approval to the appropriate GSA regional office serving the region in which the intended screener is located. (See § 101–43.4802 for regional

offices, addresses, and assigned areas.) The request shall state the applicant's qualifications to screen surplus personal property, indicate the name and address of the State agency or donee activity the prospective screener represents, and certify the applicant to be an authorized representative of the cited organization. A list of the Federal installations the screener will be authorized to visit shall accompany each request. The list of Federal installations should be limited to those within the applicable State except where there are particular reasons why State agency screeners or donee screeners should regularly visit installations outside the State. Special requests for State agency or donee screeners to visit installations outside the State or region on a regular or one-time basis may be authorized by the GSA regional offices involved. The recommending agency shall select qualified screeners representing public agencies within the State and other eligible donee organizations in order to expedite the movement of surplus property and enhance the opportunities of those public agencies and organizations to identify and select needed and useful items of property. GSA will give special consideration to requests of individual donees submitted through recommending agencies for allocation of specific items of property.

(c) Recommending agencies shall accompany each request for certification of a donee screener with GSA Form 2946, Screener's Identification (illustrated at § 101–43.4902–2946). GSA Forms 2946 must contain the typed names of the screener's organization and sponsoring agency, the signature and typed name of the proposed screener, an affixed passport-style photograph of the screener, and the signature of the sponsoring agency official.

(d) In order to avoid proliferation of screeners, the GSA regional office will review requests for donee screening authorizations to ensure that the number of screeners requested by each designated activity is reasonable in relationship to the scope of the donee's program and that the screeners are qualified to perform this service. Following review, the GSA regional office, if the request is approved, will complete the GSA Form 2946 and return it to the recommending agency for issuance to the screener. Each GSA regional office will control the activities of donee screeners at Federal installations within its region. The regional office may schedule screeners' visits or require a reduction in their number when it becomes evident that the volume of surplus personal property at an installation does not warrant the level of screening activity or that a proliferation of screeners is affecting adversely the installation's property disposal activity. All GSA Forms 2946 shall be recovered by the recommending agency upon expiration or termination of the screener's authorization and shall be forwarded to the validating GSA office for cancellation.

(e) Each State agency or other donee representative physically screening property at holding installations for the purpose of selecting property for donation shall possess a GSA Form 2946 validated by GSA as provided in this § 101–44.116. However, representatives visiting holding activities in order to participate in on-site screenings in accordance with § 101–44.106, or for the purpose of technical inspection, evaluation, and/or removal of specific property previously set aside or approved by GSA for donation, shall not be required to possess a GSA Form 2946.

§ 101–44.117 Recovery of property for Federal use.

Occasionally, Federal agencies may develop on an exigency basis requirements for personal property items derived from surplus sources in the possession of a State agency. The State agency should cooperate with GSA in the recovery of property to fulfill Federal needs. The transfer will be subject to payment by the acquiring agency of the costs of care and handling, including transportation, that were incurred by the State agency initially acquiring this property.

§ 101–44.118 Nondiscrimination.

(a) Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) Title VI, section 606 of the Federal Property and Administrative Services Act of 1949, as amended, provides that no individual shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under the act.

(c) Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified handicapped person shall, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) These titles apply to programs covered by Subpart 101–6.2. Any complaints alleging violations of these titles or any inquiries concerning applicability to the programs covered by this Part 101–44 shall be referred to the General Services Administration (F), Washington, D.C. 20406.

§ 101–44.119 Termination of restrictions.

Pursuant to Pub. L. 94–519, all terms, conditions, and restrictions imposed pursuant to section 203(j)(5) of the Federal Property and Administrative Services Act of 1949, as amended, in effect prior to October 17, 1976, on the use of any item of personal property donated pursuant to section 203(j)(3) or section 203(j)(4) prior to October 17, 1977, with the exception of those terms, conditions, and restrictions imposed on the transfer of combat-type aircraft, shall terminate and shall no longer be applicable on or after November 16, 1977. This section shall not be deemed to terminate any civil or criminal liability arising out of a violation of such term, condition, reservation, or restriction which occurred prior to October 17, 1977, if a judicial proceeding to enforce such liability is pending on October 17, 1977, or is commenced within 1 year after October 17, 1977.

Subpart 101–44.2—Donations to Public Agencies and Nonprofit Educational and Public Health Activities

§ 101–44.200 Scope of subpart.

This subpart prescribes the authorities, responsibilities, policies, and methods governing the donation of surplus personal property within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa to:

(a) Any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes such as conservation, economic development, education, parks and recreation, public health, and public safety; or

(b) Educational or public health institutions or organizations such as medical institutions; hospitals; clinics; health centers; schools; colleges; universities; schools for the mentally retarded; schools for the physically handicapped; child care centers; educational radio and television stations licensed by the Federal Communications Commission; museums attended by the public; and libraries serving free all residents of a community, district, State, or region which are exempt from taxation under section 501 of the Internal Revenue Code of 1954, for purposes of education or public health, including research for any such purpose.

§ 101–44.201 Authority.

(a) The Administrator of General Services is authorized at his discretion and under such regulations as he may prescribe to transfer without cost (except for costs of care and handling) any personal property which has been determined to be surplus property under the control of any executive agency to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with this subpart and Subpart 101–44.4.

(b) In determining whether the property is to be transferred for donation in accordance with this subpart, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of Title 10, United States Code, or any similar fund, and any other property.

§ 101–44.202 State plan of operation.

This section sets forth procedures and requirements for the submission, continued evaluation, and operation of State plans submitted under section 203(j)(4) of the Federal Property and Administra-

tive Services Act of 1949 (40 U.S.C. 484) (hereinafter called the act) for the development and implementation of standards applicable to the operation of the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with this subpart and Subpart 101–44.4. Section 203 (j) (4) (A) of the act provides that before property may be transferred to any State agency, the State shall develop, according to State law, a detailed plan of operation in conformity with the provisions of section 203(j) (4) of the act, which shall include adequate assurance that the State agency has the necessary organizational and operational authority and capability, incuding staff, facilities, means and methods of financing, and procedures with respect to: Accountability, internal and external audits, cooperative agreements, compliance and utilization reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultatiaon with advisory bodies and public and private groups.

(a) *State action.* The act further provides that the chief executive officer of the State shall certify and submit a plan of operation developed by the State legislature to the Administrator. If a State legislature had not developed the State plan by July 14, 1977, the chief executive officer of the State shall have approved and submitted a temporary State plan to the Administrator.

(b) *General notice.* In accordance with the act no plan of operation and no major amendment thereof shall be filed with the Administrator until 60 calendar days after general notice of the proposed plan has been published, and interested persons have been given at least 30 calendar days during which to submit comments. In developing and implementing the plan the State shall take into consideration the relative needs and resources of all public agencies and other eligible institutions within the State. Assurance shall be provided in the State plan that such public notice and such time for public comment was provided prior to submission of the plan and that such consideration of relative needs and resources of all donees in the State was given in the preparation of the plan.

(c) *Specific assurances.* A State plan for the establishment and operation of a State agency for surplus property distribution to eligible donees shall provide the following information and assurances. (A State may include in its plan other provisions not inconsistent with the purposes of the act and the requirements of this Part 101–44.) :

(1) *Authority.* The chief executive officer of the State shall submit the State plan of operation to the Administrator as follows:

(i) If the State legislature developed, according to State law, a plan of operation, the chief executive officer shall submit the plan and certify that the State agency is authorized thereby to acquire, warehouse, and distribute surplus property to all eligible donees in the State, to enter into cooperative agreements pursuant to the provisions of § 101–44.206 if the State contemplates entering into cooperative agreements, and to undertake other actions and provide other assurances as are set forth in the plan of operation; or

(ii) If the State legislature had not developed, according to State law, a plan of operation by July 14, 1977, the chief executive officer of the State shall have approved a temporary State plan and submitted it to the Administrator. Copies of existing State statutes and/or executive orders relative to the operational authority of the State agency shall have accompanied the State plan. Where express statutory authority did not exist or was ambiguous, or where authority existed by virtue of executive order, the State plan shall have included also the opinion of the State's Attorney General regarding the existence of such authority.

(2) *Designation of State agency.* The plan shall designate a State agency which will be responsible for administering the plan throughout the State. The plan shall describe the responsibilities vested in the agency and shall provide details concerning the organization of the agency, including supervision, staffing, structure, and physical facilities. The plan shall also indicate the organizational status of the agency within the State governmental structure and the title of the State official who directly supervises the State agent.

(3) *Inventory control and accounting systems.* The State plan shall require the State agency to use a management inventory control system and accounting system for donable property of the same type as is required by State law for State-owned property, except that the State agency, with the approval of the chief executive officer of the State, may elect in lieu of such systems to utilize such other management control and accounting systems as are effective to govern the utilization, inventory control, accountability, and disposal of donable surplus property. The plan shall set forth the details of the inventory control and accounting systems which will be used by the State agency.

(4) *Return of donated property.* The State plan shall require the State agency, and shall set forth appropriate procedures threfor, to provide for the return of donable property to the State agency for further distribution if such property while still usable, as determined by the State agency, has not been placed in use for the purposes for which it was donated within 1 year of donation or ceases to be used by the donee for such purposes within 1 year of being placed in use.

(5) *Financing and service charges.* The State plan shall set forth the means and method by which the State agency will be financed. When the State agency is authorized to assess and collect service charges from participating donees to cover direct and reasonable indirect costs of its activities, the method of establishing such charges shall be set forth in the plan. Such charges shall be fair and equitable and shall be based on services performed by the State agency, including but not limited to screening, packing, crating, removal, and transportation. In cases in which the State agency provides minimal services in connection with the acquisition of property, except for document processing and other administrative actions, the charge levied by the State agency shall be minimal. The State plan shall provide for minimal charges to be assessed in such cases and include the bases of computation. The plan of operation shall set forth how funds accumulated from service charges, including any such funds accumulated from donee service charges before October 17, 1977, or from other sources such as sales or compliance proceeds, are to be used for the operation of the State agency and the benefit of participating donees. Service charge funds may be used to cover direct and indirect costs of the State agency's operation, to purchase necessary equipment, and to maintain a reasonable working capital reserve. Such funds may be deposited or invested as permitted by State law, provided the plan of operation sets forth the types of depositories and/or investments contemplated. Service charge funds may be used for the purpose of rehabilitating donable surplus property, including the purchase of replacement parts. Subject to State authority and the provisions of the plan of operation, the State agency may expend service charge funds to acquire or improve office or distribution center facilities. When such acquisition or improvements are contemplated, the plan shall set forth what disposition is to be made of any financial assets realized when the facilities are sold or otherwise disposed of. When refunds of service charges in excess of the State agency's working capital reserve are to be made to participating donees, the plan shall so state and provide details of how such refunds are to be made, such as a reduction in service charges or a cash refund, prorated in an equitable manner.

(6) *Terms and conditions on donable property.* The State plan shall require the State agency to impose terms, conditions, reservations, and restrictions on the donee in the case of any item of property having a unit acquisition cost of $3,000 or more and any passenger motor vehicle. The specific terms, conditions, reservations, and restrictions which the State agency requires shall be set forth in the plan. In addition, the State plan shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of donable property other than items with a unit acquisition cost of $3,000 or more and passenger motor vehicles. Any such terms, conditions, reservations, and restrictions which the State agency elects to impose should be set forth in the plan. The State agency may amend, modify, or release such terms, conditions, reservations, or restrictions subject to the provisions of § 101–44.208(g) provided it sets

forth in the plan the standards by which the State agency will grant any such amendments, modifications, or releases. The State plan also shall provide assurance that the State agency will impose on the donation of a surplus item or items, regardless of unit acquisition cost, such conditions involving special handling or use limitations as the Administrator may determine necessary because of the characteristics of the property, pursuant to § 101–44.108.

(7) *Nonutilized donable property.* The State plan shall provide that donable surplus property in the possession of the State agency which cannot be utilized by donees in the State shall be disposed of:

(i) Subject to the disapproval of the Administrator within 30 days after notice to him, through transfer by the State agency to another State agency or through abandonment or destruction where the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from sale (Transfers of nonutilized donable property and destruction or abandonment shall be accomplished by the State agency in accordance with the provisions of § 101–44.205.); or

(ii) Otherwise, under such terms and conditions and in such a manner as may be prescribed by the Administrator pursuant to the provisions of § 101–44.205.

(8) *Fair and equitable distribution.* The State agency is responsible for the fair and equitable distribution of surplus personal property through donation to all eligible donees in the State. The State plan shall provide for the fair and equitable distribution of property within the State based on the relative needs and resources of interested public agencies and other eligible institutions within the State and their abilities to utilize the property. The State plan shall set forth the policies and detailed procedures for effecting a prompt, fair, and equitable distribution. The State plan shall also require that the State agency, insofar as practicable, select property requested by a public agency or other eligible institution within the State and, when so requested by the recipient, arrange for shipment of the property direct to the recipient.

(9) *Eligibility.* The State plan shall set forth procedures for the State agency to determine the eligibility of applicants for the donation of surplus personal property. Standards and guidelines for the determination of eligibility are provided in § 101–44.207.

(10) *Compliance and utilization.* The State agency shall effect utilization reviews for compliance by donees with the terms, conditions, reservations, and restrictions imposed by the State agency for any item of property having a unit acquisition cost of $3,000 or more and any passenger motor vehicle. Such reviews shall include also a review of compliance by the donees with any special handling conditions or use limitations imposed on items of property by the Administrator, pursuant to § 101–44.108. The State plan shall set forth the provisions for and the proposed frequency of such reviews and shall provide adequate assurances that effective action shall be taken by the State agency to correct noncompliance or otherwise enforce such terms, conditions, reservations, and restrictions. Reports on utilization reviews and compliance actions shall be prepared by the State agency. The State plan shall provide adequate assurance that the State agency shall initiate appropriate investigations of alleged fraud in the acquisition of donated property or misuse of such property. The State agency shall notify immediately the Federal Bureau of Investigation (FBI) and GSA of any cases involving alleged fraud. Further, GSA shall be advised of any misuse of donated property. The State agency shall assist GSA or other responsible Federal or State agencies in investigating such cases upon request.

(11) *Consultation with advisory bodies and public and private groups.* The State plan shall provide for consultation by the State agency with advisory bodies and public and private groups which can assist the State agency in determining the relative needs and resources of donees, the utilization of donable property by eligible donees, and how distribution of donable property can be effected to fill existing needs of donees. Details of how the State agency will establish such consultation shall be set forth in the plan. In allocating and transferring surplus personal property among the States, the Administrator will give fair consideration, consistent with the provisions of § 101–44.203, to expressions of need and interest transmitted through a State agency on the part of public agencies and other eligible donee institutions and organizations within a State. The Administrator will give special consideration to requests transmitted through a State agency by eligible recipients for specific items of property.

(12) *Audit.* The State plan shall provide for periodic internal and external audits of the operations and financial affairs of the State agency. An external audit shall be made at least every 2 years in accordance with generally accepted audit standards by an appropriate State authority or by an independent certified censed public accountant who is certipublic accountant or independent lified or licensed by a regulatory authority of the State or other subdivision of the United States. External audits shall include a review of the conformance of the State agency with the provisions of the State plan of operation and the requirements of this Part 101–44. A copy of the external audit shall be furnished in a timely manner to the appropriate GSA regional office, and that office shall be advised by the State agency of all corrective action taken with respect to any exceptions or violations indicated by the audit. Periodically, GSA representatives may visit the State agency to coordinate program activities and review the State agency operations. GSA may, for appropriate reasons, conduct its own audit of the State agency following due notice to the chief executive officer of the State of the reasons for such audit. Financial records and all other books and records of the State agency shall be made available for inspection by representatives of GSA, the General Accounting Office, or other authorized Federal activities.

(13) *Cooperative agreements.* Section 203(n) of the act authorizes the Administrator (or the head of any Federal agency designated by him) to enter into cooperative agreements with State surplus property distribution agencies. The provisions of section 203(n) and the implementing regulations are set forth in § 101–44.206. A State agency desiring to enter into such cooperative agreements or to renew or revise existing agreements shall affirm its intentions in the State plan and cite the authority called for in § 101–44.202(c)(1).

(14) *Liquidation.* The State plan shall provide for the submission of a liquidation plan to the Administrator when a determination is made to liquidate the State agency. The liquidation plan shall be submitted before the actual termination of the State agency activities and shall include:

(i) Reasons for the liquidation;

(ii) A schedule for liquidating the agency and the estimated date of termination;

(iii) Method of disposing of surplus property on hand, consistent with the provisions of § 101–44.205;

(iv) Method of disposing of the agency's physical and financial assets; and

(v) Retention of all available books and records of the State agency for a 2-year period following liquidation.

(15) *Forms.* Copies of distribution documents used by the State agency shall be included in the State plan.

(16) *Records.* The State plan shall provide for the retention of official records of the State agency for a period of not less than 3 years, provided that in cases involving property subject to restrictions for more than 2 years, records shall be kept 1 year beyond the specified period of restriction. In cases in which property is in compliance status at the end of the period of restriction, the State plan shall provide for the retention of the records for at least 1 year after the case is closed.

(d) *Implementation.*

(1) A State plan of operation developed by the State legislature and certified by the chief executive officer of the State shall be in effect and binding upon the State beginning with the date that the Administrator notifies the chief executive officer of the State that the plan conforms to the provisions of section 203(j)(4) of the act and the requirements of this Part 101–44 and that allocation and transfer of donable surplus property to the State agency will commence. Such plan of operation shall remain in effect until such time as the Administrator may accept revisions developed by the State legislature and certified by the chief executive officer of the State.

(2) A temporary State plan approved by the chief executive officer of the State shall be in effect and binding upon the State beginning with the date the Administrator notifies the chief executive officer of the State that the plan conforms to the provisions of section 203(j) (4) of the act and the requirements of this Part 101–44 and that allocation and transfer of donable surplus property to the State agency will commence, until the Administrator accepts revisions proposed by the chief executive officer of the State or until the State legislature develops a plan of operation for the State agency and the plan is certified by the chief executive officer of the State and submitted to and accepted by the Administrator. Once in effect, major amendment or modification shall not be made to the plan except in accordance with the requirements of this section.

(3) GSA may, from time to time, propose modifications or amendments to the provisions of this Part 101–44. In such cases reasonable opportunity will, insofar as practicable, be afforded the State agencies to conform to any such regulatory changes affecting their operations.

(e) *Nonconformance.* When the Administrator determines that a State plan does not conform to the requirements of the act or the provisions of this Part 101–44, or subsequently that the State agency does not operate in accordance with the provisions of the plan, allocation and transfer of surplus donable property may be withheld until the nonconformance is corrected.

§ 101–44.203 Allocation of donable property.

Allocation of donable property will be made by GSA on a fair and equitable basis. The following criteria will be applied by GSA in effecting allocation and transfer of surplus personal property among the States:

(a) Need and usability of property as reflected in selections of property by a State agency, including expressions of need and interest on the part of public agencies or other eligible donees within the State, transmitted through the State agency to GSA. Special consideration will be given by GSA to requests transmitted through the State agency by eligible donees for specific items of property.

(b) Regions or States in greatest need of the type of property to be allocated, where a particular and important need is evidenced by a justification accompanying the expression of need.

(c) Extraordinary needs occasioned by disasters.

(d) The quantity of property of the type under consideration which was previously allocated to or is potentially available to a State agency from a more advantageous source.

(e) Performance of a State agency in effecting timely pickup or removal of property allocated to the State and approved for transfer by GSA.

(f) Performance of a State agency in effecting prompt distribution of property to eligible donees.

(g) Equitable distribution based on the existing condition as well as the original acquisition cost of the property available for donation.

(h) Equitable distribution based on the ratio of population and per capita income of each State.

§ 101–44.204 Certification and agreement by a State agency.

(a) *Certification.* A State agency, in making a request to GSA for the transfer of donable surplus personal property, shall certify that:

(1) It is the agency of the State designated under State law, and as such has legal authority within the meaning of section 203(j) of the act and GSA regulations, to receive surplus property for distribution within the State to eligible donees within the meaning of the act and GSA regulation;

(2) The property is usable and needed by a public agency for one or more public purposes such as conservation, economic development, education, parks and recreation, public health, and public safety, or for educational or public health purposes, including research for any such purpose, by an eligible nonprofit institution or organization which is exempt from taxation in the State under section 501 of the Internal Revenue Code of 1954;

(3) When property is picked up by or shipped to a State agency, it has available adequate funds, facilities, and personel to effect accountability, warehousing, proper maintenance, and distribution of the property; and

(4) When property is distributed by a State agency to a donee, or when delivery is made direct from a holding activity to a donee, the donee acquiring the property is eligible within the meaning of the act and GSA regulations, and that the property is usable and needed by the donee.

(b) *Agreement.* With respect to donable property picked up by or shipped to a State agency, the State agency shall agree to the following:

(1) The right to possession only is granted and the State agency will make prompt statewide distribution of the same, on a fair and equitable basis, to donees eligible to acquire property under section 203(j) of the act and GSA regulations, after such eligible donees have properly executed the appropriate certifications and agreements established by the State agency and/or GSA.

(2) Title to the property shall remain in the United States of America although the State shall have taken possession thereof. Title to the property shall pass to the eligible donee when the donee executes the certifications and appropriate agreements required by the State agency and has taken possession of the property.

(3) The State agency shall: (i) Pay promptly the cost of care, handling, and shipping incident to taking possession of the property;

(ii) During the time that title remains in the United States of America, be responsible as a bailee for mutual benefit for the property from the time it is released to the State agency or to the transportation agent designated by the State agency; and

(iii) In the event of any loss of or damage to any or all of the property, file a claim and/or institute and prosecute to conclusion the proceedings necessary to recover for the account of the United States of America the fair value of any of the property lost or damaged.

(4) Surplus property hereafter approved for transfer by GSA for donation shall not be retained by the State agency for use in performing its functions unless the use of such property is authorized by GSA in accordance with the provisions of a cooperative agreement entered into between the State agency and GSA.

(c) *Interstate distribution.* Where an applicant State agency is acting under an interstate distribution agreement approved by GSA as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required above shall also be made by the applicant State agency respecting the donees in the adjacent State to which distribution will be made and the property to be distributed in the adjacent State, and these certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State agency is acting.

§ 101–44.205 Property in the possession of a State agency.

(a) *Status.* With respect to surplus personal property shipped to or picked up by a State agency for distribution through donation to eligible donees within the State, the right to possession only is granted to the State agency. Title to the property shall remain in the United States of America, although the State shall have taken possession thereof. Title to the property shall pass to the eligible donee when the donee executes the appropriate certifications and agreements and has taken possession of the property. The State agency may disassemble or cannibalize an item of donable property in its possession when it determines that the usable parts and components thereof have greater donation potential than that for which the complete item was originally manufactured. The State agency may retain and use surplus personal property in its possession for the purpose of performing its function pursuant to the provisions of § 101–44.206.

(b) *Protection.* During the time title remains in the United States of America the State agency shall:

(1) Be responsible as a bailee for mutual benefit for surplus personal property transferred to it by GSA from the time it is released to the State or to the transportation agent designated by the State, and in the event of any loss of or damage to any or all of the property, the State agency shall promptly notify GSA and file a claim and/or institute and prosecute to conclusion the proceedings that are necessary to recover, for the

account of the United States of America, the fair value of any property lost or damaged, less the cost of care and handling incurred by the State agency in acquiring the property;

(2) Maintain adequate provision for protecting property in its custody including protection against the hazards of fire, theft, vandalism, and weather; and

(3) Promptly notify appropriate law officials including the FBI and GSA of any damage to or loss of property in its custody due to theft, vandalism, arson, or other unusual circumstances and shall provide full information concerning the circumstances. GSA shall be informed of any other types of damage to or loss of property which is in the possession of the State agency.

(c) *Insurance.* It is GSA policy not to require a State agency to carry insurance as a condition for acquiring Federal surplus personal property for distribution to eligible recipients. However, when a State agency carries insurance against damage to or loss of property due to fire or other hazards and when loss of or damage to Federal surplus personal property occurs, GSA, on behalf of the United States of America, will be entitled to reimbursement from the State agency of the fair value of the damaged or destroyed Federal property payable from the insurance proceeds, less the State agency's actual cost of acquiring and rehabilitating the property prior to its damage or destruction.

(d) *Distribution.* Surplus personal property in the custody of a State agency shall be distributed promptly to eligible donees within the State.

(e) *Direct shipment.* In order to reduce inventory, warehousing, and transportation costs and to ensure prompt utilization of donable surplus property, the State agency shall, insofar as practicable, when requested by the designated donee, arrange for or provide shipment of the property from the Federal holding agency direct to the recipient.

(f) *Transfer between States.* When a State agency determines that surplus personal property in its possession cannot be utilized by eligible recipients within the State, it shall offer the property for transfer to suplus property agencies in other States. GSA encourages prompt transfer of property between the States. A State agency may arrange for visits to its distribution facilities by representatives of other State surplus property agencies to inspect and select unneeded property available for transfer. GSA regional offices, upon request, will assist in making known to other States unneeded property in one State which is available for transfer and in arranging and coordinating visits between State agencies. Transfers of property between States will be accomplished by processing SF 123, Transfer Order Surplus Personal Property, submitted by the requesting State through the GSA regional office for the releasing State. Transfers of unneeded surplus property between State agencies are subject to the disapproval of the Administrator within 30 days after notice to him.

(g) *Reporting unneeded property.* A State agency at any time may report unneeded usable property in its possession which is not required for transfer to another State to the GSA regional office for redistribution or disposal. In reporting property to GSA, the State agency shall:

(1) Provide the best possible description of each line item of property and its current condition code, quantity, and unit and total acquisition cost;

(2) Identify the date of receipt by the State agency of each line item of property listed;

(3) Indicate those items which the State agency believes may be of interest to Federal agencies; and

(4) Provide certification of reimbursement claimed for each line item.

(h) *Reutilization.* Based on the information provided by the State agency, the GSA regional office may offer available property for recovery by Federal agencies. Any transfer order for that property will be approved by GSA and forwarded to the releasing State agency for appropriate action.

(i) *Disposal.* Sale of undistributed property in the possession of a State agency will be initiated by the GSA regional office in accordance with the provisions of Part 101–45. The GSA regional office will inform the State agency of the items to be sold and will work closely with the State agency in the preparation and prompt completion of the sale. Property available for sale may be turned in by a State agency to a GSA property or sales center with the approval of the GSA regional office which operates the center.

(j) *Reimbursement.* Reimbursement for costs of care and handling to a State agency with respect to the transfer or disposal of donable property in its possession will be authorized by GSA as follows:

(1) When a State agency acquires donable property by transfer from another State agency, reimbursement of costs incurred by the releasing State agency in acquiring the property, including packing, handling, and transportation costs, shall be established by mutual agreement between the two State agencies.

(2) When a Federal activity requests property from a State agency, costs incurred by the State agency in acquiring the property, including packing, handling, and transportation costs, shall be reimbursable at the time the property is transferred to the Federal activity. The SF 123 used in effecting the transfer must show the amount of reimbursement claimed by the releasing State agency.

(3) When donable property in the possession of a State agency is required for disaster assistance, reimbursement to the State agency will be governed by the provisions of § 101–44.105.

(4) When disposing of undistributed property in the possession of a State agency by public sale, GSA may authorize reimbursement to the State agency for expenses related to care and handling incurred by the State agency in acquiring the property from within or outside the United States. Certification by the State agency of costs incurred is required and must be supported by documentation if requested by GSA. Reimbursement for each item or lot sold shall not exceed the proceeds of sale from each individual item or lot. Reimbursement shall not be made to the State agency for property obtained from Federal sources located within 100 miles of the nearest State agency distribution facility nor for actions subsequent to the receipt of property by the State from any source, including unloading, moving, repairing, preserving, or storing, except as authorized in subparagraph (iii), below. Reimbursement will not be authorized by GSA for property acquired from any source if the property has been in the possession of the State agency for a period of 2 years from the date it was received by the State agency until the date it was reported to GSA for disposal. Costs of transporting property to a GSA property center or sales center or to a location outside a State agency distribution facility are not reimbursable unless transportation was specifically required by GSA. The sale of property at a GSA property center or sales center or at a location outside the State distribution facility, however, does not preclude authorized reimbursement to the State agency. Reimbursement is limited to:

(i) Direct costs incurred by the Federal holding agency and billed to and paid by the State agency, including but not limited to packing, preparation for shipment, and loading;

(ii) Transportation costs paid or otherwise incurred by the State agency and not reimbursed by a donee to the State agency for initially moving the property from the Federal holding agency to the State agency distribution facility or other point of receipt designated by the State agency; and

(iii) Costs incurred in listing, lotting, and advertising and costs of other services related to the sale which are specifically authorized by GSA at the time of sale and documented by the State agency.

(k) *Destruction or abandonment.* When a State agency finds that it has property in its possession that is unusable by donees in the State or other States and otherwise is determined to have no commercial value or if the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, the State agency shall proceed promptly with the destruction or abandonment of such property subject to the disapproval of GSA within 30 days of notice to it by the State agency. Destruction or abandonment of property shall be accomplished in accordance with the findings and the processes prescribed in Subpart 101–45.5.

§ 101–44.206 Cooperative agreements.

This section provides policies and procedures for the establishment of cooperative agreements between GSA (or the head of any Federal agency desig-

nated by the Administrator of General Services) and a State agency for the use of property, facilities, personnel, and services, with or without payment or reimbursement and under the provisions of a cooperative agreement, for the use by the State agency of any surplus personal property in its possession subject to conditions imposed by the Administrator.

(a) *Authority.* Section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, provides that the Administrator (or the head of any Federal agency designated by him), for the purpose of carrying into effect the provisions of section 203(j) of the act, is authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with that section. Those cooperative agreements may provide for utilization by the Federal agency, with or without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out its program. Those arrangements may also provide for making available to the State agency, with or without payment or reimbursement, property, facilities, personnel, or services of the Federal agency in connection with such utilization. Payment or reimbursement, if any, from the State agency shall be credited to the fund or appropriation against which charges would be made if no payment or reimbursement were received. In addition, under cooperative agreements and subject to other conditions that may be imposed by the Administrator, any surplus property transferred to the State agency for distribution pursuant to section 203(j)(3) of the act may be retained by the State agency for use in performing its functions. Unless otherwise directed by the Administrator, title to property so retained shall be vested in the State agency.

(b) *Use of property, facilities, personnel, and services.* (1) GSA may enter into a cooperative agreement with a State agency to furnish to the State agency available property, facilities, personnel, or services of GSA that are found by GSA and the State agency to be necessary and useful in assisting the State agency to distribute and use surplus donable personal property and otherwise to carry out the purposes of the act. Assistance may include furnishing Federal Telecommunications System (FTS) service on a reimbursable basis. It may also include furnishing available office space and related support such as office furniture and typewriters in GSA regional offices, property centers, or field offices to State agency screeners or administrative clerical employees to assist them in screening and processing donable property for donation. Assistance will be provided by GSA, to the extent possible, without reimbursement; however, any extraordinary costs incurred by GSA in providing assistance shall be on a reimbursable basis.

(2) GSA may enter into a cooperative agreement with a State agency for the purpose of the State agency furnishing available property, facilities, personnel, or services that are found by GSA and the State agency to be necessary and useful in assisting GSA to screen, transfer, and allocate surplus donable personal property and otherwise to carry out the purposes of the act. The provision of property, facilities, personnel, or services may be with or without payment or reimbursement to the State agency.

(3) When a Federal agency designated by GSA wishes to enter into a cooperative agreement with a State agency (or a State agency with a Federal agency) for the provision of property, facilities, personnel, or services to carry into effect the donation provisions of the act, and the Federal agency and the State agency are mutually agreeable to an arrangement, GSA may concur in the establishment of a cooperative agreement and assist in its development. Payment or reimbursement shall be a matter for resolution between the Federal agency and the State agency.

(c) *Use of surplus property by a State agency.* A State agency may enter into a cooperative agreement with GSA providing for the retention by the State agency of items of surplus personal property transferred to it for distribution that are needed for the State agency in performing its donation functions. The State agency shall submit a listing of needed property from time to time to the appropriate GSA regional office. GSA will review the list to ensure that it is of the type and quantity of property which is reasonably needed and useful to the State agency in performing its function. Unless GSA disapproves the retention of the property within 30 days of receipt of the listing, title to the property shall vest in the State agency. Separate records shall be maintained by the State agency for that property.

(d) *Interstate cooperative distribution agreements.* GSA may concur in a cooperative agreement between two States which have contiguous boundaries whereby one State agency agrees to distribute donable surplus property to certain specified donees in the adjoining State. Agreements may be considered when the donees, because of their geographic proximity to the property distribution centers of the adjoining State, could be more efficiently and economically serviced than by their own State surplus property facilities. The payment or reimbursement of service charges by the donee shall be a matter for the mutual agreement between the State agencies. By entering into an interstate cooperative distribution agreement, the State agreeing to service donees in an adjoining State shall agree, as agent for the adjoining State agency, to:

(1) Make certifications and agreements required by § 101–44.204; and

(2) Require the donee to execute the distribution of documents of the State agency in which the donee is located. Copies of distribution documents shall be forwarded to the adjoining State agency.

(e) *Termination of agreements.* Cooperative agreements entered into between GSA and a State agency may be terminated by either party upon 60 days written notice to the other party. Termination of an agreement between a Federal agency designated by GSA and a State agency, and interstate cooperative distribution agreements, shall be as mutually agreed to by the parties.

§ 101–44.207 Eligibility.

This section sets forth the standards, guidelines, and procedures for determination of eligibility for public agencies and nonprofit educational and public health institutions and organizations in each State to participate in the surplus personal property donation program, to receive surplus property through the State agency, and to utilize such property for the purposes authorized by the act.

(a) *Definitions.* For the purposes of this section, the following terms shall have the meanings set forth in this section:

(1) "Accredited" means approval by a recognized accrediting board or association on a regional, State, or national level, such as a State board of education or health; the American Hospital Association; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

(2) "Approved" means recognition and approval by the State department of education, State department of health, or other appropriate authority. With respect to an educational institution, approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or State-approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State.

(3) "Child care center" means a public or nonprofit facility where day care services such as educational, social, health, and nutritional services are provided to children through age 14 and which is approved or licensed by the State or other appropriate authority.

(4) "Clinic" means an approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services and includes customary related services such as laboratories and treatment rooms.

(5) "College" means an approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

(6) "Conservation" means a program or programs carried out or promoted by a public agency for public purposes involving directly or indirectly the protection, maintenance, development, and restoration of the natural resources of a given political area. These resources include but are not limited to the air; land; forests; water; rivers; streams; lakes and ponds; minerals; and animals, fish, and other wildlife.

(7) "Economic development" means a program or programs carried out or promoted by a public agency for public

purposes which involve directly or indirectly efforts to improve the opportunities of a given political area for the successful establishment or expansion of industrial, commercial, or agricultural plants or facilities and which otherwise assist in the creation of long term employment opportunities in the area or primarily benefit the unemployed or those with low incomes.

(8) "Education" means a program or programs to develop and promote the training, general knowledge, or academic, technical, and vocational skills and cultural attainments of individuals in a community or other given political area. These programs may be conducted by schools, including preschool activities and child care centers, colleges, universities, schools for the mentally retarded or physically handicapped, educational radio and television stations, libraries, or museums. Public educational programs may include public school systems and supporting facilities such as centralized administrative or service facilities.

(9) "Educational institution" means an approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting educational programs, including research for any such programs, such as a child care center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational radio or television station.

(10) "Educational radio station" means a radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under section 501 of the Internal Revenue Code of 1954.

(11) "Educational television station" means a television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under section 501 of the Internal Revenue Code of 1954.

(12) "Health center" means an approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

(13) "Hospital" means an approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured and includes related facilities such as laboratories, outpatient departments, training facilities, and staff offices.

(14) "Library" means a public or nonprofit facility providing library services free to all residents of a community, district, State, or region.

(15) "Medical institution" means an approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization the primary function of which is the furnishing of public health and medical services to the public at large or promoting public health through the conduct of research for any such purposes, experiments, training, or demonstrations related to cause, prevention, and methods of diagnosis and treatment of diseases and injuries. The term includes but is not limited to hospitals, clinics, alcohol and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric centers, laboratories, medical schools, dental schools, nursing schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care although a separate medical facility within such a domiciliary institution may qualify as a "medical institution."

(16) "Museum" means a public or nonprofit facility which is attended by the public free or at a nominal charge and which provides museum services including the preservation and exhibition of artistic, cultural, historical, or scientific objects.

(17) "Nonprofit institution" means an educational or public health institution or organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax exempt under the provisions of section 501 of the Internal Revenue Code of 1954.

(18) "Park and recreation" means a program or programs carried out or promoted by a public agency for public purposes which involve directly or indirectly the acquisition, development, improvement, maintenance, and protection of park and recreational facilities for the residents of a given political area. These facilities include but are not limited to parks, playgrounds and athletic fields, swimming pools, golf courses, nature facilities, and nature trails.

(19) "Public health" means a program or programs to promote, maintain, and conserve the public's health by providing health services to individuals and by conducting research, investigations, examinations, training, and demonstrations. Public health services may include but are not limited to the control of communicable diseases, immunization, maternal and child health programs, sanitary engineering, sewage treatment and disposal, sanitation inspection and supervision, water purification and distribution, air pollution control, garbage and trash disposal, and the control and elimination of disease-carrying animals and insects.

(20) "Public health institution" means an approved, accredited, or licensed public or nonprofit institution, facility, entity, or organization conducting a public health program or programs such as a hospital, clinic, health center, or medical institution, including research for any such program, the services of which are available to the public at large.

(21) "Public safety" means a program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, law enforcement activities, and criminal justice system of a given political area. Public safety programs may include but are not limited to those carried out by public police departments, sheriffs' offices, the courts, penal and correctional institutions and including juvenile facilities, State and civil defense organizations, and fire departments and rescue squads including volunteer fire departments and rescue squads supported in whole or in part with public funds.

(22) "Public purpose" means a program or programs carried out by a public agency which are legally authorized in accordance with the laws of the State or political subdivision thereof and for which public funds may be expended. Public purposes include but are not limited to programs such as conservation, economic development, education, parks and recreation, public health, and public safety.

(23) "School" (except schools for the mentally retarded and schools for the physically handicapped) means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

(24) "School for the mentally retarded" means a facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction of the mentally retarded, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

(25) "School for the physically handicapped" means a school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individual or group instruction. The schools must be public or nonprofit and operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

(26) "University" means a public or nonprofit approved or accredited institution for instruction and study in the higher branches of learning and empowered to confer degrees in special departments or colleges.

(b) *Eligibility of public agencies.*—(1) *Public agency.* Surplus personal property may be donated through the State agency to any public agency in the State. A public agency, as defined in § 101–44.001–10, includes any:

(i) State or department, agency, or instrumentality thereof;

(ii) Political subdivision of the State, including any unit of local government or economic development district, or any department, agency, or instrumentality thereof;

(iii) Instrumentality created by compact or other agreement between States or political subdivisions;

(iv) Multijurisdictional sub-State districts established by or pursuant to State law; and

(v) Indian tribe, band, group, pueblo, or community located on a State reservation.

(2) *Public purpose.* Surplus personal property acquired through the State agency must be used by the public agency to carry out or to promote for the residents of a given political area one or more public purposes. While the act lists certain specific public purposes such as conservation, economic development, education, parks and recreation, public health, and public safety, this enumeration is not exclusive and is not intended to preclude the acquisition of donable surplus personal property by a public agency for other public purposes. In effecting fair and equitable distribution of property, based on the relative needs and resources of interested public agencies and other authorized donees and their ability to use the property, it is intended that the State agency give full and fair consideration to the requirements of public agencies for property necessary and usable for conservation, economic development, education, parks and recreation, public health and public safety, and other public purposes. Each public program is conducted by designated departments, agencies, or other instrumentalities of the State and/or local governments in carrying out either specific or diverse functions, with, in some cases, overlapping jurisdiction. Activities and functions involved in designated public programs may include but are not limited to the following:

(i) *Conservation.* State and local agencies and districts may be involved mutually in carrying out programs to conserve natural resources. Indian tribes or communities located on a State reservation may also be involved in conservation projects as well as other public programs such as economic development.

(ii) *Economic development.* Programs designed to develop the economy by establishing or expanding industry, commerce, or agriculture in a given geographic area and may include the economic development districts and other activities of public agencies involved in activities such as municipal water and sewage departments operating sewage systems and waste treatment plants; State or local street or highway departments involved in construction or improvement of roads; port authorities and public airport commissions involved in harbor and public airport development; public transit authorities providing public transportation; environmental and antipollution programs of municipal, county, or State agencies; and State and local agencies involved in tourism development.

(iii) *Education.* Public schools, colleges, and universities are directly involved in the educational process. Special schools for the physically handicapped or the mentally retarded, as well as vocational and trade schools and educational radio and television stations, are among the educational institutions which directly contribute to the educational development of a district, town, city, county, or other governmental jurisdiction. Child care centers not only provide education benefits but also may promote economic development and public safety. Central administrative and service facilities of public school systems are equally necessary to successfully carry out and improve public education. Public libraries and museums also provide an essential educational and cultural service to a community.

(iv) *Park and recreation.* Agencies of the State, counties, cities, and other instrumentalities of local government are directly involved in the acquisition, development, improvement, and maintenance of public parks and other recreational facilities which benefit the general public. Public parks, playgrounds, swimming pools, and golf courses are some of the many public facilities which not only provide recreational benefits but also promote economic development, conservation, and public health.

(v) *Public health.* Public health services are directly provided by hospitals, clinics, health centers, and other designated medical institutions. Public agencies also provide broad public health benefits with regard to activities such as the control of communicable diseases, immunization, public health nursing, maternal and child health programs, classes in health education and nutrition, and other health programs. These activities may be carried on in a clinic or subsidiary center in a community, in a person's home, in a school, or in a private business office or plant. Other vital programs carried on by State, county, or local health departments or other designated agencies directly protect public health and safety as well as promote economic development. These programs may include inspection of meat, food, and water; control and elimination of disease-carrying animals or insects by fogging, spraying, or other methods; water purification and water distribution systems; sewage treatment and disposal systems; garbage and trash disposal; and sanitary landfill facilities. These types of public health functions or services contribute directly to the general health and well being of the geographical area served, and public agencies may acquire surplus personal property to support these programs.

(vi) *Public safety.* Public safety includes not only law enforcement agencies but agencies involved in the prevention, control, and treatment of alcohol and drug abuse; agencies which provide services to children such as child care centers and activities serving neglected, dependent, abused, and delinquent children; and agencies and courts within the criminal justic system. Equally essential to public safety are State and local civil defense agencies and local fire departments and rescue squads. The availability of fire and rescue equipment at public airports is another illustration of an equally vital public safety requirement.

(c) *Eligibility of nonprofit institutions and organizations.* Surplus personal property may be donated through the State agency to nonprofit educational or public health institutions or organizations, as defined in this section, within the State, such as:

(1) Medical institutions;
(2) Hospitals;
(3) Clinics;
(4) Health centers;
(5) Schools;
(6) Colleges;
(7) Universities;
(8) Schools for the mentally retarded;
(9) Schools for the physically handicapped;
(10) Child care centers;
(11) Radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations;
(12) Museums attended by the public; or
(13) Libraries serving free all residents of a community, district, State, or region.

(d) *Educational and public health purposes.* Surplus personal property acquired through the State agency must be used by a nonprofit educational or public health institution or organization for purposes of education or public health as defined in this section, including research for any such purpose. While this does not preclude the use of donated property by an eligible nonprofit educational or public health institution or organization for a related or subsidiary purpose incident to the institution's overall program, the property must be used essentially for the primary educational or public health function for which the activity receives donable property and not for a nonrelated or commercial purpose. The enumeration of institutions and organizations in § 101–44.207(c) is descriptive and not exclusive and is not intended to preclude determinations by the State agency of eligibility for other nonprofit educational and public activities. These activities may include but are not limited to:

(1) Geriatric centers which are public health institutions and which furnish public health and medical services to the aged;

(2) Nursing homes which are public health institutions providing skilled nursing care and related medical services to individuals admitted because of illness, disease, or physical or mental infirmity. (A nursing home may be considered as a qualified public health institution if it is either a:

(i) Nursing home operated in connection with a hospital;

(ii) Facility for long-term care of convalescents, chronic disease patients, or other persons who require skilled nursing care and related medical services in which the nursing care and medical services are prescribed by or are performed under the general direction of persons licensed to practice medicine or surgery in the State; or

(iii) Nursing home certified to provide health services to medicaid or medicare patients under the provisions of the Social Security Act. Nursing homes which do not meet these requirements or the primary purpose of which is domiciliary care will not be considered as qualifying as public health institutions.); and

(3) Alcohol and drug abuse treatment centers which are clinics or medical institutions and which provide for the diagnosis, treatment, and rehabilitation of alcoholics and drug addicts. These centers should have available professional medical staffs on a regular visiting basis.

(e) *Determinations of eligibility.* The State agency is responsible for determining that an applicant is eligible as a public agency or a nonprofit educational or public health institution or organization to participate in the program and receive donations of surplus personal property.

(f) *Application for eligibility.* Each State agency shall maintain a complete and current record for each eligible donee. This record shall include the following:

(1) *Application.* The application shall set forth the:

(i) Legal name and the address of the applicant;

(ii) Status of the applicant as a public agency or a nonprofit educational or public health institution or organization (Evidence should be included in the file that the applicant is a public agency or has been determined to be nonprofit and tax exempt under section 501 of the Internal Revenue Code of 1954.);

(iii) Details concerning the applicant's public program activities or, when it is a nonprofit institution or organization, its educational or public health program or programs including the specific education or medical facilities operated by the applicant (Sufficient details and specifics should be available so that the State agency can determine the program eligibility qualifications of the applicant including any of those activities defined in § 101–44.207(a).); and

(iv) Evidence that the applicant is approved, accredited, or licensed, when it is a requirement of one or more of the applicant's programs.

(2) *Authorization.* A written authorization signed by the chief administrative officer or executive head of the donee activity, or a resolution by the governing board or body of the donee activity, which shall designate one or more representatives to act for the applicant acquiring donable property from the State agency, to obligate any necessary funds of the applicant for this purpose, and to execute the State agency distribution document including terms, conditions, reservations, and restrictions that the State agency or GSA may establish on the use and disposal of the property.

(3) *Assurance.* Necessary assurances in the format prescribed by GSA must be provided that the applicant will comply with GSA regulations on nondiscrimination as set forth in Subpart 101–6.2.

(g) *Needs and resources.* In order that the State agency in distributing property can give fair and equitable consideration to the relative needs and resources of donees within the State and their ability to utilize the property, the State agency may require each applicant, at the time it submits its application for eligibility determination, to provide a statement on the types and kinds of equipment, vehicles, machines, or other items of property needed by the applicant for use in the applicant's particular public programs, or, in the case of nonprofit institutions or organizations, the educational or public health programs to be served by the use of the equipment and the scope of such programs. The State agency may also request such financial information as may be needed to evaluate the relative financial needs and resources of the applicant.

(h) *Maintaining eligibility.* The State agency shall update a donee's eligibility record on a periodic basis, but not less than once every 3 years, to ensure continuing eligibility. When an eligible donee ceases to operate or when it loses its license, accreditation, or approval or otherwise fails to maintain its eligibility status, the State agency shall terminate its distribution of property to the activity.

(i) *Conditional eligibility.* In certain cases newly organized activities may not have commenced operations or completed construction of their facilities, or may not yet have approved, accredited, or licensed as may be required to qualify as eligible donees. In other cases there may be no specific authority which can approve, accredit, or license the applicant as required for qualification. In these cases the State agency may accept letters from public authorities, either local or State, which the State agency deems competent (such as a board of health or a board of education) stating that the applicant otherwise meets the standards prescribed for approved, accredited, or licensed institutions and organizations. In the case of educational activities, letters from accredited or approved institutions that students from the applicant institution have been and are being accepted may be deemed sufficient by the State agency. In the case of public health institutions or organizations, licensing with respect to public health applicants may be accepted by the State agency as evidence of approval in States where there is no authority which can, as a legal or as a policy matter, approve hospitals, clinics, health centers, or medical institutions, provided the licensing authority prescribes the medical requirements and standards for the professional and technical services of the institution. If the construction of an applicant's facility or physical plant has not been completed, the State agency, after evaluating the progress and potential of the applicant, may at its discretion make available surplus items of property which can be immediately utilized at this point in the applicant's program.

§ 101–44.208 Property distributed to donees.

(a) *Distribution document.* Donation of surplus personal property shall be accomplished by the use of a State agency distribution document which shall include the:

(1) Certifications and agreements required of the donee by the State agency;

(2) Condition that the donee will return to the State agency, at its own expense, any donated property that is not placed in use for the purposes for which it was donated within 1 year of donation, or which ceases to be used by the donee for those purposes within 1 year of being placed in use, provided the property is still usable as determined by the State agency or the donee agrees to make the property available for retransfer or other disposal by the State agency;

(3) Terms, conditions, reservations, and restrictions imposed by the State agency as provided in the State plan of operation on the use of any item of property having a unit acquisition cost of $3,000 or more and any passenger motor vehicle;

(4) Terms, conditions, reservations, or restrictions imposed on any other donated item by the State agency;

(5) Conditions imposed by GSA, if any, requiring special handling or use limitations on donated property; and

(6) Period of restriction during which the donee must use the property for the purpose for which it was acquired.

(b) *Donation purpose.* At the time donable surplus property is acquired by a donee, the donee's authorized representative shall indicate on the State agency's distribution document the primary purpose for which the property is to be used. In the case of public agencies such usage could be for public purposes such as conservation, economic development, education, parks and recreation, public health, or public safety. When the property is to be used for a combination of these purposes or for some other public purpose the distribution document shall so indicate. With respect to nonprofit institutions or organizations the purpose shall be shown as either education or public health.

(c) *Title.* Title to surplus personal property shall pass to an eligible donee when the donee has executed the State agency distribution document and taken possession of the property.

(d) *Utilization surveys.* The State agency shall make utilization surveys and reviews, as provided in the State plan of operation, to ensure that donated property during the period of restriction is being used by the donee for the purposes for which it was acquired.

(e) *Compliance.* The State agency shall take the necessary action to correct any noncompliance involving the use of donated property or to enforce the terms, conditions, reservations, and restrictions imposed on the use of the property, either by the State agency or GSA. Noncompliance may involve but not be limited to:

(1) Property not placed in use by the donee;

(2) Property no longer needed by the donee within the period of restriction;

(3) Unauthorized use of property by the donee during the period of restriction; or

(4) Unauthorized disposal of property by the donee during the period of restriction.

(f) *Enforcement of compliance.* Enforcement of compliance during the period of restriction may involve action by the State agency to:

(1) Place the property in proper use by the donee;

(2) Transfer the property to another donee having need and use therefor;

(3) Return the property to the State agency for distribution to other donees in the State or to another State agency having need and use therefor;

(4) Transfer the property through GSA to a Federal agency;

(5) Sell the property;

(6) Recover the fair value of the property if it has been disposed of improperly during the period of restriction; and

(7) Recover the fair rental value if the property was used in an unauthorized manner during the period of restriction.

(g) *Coordination with GSA.* In enforcing compliance with the terms and conditions imposed on donated property, the State agency shall coordinate with GSA before undertaking the sale of, or making demand for payment of the fair value or fair rental value of donated property which (1) is subject to any special handling condition or use limitation imposed by GSA or (2) has not been placed into use by the donee, for the purposes for which acquired, within 1 year of donation, or which has not been used for these purposes for 1 year after being placed in use.

(h) *Waivers.* A State agency may amend, modify, or grant releases for appropriate reasons from the terms, conditions, reservations, or restrictions it has imposed on the use of donated property, provided that it has set forth in the State plan of operation the standards by which actions shall be taken by the State agency. Amendments, corrections, or releases shall not be granted by the State agency, however, with respect to:

(1) The requirement that usable property be returned by the donee to the State agency if the property has not been placed in use for the purposes for which it was donated within 1 year of donation or ceases to be used by the donee for those purposes within 1 year of being placed in use; except that the State agency may grant authority to the donee to cannibalize or accomplish secondary utilization of property items subject to this requirement when the State agency determines that such action will result in increased utilization of the property and that the proposed action meets the standards prescribed in the State plan of operation with respect to amendments, modifications, or releases of the terms and conditions imposed on donated property; or

(2) Any special handling condition or use limitation imposed by GSA except with the prior approval of GSA.

(i) *Disposition of recovered property.* Personal property items returned to a State agency by a donee shall be redistributed by the State agency to other donees in the State or otherwise transferred or disposed of in accordance with the provisions of the State plan of operation if the property was returned (1) while subject to any special handling condition or use limitation imposed by GSA or (2) because the property had not been placed in use within 1 year of donation for the purposes for which it was acquired, or not used for such purposes for 1 year after being placed in use. Personal property items returned by a donee while subject to terms, conditions, reservations, or restrictions imposed by the State agency may be redistributed, transferred, or disposed of as determined by the State agency.

(j) *Deposit of funds.* Any funds, including the gross proceeds of sale or the fair value or the fair rental value of the property, derived by the State agency from enforcement of compliance involving a breach of any special handling condition or use limitation imposed on donated property by GSA, or involving donated property which had not been placed in use for the purposes for which it was acquired within 1 year of donation or not used for those purposes for 1 year after being placed in use by the donee, shall be remitted promptly by the State agency to GSA for deposit in the Treasury of the United States. The remittance shall be accompanied by supporting documentation indicating the source of the funds and essential background information. Funds derived by the State agency from any compliance action involving any term, condition, reservation, or restriction imposed on the donee by the State agency and funds derived by the State agency from any amendment, modification, or release thereof during the period of restriction may be retained and used by the State agency as provided in its plan of operation.

(k) *Reimbursement to donees.* (1) When a donee no longer has a need or use for donated property which is subject to any special handling condition or use limitation imposed by GSA, and no breach of the conditions or limitations has occurred, the donee may be reimbursed on a prorated basis for the following expenses when the property is transferred to a Federal agency or sold for the benefit and account of the United States of America:

(i) Service charge paid to the State agency;

(ii) Transportation charges paid by the donee in initially acquiring the property; and

(iii) Initial costs of repairs required to make the item usable.

(2) The State agency shall recommend for GSA approval the amount of reimbursement to which the donee is entitled, taking into consideration the benefit the donee has received from the use of the property and making appropriate deductions therefor. In the case of sale, reimbursement to a donee for any item of property shall not exceed the proceeds of the sale of the item. Reimbursement for property to be transferred to a Federal agency will be made a condition of the transfer by GSA.

Subpart 101–44.3—Donations of Foreign Excess Personal Property

§ 101–44.300 Scope of subpart.

This subpart prescribes the policies and methods governing the return of foreign excess personal property to the United States for donation.

§ 101–44.301 Holding agency responsibilities.

Prior to any sale, exchange, lease, or donation of medical materials or supplies pursuant to the provisions of sections 402 (a) or (b) of the Federal Property and Administrative Services Act of 1949, as amended, foreign excess personal property not required for further Federal use as determined by GSA shall be made available by the holding agency for selection and return to the United States for donation for the purposes of Subpart 101–44.2 and, with respect to property returned from Department of Defense (DOD) activities, for the purposes of Subpart 101–44.4. Any foreign excess personal property returned to the United States which has been identified as having been processed, produced, or donated by the American National Red Cross shall be made available for donation to the American National Red Cross for charitable purposes in accordance with Subpart 101–44.6, unless otherwise directed by the Administrator of General Services.

§ 101–44.302 Donation screening.

(a) To locate and select donable property, onsite representatives of State agencies duly accredited by GSA shall be permitted to screen foreign excess personal property available for return to the United States. Property not required for further Federal use, as determined by GSA, shall be available for donation for a period of time of not less than 10 calendar days unless otherwise agreed to by the holding agency and GSA. To assist donation screening, GSA will provide State agency representatives with available advance information concerning foreign excess property to the maximum extent possible.

(b) Property returned to the United States for further Federal use and thereafter determined surplus shall be made available for donation by GSA for the purposes set forth in Subpart 101–44.2 and, with respect to property returned from DOD activities and then determined surplus, for donation by GSA without priority for the purposes of Subpart 101–44.4.

§ 101–44.303 Donation approval.

(a) The Administrator of General Services is authorized to make donations at his discretion for the purposes of this subpart.

(b) Standard Form (SF) 123, Transfer Order Surplus Personal Property (see § 101–44.4901–123), prepared in accordance with instructions (see § 101–44.4901–123–1) and signed by a duly authorized official, shall be forwarded to the appropriate GSA office for approval for property covered by this subpart. An information copy shall be forwarded to the holding activity.

(c) Unless otherwise authorized by GSA, personal property shall not be released by the holding agency for donation pursuant to this subpart until it has received SF 123 bearing the signed approval of the appropriate GSA office.

§ 101–44.304 Shipment.

The State agency representatives shall arrange for the shipment of personal property approved for donation and allocated by GSA to State agencies for distribution to eligible donees. Upon request, the holding agency may provide packing, handling, crating, and transportation services on a reimbursable basis.

§ 101–44.305 Costs incurred incident to donation.

All transportation costs and other direct costs incurred incident to donation, including packing, handling, and crating, shall be borne by the State agency or the donee institution or organization receiving the property, including any costs incurred and billed by GSA or the holding agency. Care shall be exercised by the State agencies in the selection of property to ensure that it is economical to return the items to the United States for donation, giving full consideration to transportation and accessorial costs.

§ 101–44.306 Statistics and reports.

The Administrator of General Services will maintain data on the acquisition cost of all personal property approved by GSA for donation pursuant to this subpart and will report these data to the Congress annually and at such other times as he may deem desirable.

Subpart 101–44.4—Donations to Service Educational Activities

§ 101–44.400 General.

Section 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), provides that in the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether the property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies or military, naval, Air Force, or Coast Guard preparatory schools. When the Secretary determines that the property is usable and necessary for such purposes, the Secretary shall allocate it for transfer by the Administrator of General Services to the appropriate State agency for distribution through donation to service educational activities. When the Secretary determines that the property is not usable and necessary for such purposes, the property may be donated in accordance with the provisions of Subpart 101–44.2.

§ 101–44.401 Agency authority.

(a) *Department of Defense (DOD).* The Secretary of Defense or his duly authorized representative shall:

(1) Determine the types and kinds of surplus personal property under the control of DOD needed and usable for designated service educational activities;

(2) Establish eligibility requirements for service educational activities and make determinations of eligibility;

(3) Establish the conditions, including disposal requirements, for participation in the donation program by written agreement with each designated service educational activity;

(4) Allocate surplus personal property under the control of DOD on the basis of need and utilization for transfer by GSA to service educational activities; and

(5) Provide surveillance to determine and enforce compliance with the conditions set forth in the service educational activities' donation agreements and take appropriate enforcement action in the event of a breach of the conditions of donation or failure to comply with the conditions.

(b) *General Services Administration.* Donations of surplus personal property to service educational activities require the prior approval of GSA. Donations may be approved by the Administrator of General Services at his discretion.

§ 101–44.402 Application.

A service educational activity shall make application to GSA for surplus personal property under the control of DOD using Standard Form 123, Transfer Order Surplus Personal Property. An SF 123 shall be prepared and processed in accordance with § 101–44.4901–123–1, and in the case of aircraft in accordance with the provisions of § 101–44.108–2. The GSA regional office will send a copy of the approved SF 123 to the State agency for the State in which the property is to be used by the applicant service educational activity. Upon receipt of the approved SF 123 and release of the property to the service educational activity, the property disposal officer for the military installation where the property was located shall send an information copy of the shipment or delivery document to the State agency evidencing the transfer of the property to the service educational activity.

§ 101–44.403 Disposal.

When donated property is no longer needed for use by the service educational activity, or ceases to be used, the service educational activity, except for flyable aircraft, weapons, ammunition, and explosives, shall report the property in writing to the State agency for the State in which the property is located for possible transfer. When the State agency does not require the property, it shall inform the service educational activity in writing. The service educational activity shall then request disposition advice, in writing, from the nearest Defense Property Disposal Office (DPDO). The DPDO may accept the property for disposal or advise the service educational activity to otherwise dispose of the property in accordance with the provisions of the service educational activity's donation agreement, except that flyable aircraft, weapons, ammunition, and explosives shall be returned by the service educational activity, at its expense, to the nearest Department of Defense disposal activity for appropriate action, including possible donation, and the military facility shall accept the property.

§ 101–44.404 Surveillance.

DOD shall provide GSA with copies of internal instructions, and changes thereto, which outline the scope of its surveillance program for the enforcement of compliance with the terms and conditions of transfer established by DOD for surplus personal property donated to service educational activities.

§ 101–44.405 Reports.

In order for GSA to accumulate information as a basis for the exercise of its discretionary authority to approve the donation of surplus personal property, DOD shall make such reports on compliance actions involving donations to service educational activities as may be required from time to time by the Administrator of General Services.

Subpart 101–44.5—Donations to Public Airports

§ 101–44.500 General.

Section 13(g) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622(g)), provides for the disposal of surplus personal property, with the approval of the Administraor of General Services, as determined by the Administrator of the Federal Aviation Administration to be essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport.

§ 101–44.501 Agency authority.

(a) *Federal Aviation Administration.* The Administrator of the Federal Aviation Administration or his duly authorized representative shall:

(1) Determine requirements for surplus personal property of any State, political subdivision, municipality, or tax-supported institution for public airport use;

(2) Prescribe the eligibility requirements for public airport applicants and make determinations of eligibility;

(3) Determine whether available surplus personal property is essential, suitable, or desirable to fulfill the immediate or foreseeable future requirements for the development, improvement, operation, or maintenance of a public airport; and

(4) Determine and enforce compliance with the terms and conditions under which surplus personal property is transferred for public airport use.

(b) *General Services Administration.* Donations of surplus personal property for public airport purposes may be ap-

proved by the Administrator of General Services, at his discretion. Subject to that prior approval, surplus personal property determined essential, suitable, or desirable for public airport use by the Federal Aviation Administration (FAA) may be transferred direct to the specific public airport applicant.

§ 101–44.502 Application.

An applicant for surplus property to be used for public airport purposes shall make application to GSA using Standard Form 123, Transfer Order Surplus Personal Property, in accordance with § 101–44.110 for donation approval of surplus property determined by the Administrator of the Federal Aviation Administration or his duly authorized representative to be essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and foreseeable future requirements of the applicant for the development, improvement, operation, or maintenance of a public airport. Applications shall be prepared in accordance with § 101–44.111 and shall not require shipment of unreasonably small quantities.

§ 101–44.503 Surveillance.

FAA shall provide GSA with copies of internal instructions, and changes thereto, which outline the scope of its surveillance program for the enforcement of compliance with the terms and conditions of transfer established by GSA for surplus personal property donated to public airports.

§ 101–44.504 Reports.

In order for GSA to accumulate information as a basis for the exercise of its discretionary authority to approve the donation of surplus personal property, FAA shall make such reports on compliance actions involving donations to public airports as may be required from time to time by the Administrator of General Services.

Subpart 101–44.6—Donations to the American National Red Cross

§ 101–44.600 General.

Pursuant to section 203(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), as amended, personal property which has been determined to be surplus property and which has been identified as having been processed, produced, or donated by the American National Red Cross shall, unless otherwise directed by the Administrator of General Services, be made available for donation to the Red Cross for charitable purposes.

§ 101–44.601 Donation approval.

The donation of surplus property for which the Red Cross is the eligible donee shall not require further GSA approval, unless the property has an estimated value in excess of $500 or, in the case of blood plasma, consists of a quantity in excess of 1,000 units. In those instances in which the property to be donated exceeds the amounts stated, the GSA Regional Administrator for the area in which the property is located may approve the formal request submitted by the Red Cross.

§ 101–44.602 Cooperation of holding agencies.

Holding agencies shall cooperate with the Red Cross by informing the National Headquarters, Attention: General Supply Office, 17th and D Streets NW., Washington, D.C. 20006, of any surplus property in their custody which meets the criteria in § 101–44.600. By memorandum, letter, or other means of communication, the holding agencies shall provide information regarding suggested shipping facilities, quantity, description, condition, and location of such property in their inventories.

§ 101–44.603 Action by the Red Cross.

(a) Upon receipt of information from the holding agency regarding the availability of surplus personal property covered by this subpart, the Red Cross may inspect the property or request it pursuant to § 101–44.600 without inspection.

(b) The formal request and shipping instructions in duplicate shall be prepared and transmitted by the Red Cross to the holding agency activity having custody of the property within 20 calendar days from the date of notification of information provided for in § 101–44.602. Shipping instructions shall include a list of all such surplus property to be transferred and shall include reference to the date when information on which the request is based was received by the Red Cross. One copy of the request and shipping instructions shall be forwarded to the GSA regional office for the area in which the property is located.

(c) When the property to be donated exceeds the quantities stated in § 101–44.601, the Red Cross shall send three copies of the formal request and shipping instructions to the designated GSA regional office for approval. Upon approval, the GSA regional office will mail two approved copies direct to the responsible activity of the holding agency.

§ 101–44.604 Transfer by holding agency.

The holding agency shall transfer direct to the Red Cross, upon receipt of the request and shipping instructions provided for in § 101–44.603, all items of surplus property requested. One copy of the request and shipping instructions shall be enclosed with the shipment or attached to shipping documents. The shipments shall be made f.o.b. installation, transportation charges collect.

§ 101–44.605 Donable property determined unusable by the Red Cross.

Property eligible for donation to the Red Cross which, because of deterioration or for other reasons the Red Cross declines in writing to request as a donation, or as to which no action is taken by the Red Cross within the 20 calendar day period prescribed in § 101–44.603, shall be disposed of as other surplus. When the Red Cross property is offered for disposal, the disposal document shall provide for a certification to the effect that all Red Cross labels or other Red Cross identifications will be obliterated or removed from the property before use by the recipient or transfer by him to other users.

Subpart 101–44.7—Donations of Property to Public Bodies

§ 101–44.700 Scope of subpart.

This subpart prescribes the policies and methods governing the disposition by executive agencies by donation to public bodies of personal property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale. This subpart does not apply to:

(a) Surplus personal property donated for the purposes of Subparts 101–44.2, 101–44.4, and 101–44.5; or

(b) Controlled substances (as defined in § 101–43.001–4) and combat material (as defined in § 101–43.001–2).

§ 101–44.701 Findings justifying donation to public bodies.

§ 101–44.701–1 General.

(a) Property shall not be donated to public bodies by an executive agency unless it is affirmatively found in writing by a duly authorized official of the agency either that:

(1) The property has no commercial value, or

(2) The estimated cost of its continued care and handling would exceed the estimated proceeds from its sale.

(b) Findings shall not be made by any official directly accountable for the property covered thereby.

§ 101–44.701–2 Reviewing authority.

When a line item of the property to be disposed of under this Subpart 101–44.7 by an executive agency at any one location at any one time had an original cost (estimated if not known) of more than $1,000, findings made under § 101–44.701–1 shall be approved by a reviewing authority before any disposal.

§ 101–44.702 Donations to public bodies.

§ 101–44.702–1 Authority to donate.

Any executive agency may donate property to public bodies in accordance with § 101–44.701–1.

§ 101–44.702–2 Disposal costs.

Any public body receiving property from an executive agency pursuant to this subpart shall pay the disposal costs incident to the donation such as packing, preparation for shipment, demilitarization, loading, and transportation to the donee.

§ 101–44.702–3 Certified and noncertified electronic products.

Whenever any item of the type defined under § 101–44.108–10 is donated to a public body in accordance with the provisions of this subpart, the head of the

agency authorized to make the donation shall be responsible for the same safeguards, notifications, and certifications required by § 101–44.108–10.

Subpart 101–44.8—[Reserved]

Subpart 101–44.9—Miscellaneous Statutes

§ 101–44.900 Scope of subpart.

Property disposed of under the following statutes is first subject to the requirements of Subparts 101–44.2, 101–44.4, and 101–44.5. Disposals under these statutes do not require the approval of the Administrator of General Services.

§ 101–44.901 Condemned or obsolete material.

Pursuant to 10 U.S.C. 2572, the Secretary of a military department or the Secretary of the Treasury (and the Secretary of Transportation with regard to the functions of the Coast Guard transferred to him under Pub. L. 89–670, approved October 15, 1966) may lend or give, without expense to the United States, books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat material that are not needed by that department to recipients specified in 10 U.S.C. 2572. However, records of the Government as defined in 44 U.S.C. 3306 shall not be disposed of under this § 101–44.901.

§ 101–44.902 Obsolete, condemned, or captured vessels.

Pursuant to 10 U.S.C. 7308, the Secretary of the Navy may transfer by gift or otherwise, on terms prescribed by him and set forth in 10 U.S.C. 7308 (b) and (c), any obsolete or condemned vessel of the Navy or any captured vessel in the possession of the Department of the Navy to recipients specified in 10 U.S.C. 7308.

§ 101–44.903 Obsolete naval material.

Pursuant to 10 U.S.C. 7541, the Secretary of the Navy may give obsolete material not needed for naval purposes and may sell other material that may be spared at a price representing its fair value to the Boy Scouts of America for the sea scouts, the Naval Sea Cadet Corps for the sea cadets, and the Young Marines of the Marine Corps League for the young marines. The cost of transportation and delivery of material given or sold shall be charged to the Boy Scouts of America, the Naval Sea Cadets, or the Young Marines of the Marine Corps League, as appropriate.

§ 101–44.904 Obsolete material and articles of historic interest.

Pursuant to 10 U.S.C. 7545, the Secretary of the Navy may lend or give, without expense to the United States, captured, condemned, or obsolete ordnance material; books, manuscripts, works of art, drawings, plans, and models; other condemned or obsolete material, trophies, and flags; and other material of historic interest not needed by the Department of the Navy to recipients specified in 10 U.S.C. 7545. However, records of the Government as defined in 44 U.S.C. 3306 shall not be disposed of under this § 101–44.904.

§ 101–44.905 Obsolete or other Coast Guard material.

Pursuant to 14 U.S.C. 641a, the Commandant of the Coast Guard may dispose of, with or without charge, obsolete or other material not needed for the Coast Guard to recipients specified in 14 U.S.C. 641a.

Subparts 101–44.10—101–44.46—[Reserved]

Subpart 101–44.47—Reports

§ 101–44.4701 Reports.

(a) An annual report of the donation of surplus personal property shall be submitted by each Federal agency in duplicate to GSA within 60 calendar days after the close of each fiscal year, using Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Interagency report control number 0015–GSA–AN has been assigned to this reporting requirement. Section 101–43.4901–121 illustrates the SF 121, and § 101–43.4901–121–1 provides instructions for its use.

(b) An annual report of the donation of foreign excess property shall be submitted by each executive agency in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives within 90 days after the close of each fiscal year using Standard Form 365, Annual Report of Disposal of Foreign Excess Property. Interagency report control number 1526–GSA–AN has been assigned to this reporting requirement. Section 101–43.4901–365 illustrates SF 365 and provides instructions for its use.

(c) The Administrator of General Services with respect to personal property donated under Subparts 101–44.2 and 101–44.4 will submit during the calendar quarter following the close of each fiscal year a report in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives showing the acquisition cost of all personal property so donated during the preceding fiscal year. The report also will show donations and transfers of property according to State and may include other information and recommendations that the Administrator deems appropriate.

(d) The Administrator will submit not later than April 1, 1979, and every 24 months thereafter a report in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives which covers the preceding 2-year period and contains a full and independent evaluation of the operation of Pub. L. 94–519, the extent to which the objectives of the law have been fulfilled, how needs met by prior property programs have been met, an assessment of the degree to which the relative needs of the various recipients have been met, and whatever recommendations the Administrator determines are necessary and desirable.

(e) Each State agency shall submit a report in duplicate to the appropriate GSA regional office by the 25th day of each month, covering the preceding calendar month's activity, using GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property. (The Office of Management and Budget Approval Number 29–RO247 has been assigned to this form.) Section 101–44.4902–3040 illustrates the GSA form and § 101–44.4902–3040–1 provides instructions for its use.

(f) Each State agency shall make such additional reports to GSA as may be required by the Administrator to carry out his discretionary authority to transfer surplus personal property for donation and to report to the Congress on the status and progress of the donation program.

Subpart 101–44.48—[Reserved]

Subpart 101–44.49—Illustrations of Forms

§ 101–44.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in this Part 101–44.

§ 101–44.4901 Standard forms.

(a) Standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the Standard form numbers.

(b) The Standard forms illustrated in this § 101–44.4901 may be obtained by Federal activities by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. State agencies may obtain copies of these forms from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

§ 101–44.4901–123 Standard Form 123, Transfer Order Surplus Personal Property.

§ 101–44.4901–123–A Standard Form 123–A, Transfer Order Surplus Personal Property (Continuation sheet).

§ 101–44.4901–123–1 Instructions for preparing and processing Standard Form 123.

(a) *Preparing Standard Form 123.*—(1) *General.*—(i) The Standard Form 123 must include all information required to be entered on the form. Particular care should be taken to ensure that the transfer order indicates the surplus release date (SRD), sometimes referred to as the automatic release date (ARD); identifies property as reportable or nonreportable; shows applicable GSA, Department of Defense (DOD), and holding activity control or report numbers; indicates the holding agency document or voucher number for nonreportable property; and contains authorized signatures in ink on the original (copies of transfer orders may have stamped signatures). All other entries must be typed or printed. All city and States addresses shown on the form should include the ZIP code. Transfer

orders received without sufficient information will be returned to the applicant or held in suspense until the missing information is obtained from the appropriate source. SF 123–A (Continuation sheet) shall be used for listing any additional property.

(ii) Separate transfer orders should be prepared for:

(A) Reportable property located at a single holding agency;

(B) Nonreportable property located at a single holding agency;

(C) Reportable property listed at different holding agencies; and

(D) Nonreportable property located at different holding agencies.

(iii) Recognized abbreviations for Federal agencies or donee organizations may be used in completing SF 123; e.g., GSA (General Services Administration); FAA (Federal Aviation Administration, Department of Transportation); SA (State agency); BSA (Boy Scouts of (America); and DPDS (Defense Property Disposal Service).

(2) *Adjustments and disapprovals.* Any adjustment or partial disapproval made for the property listed in block 12 shall be initialed by the representative and/or officer signing in block 13b, 13d, 14b, or 14d. When a transfer order is disapproved in its entirety, the representative or officer who disapproves the action will return the SF 123 to the applicant with an explanation of the disapproval. When a line item is disapproved, it will be crossed out, marked "disapproved," and initialed by the representative or officer making the deletion.

(3) *Entries.*—(i) *Order number(s) (block 1).* Enter the State serial number and/or transfer order and control numbers assigned by DOD, FAA, or the donees. If the continuation sheet (SF 123–A) is used, it must contain the same transfer order number(s).

(ii) *Type of Order (block 2).* Insert "X" in the appropriate square to identify the type of order.

(iii) *Surplus Release Date (block 3).* Enter the surplus release date, sometimes called the automatic release date, as follows:

(A) *DOD Property Reported to DPDS Only.* The correct date may be obtained from DPDS or the holding activity.

(B) *DOD Property Reported to GSA Through DPDS.* The correct date may be obtained from DPDS, GSA, or the holding activity.

(C) *Executive Agency Property Reported Directly to GSA.* The correct date may be obtained from GSA or the holding agency.

(D) *Property Not Reported to DPDS or GSA.* The surplus release date is assigned by the holding agency (property disposal officer) and must be obtained therefrom. When nonreported property items with several surplus release dates are listed, each date should follow the respective line item and block 3 will not be completed.

(iv) *Set-Aside Date (block 4).* Enter the date on which nonreported property was set aside at the holding agency by an authorized donee representative, pursuant to § 101–44.109. The insertion of a set-aside date will indicate to the GSA office that the property is available as surplus and that the holding agency has agreed to set the property aside pending receipt of donation approval.

(v) *Type of Property (block 5).* Insert "X" in the appropriate square to identify the property as reportable or nonreportable to GSA. An "X" shall not be inserted to identify the property as nonreportable when any property listed is either reportable to GSA or had previously been reported on SF 120, Report of Excess Personal Property, to GSA in accordance with § 101–43.311. Reportable property never loses its identity.

(vi) *Total Acquisition Cost (block 6).* Enter the sum of all the total costs shown under block 12(g) and on continuation sheets when appropriate.

(vii) *General Services Administration, Federal Supply Service, Personal Property Division (block 7).* Add the street address, city, State, and ZIP code of the appropriate GSA office.

(vii) *Location of Property (block 8).* Insert the actual location of the property, including if available the warehouse or building number, street address, city, State, and Zip code or other specific location of the property listed in block 12.

(ix) *Holding Agency (block 9).* Enter the complete name and address of the holding agency, including Zip code; i.e., the executive agency which has accountability and administrative control over the property. It may or may not be the same as the property location.

(x) *For GSA Use Only (block 10).* The GSA regional office will enter the appropriate codes in order to satisfy automated control reporting requirements.

(xi) *Pickup or Shipping Instructions (block 11).* Insert the name, address, including Zip code, and telephone number of the State agency or donee representative to be notified of property availability when the property listed in block 12 is to be picked up. Enter shipping instructions when the property listed in block 12 is to be shipped. The applicant shall pay all transportation costs.

(xii) *Surplus Property List (blocks 12 (a), (b), (c), (d), (e), (f), and (g).)*—(A) *Line Item Number.* Enter in block 12(a) the identical number assigned to the line item on the document from which the control numbers indicated in block 12(b) are selected.

(B) *Identification Numbers.* Enter in block 12(b) pertinent identification numbers as follows:

(I) *GSA control number.* Military property reported to GSA through DPDS and all civilian and military agency property reported directly to GSA is assigned a GSA control number. The GSA control number may be obtained from the appropriate GSA office. In all cases in which a GSA control number is assigned, it must be entered on SF 123.

(II) *DOD excess report number.* All excess property reported to DPDS is assigned a DOD excess report number. For such property subsequently reported to GSA, the DOD excess report number may be obtained from GSA or the DPDO/holding activity. The DOD excess report number for DOD property screened by DPDS but not reported to GSA for screening may be obtained from DPDS or the DPDO/holding activity. In all cases in which a DOD excess report number is assigned, it must be entered on the SF 123.

(III) *Holding agency control number.* The holding agency assigns a control number for all reportable property. For non-reportable property, the holding agency assigns a document or voucher number. This control number can be made available by the holding agency, and in the case of reported property, by GSA or DPDS (for DOD property) as appropriate.

(C) *Description.* Enter in block 12(c) the item description. Include national stock number and noun name, if available. Otherwise, furnish Federal supply class number and commercial description, when possible. This space on the form may also be used to insert additional data pertinent to the description of the property; e.g., serial numbers and packaging information.

(D) *Condition Code.* Enter in block 12(d) the identical condition code indicated for the line item on the document from which each item of property listed in block 12(c) was selected. Condition codes are illustrated at § 101–43.4901–120–1.

(E) *Quantity and Unit of Issue.* Enter in block 12(e) the exact quantity and unit of issue (each, inches, feet, pounds, tons, dozen, gross, etc.) for each line item.

(F) *Unit Acquisition Cost.* Enter in block 12(f) for each line item the acquisition cost of the unit of issue indicated in block 12(e). This information is available from the document on which the property was originally listed.

(G) *Total Acquisition Cost.* Enter in block 12(g) for each line item the total acquisition cost of the quantity of unit of issue indicated in block 12(e). Care should be taken to ensure that the multiplication of the unit acquisition cost times quantity is correct.

(xiii) *Transferee Action (blocks 13 a, b, c, d, and e).*—(A) *State agency.* Enter in block 13a the name and address, including Zip code, of the State agency which is making the request for the property. The authorized official of the State agency shall sign his name and enter his title in block 13b, and show in block 13c the date he signs the SF 123.

(B) *Service educational activity.* Enter in block 13a the name and address of the school, club, or council specifically desiganted by the service educational activity (SEA). Include the Zip code and the county in which the service educational activity is located. The authorized donee representative (an officer of the school, club, or council authorized to request donable surplus property) shall sign his name and enter his title in block 13b, and show in block 13c the date he signs the SF 123. An authorized official of the national headquarters shall indicate approval by signing in block 13d and

show in block 13e the date he signs the SF 123.

(C) *Public airport.* Enter in block 13a the name and address of the public airport or the authorized State aeronautical agency which is requesting the property. Include the Zip code and the county in which the public airport or State aeronautical agency is located. The authorized official of the public airport or State aeronautical agency or its designated representative shall sign his name and enter his title in block 13b, and show in block 13c the date he signs the SF 123.

(xiv) *Administrative action*—(A) *Determining Officer (DOD or FAA) (blocks 14 a, b, and c).*—(1) *Department of Defense.* For donation of nonreported surplus property to service educational activities, enter in block 14a the name and address, including Zip code, of the property disposal officer controlling the property. He shall sign in block 14b and enter the date in block 14c. The property disposal officer shall not authenticate SF 123 for donations for a State agency or a public airport.

(II) *Federal Aviation Administration.* Enter in block 14a the name and title of the appropriate FAA official. He shall sign in block 14b and enter the date in block 14c.

(B) *GSA Approving Officer (blocks 14 d, e, and f).* Enter in block 14d the name and title of the GSA officer approving the order. He will sign his name in block 14e and enter the date in block 14f.

(b) *Processing SF 123.*—(1) *Public agencies and nonprofit educational and public health institutions and organizations.* (i) Upon a determination that surplus property is necessary and useful for public agencies and nonprofit educational and public health institutions and organizations, the State agency shall prepare and submit an original and five copies of SF 123 to the appropriate GSA office and send an information copy to the holding agency. The State agency official shall sign in block 13b. When the location of the property is different than that of the holding agency, an additional copy may be sent to the location for informational purposes. Block 11, "Pickup or Shipping Instructions," shall be completed as well as blocks 13 b and c.

(ii) At the time the property is determined surplus and approved for transfer by GSA, the GSA office will complete SF 123 in blocks 14 d, e, and f; retain one copy for the files; return two copies to the State agency; and send the original and one copy direct to the holding agency.

(iii) The holding agency upon receipt of the SF 123 shall release the property for donation promptly in accordance with the pickup or shipping instructions.

(2) *Service educational activity.*—(i) *DOD property reported to DPDS.* (A) Transfer orders for property listed in DPDS excess listings shall be initiated by a school or the national headquarters of the SEA by transmitting an original and five copies of SF 123 to its authorized donee representative. The SF 123 shall be completed except for block 13.

(B) The authorized donee representative shall complete blocks 13 a, b, and c and return the original and four copies to the national headquarters if applicable. The fifth copy shall be retained by the authorized donee representative.

(C) The SEA national headquarters, if appropriate, or the sponsoring military service shall indicate approval by signing block 13d of the SF 123 and entering the date in block 11e. That activity shall then forward the original and three copies of the SF 123 to DPDS, retaining the fourth copy for its files.

(D) DPDS shall hold the SF 123 until it determines the property excess to the needs of DOD. When the property is determined excess, the SF 123 (the original and three copies), with a copy of the excess report, shall be sent to the appropriate GSA regional office.

(E) At such time as the property is determined surplus and approved for transfer by GSA, the GSA office will complete blocks 14 d, e, and f; retain one copy; send the original and one copy to the holding agency; and send an informational copy to the State agency for the State in which the SEA school, club, or council is located.

(F) The property disposal officer, upon receipt of the approved SF 123 from GSA, shall release the property to the authorized donee representative in accordance with the pickup or shipping instructions shown in block 11.

(ii) *DOD property reported direct to GSA.* (A) Transfer orders shall be initiated by the authorized donee representative of the SEA by preparing an original and five copies of SF 123. The authorized donee representative shall complete blocks 13 a, b, and c and send the original and four copies to the national headquarters if applicable. The fifth copy shall be retained by the authorized donee representative.

(B) The authorized official of the national headquarters shall indicate approval by signing block 13d of the SF 123 and entering the date in block 13e. He shall then forward the original and three copies of the SF 123 to the GSA regional office for the region in which the property is located, retaining the fourth copy for his files.

(C) At such time as the property is determined surplus and approved for transfer by GSA, the GSA office will complete blocks 14 d, e, and f; retain one copy; send the original and one copy to the holding agency; and send an informational copy to the State agency for the State in which the SEA school, club, or council is located.

(D) The property disposal officer, upon receipt of the approved SF 123 from GSA, shall release the property to the authorized donee representative in accordance with the pickup or shipping instructions shown in block 11.

(iii) *DOD property not reported to either DPDS or GSA.* (A) Transfer orders shall be initiated by the authorized donee representative of the SEA by preparing an original and six copies of SF 123. The authorized donee representative

shall complete blocks 13 a, b, and c. The original and five copies shall be sent to the property disposal officer, who shall complete blocks 14 a, b, and c.

(B) The property disposal officer shall retain one copy of the SF 123 and return the original and four copies to the authorized donee representative.

(C) The authorized donee representative shall send the original and four copies of the SF 123 to the national headquarters of the SEA for approval if applicable. The authorized official of the national headquarters shall indicate approval by signing block 13d and entering the date in block 13e. He shall then forward the original and three copies of the SF 123 to the GSA regional office for the region in which the property is located, retaining the fourth copy for his files.

(D) At such time as GSA approves the transfer, the GSA office will complete the SF 123 in blocks 13 d, e, and f; retain one copy, send the original and one copy to the holding agency; and send an informational copy to the State agency for the State in which the SEA school, club, or council is located.

(E) The property disposal officer, upon receipt of the approved SF 123 from GSA, shall release the property to the authorized donee representative in accordance with the pickup or shipping instructions shown in block 11.

(3) *Public airport.* (i) The applicant shall prepare and submit an original and four copies of SF 123 to the appropriate FAA official for surplus property required for public airport purposes. The applicant shall sign in block 13b. One copy of SF 123 shall be sent to the holding agency by the applicant.

(ii) The appropriate FAA official shall indicate approval by completing blocks 14 a, b, and c; retain one copy; and send the original and three copies to the appropriate GSA office.

(iii) At such time as the property is determined surplus and approved for transfer by GSA, the GSA office will complete SF 123 in blocks 14 d, e, and f; forward the original to the holding agency; return two copies to the appropriate FAA official; and retain one copy for the files.

(iv) The appropriate FAA official shall send one copy of the SF 123 to the applicant and retain one copy for the files.

(v) The holding agency, upon receipt of the approved SF 123, shall proceed to release the property for donation in accordance with the pickup or shipping instructions.

(c) *General information regarding SF 123.* (1) SF 123 is printed in a 10-part, snap-out set. Sets can be purchased by FAA and DOD for distribution to authorized donees or applicants by ordering direct from the General Services Administration (3FFI), Region 3, Washington, D.C. 20407. SF 123-A (Continuation sheet) can also be purchased from the same source. The continuation sheet is printed in a 10-part, snap-out set. State agencies may obtain copies of these forms from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

(2) SF 123 and SF123-A sets are color coded, having two each of five different colors in each set.

(3) The SF 123 is designed for mailing in a 3⅞- by 8⅞-inch window envelope with a 1⅛- by 4-inch window positioned one-half inch from the bottom and three-fourths of an inch from the left side of the envelope. Slightly larger window envelopes may also be satisfactory, but the size and position of the window should not be altered. Copies should be folded along the horizontal line above block 11, and when inserted in a window envelope the typed holding agency address will show through the window.

§ 101–44.4902 GSA forms.

(a) GSA forms are illustrated in this section to show their text, format, and arrangement, and provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

(b) State agencies may obtain GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property, from the GSA regional office serving the geographical area in which the State agency is located.

§ 101–44.4902–3040 GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property.

§ 101–44.4902–3040–1 Instructions for preparing GSA Form 3040.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The table of contents for Part 101–45 is amended by adding or revising the following entries.

Sec.
101–45.308 [Reserved]

Subparts 101–45.9—101–45.46 [Reserved]

Subpart 101–45.47—Reports

101–45.4700 Scope of subpart.
101–45.4701 Performance reports.

Section 101–45.001–6 is revised as follows:

§ 101–45.001–6 Reviewing authority.

"Reviewing authority" means a local, regional, or departmental board of review of an executive agency. Under Subpart 101–45.5, reviewing authority also includes an applicable State board of review of a State agency for surplus Property.

Subpart 101–45.3—Sale of Personal Property

Section 101–45.308 is deleted and reserved as follows:

§ 101–45.308 [Reserved]

Subpart 101–45.5—Abandonment or Destruction of Surplus Property

Subpart 101–45.5 is revised as follows:

§ 101–45.500 Scope of subpart.

This subpart prescribes the policies and methods governing the disposition of personal property by abandonment or

destruction by executive agencies and by a State agency as defined in § 101–44.001–14.

§ 101–45.501 Findings justifying abandonment or destruction.

§ 101–45.501–1 General.

(a) Except for the property disposed of under §§ 101–45.504, 101–45.505, or 101–45.506, property shall not be abandoned or destroyed by an executive agency or a State agency unless it has been affirmatively found in writing by a duly authorized official of the executive or State agency that (1) the property has no commercial value, or (2) the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. This finding shall not be made by any official directly accountable for the property covered thereby.

(b) In accordance with § 101–44.205 (k), a State agency is required to notify the appropriate GSA regional office of the above finding before taking any abandonment or destruction action. This notification shall include a detailed and accurate description of the property and its condition. If the GSA regional office does not contact the State agency within 30 calendar days, the property may be disposed of under this Subpart 101–45.5.

§ 101–45.501–2 Reviewing authority.

Whenever a line item of the property proposed to be disposed of under this Subpart 101–45.5 at any one location at any one time had an original acquisition cost (estimated if unknown) of more than $1,000, findings made under § 101–45.501–1 shall be approved by an executive agency or State agency reviewing authority before disposal.

§ 101–45.502 Authority to abandon or destroy.

(a) Property may be abandoned or destroyed by an executive agency in accordance with this Subpart 101–45.5 provided that donation of the property in accordance with Subpart 101–44.7 has been determined in writing, to be infeasible, by a duly authorized official of such agency.

(b) No abandonment or destruction shall be made in a manner which is detrimental or dangerous to public health or safety, or which will cause infringement of the rights of other persons. If at any time prior to actual abandonment or destruction donation of property in the possession of an executive agency pursuant to Subpart 101–44.7 or in the possession of a State agency pursuant to Subpart 101–44.2 becomes feasible, such donation shall be made.

§ 101–45.503 Notice of proposed abandonment or destruction.

Except as provided in §§ 101—45.504, 101–45.505, and 101–45.506, property shall not be abandoned or destroyed by any executive agency or State agency until after public notice of such proposed abandonment or destruction. Such notice shall be given in the area in which the property is located, shall contain a general description of the property to be abandoned or destroyed, and shall include an offering of the property for sale.

§ 101–45.504 Abandonment or destruction without notice.

(a) Property may be abandoned or destroyed by an executive agency and by State agencies without public notice upon a written finding by a duly authorized official thereof, approved by a reviewing authority, that the immediate abandonment or destruction of the property is necessary or desirable in the best public interest because of its nature or because of the expense or difficulty of its care and handling. Such abandonment or destruction would be appropriate whenever:

(1) The value of the property is so little or the cost of its care and handling is so great that its retention for advertising for sale is clearly not economical; or

(2) Abandonment or destruction is required because of health, safety, or security considerations.

(b) Whenever any line item of the property proposed to be abandoned or destroyed at any one location at any one time had an original acquisition cost (estimated if unknown) of less than $100, it shall be presumed for the purposes of this § 101–45.504 that its immediate abandonment or destruction without notice is justified by reason of the expense or difficulty of its care and handling.

§ 101–45.505 Destruction of surplus drugs, biologicals, and reagents.

(a) Surplus drugs, biologicals, and reagents shall not be abondoned and the following shall be destroyed by the holding agency or State agency in accordance with the provisions of this § 101–45.505:

(1) *Controlled substances.* (i) Controlled substances in a deteriorated condition or otherwise unusable.

(ii) Quantities of controlled substances determined to be surplus at one time and one place having an acquisition cost of less than $500.

(iii) Controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–6 but for which no satisfactory or acceptable bid or bids have been received.

(2) *Drugs, biologicals, and reagents.* (i) Surplus drugs, biologicals, and reagents other than controlled substances determined by the holding agency or State agency to be unsafe because of deterioration or overage condition, in open or broken containers, or recommended for destruction by the Food and Drug Administration.

(ii) Surplus drugs, biologicals, and reagents other than controlled substances with an acquisition cost of less than $500 per manufacturers' lot or batch number.

(iii) Surplus drugs, biologicals, and reagents other than controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–7 but for which no satis-

factory or acceptable bid or bids have been received.

(b) When surplus drugs, biologicals, and reagents, including controlled substances, are required to be destroyed by the holding agency or State agency, they shall be destroyed in such a manner as to ensure total destruction of the substance to preclude the utilization of any portion thereof. The destruction shall be in accordance with Federal, State, and local air and water pollution control standards. When major amounts are to be destroyed, the action shall be coordinated with local air and water pollution control authorities. For controlled substances, in addition to the requirements set forth herein, each executive agency and State agency shall comply with the provisions of 21 CFR 1307.21 of Drug Enforcement Administration (DEA) regulations or with equivalent procedures approved by DEA.

(c) Destruction of surplus drugs, biologicals, and reagents, including controlled substances, shall be performed by an employee of the holding agency or State agency in the presence of two additional employees of the agency as witnesses to that destruction unless in the case of controlled substances the Regional Director of DEA directs otherwise.

(d) When surplus drugs, biologicals, and reagents, including controlled substances, have been destroyed, the fact, manner, and date of the destruction and the type and quantity destroyed shall be certified to by the agency employee charged with the responsibility for that destruction. The two agency employees who witnessed the destruction shall sign the following statement which shall appear on the certification below the signature of the certifying employee:

I have witnessed the destruction of the (controlled substances) (drugs, biologicals, and reagents other than controlled substances) described in the foregoing certification in the manner and on the date stated herein:

---

witness ---------- date ----------

---

witness ---------- date ----------

(e) Items mentioned parenthetically in the statement contained in paragraph (d) of this section which are not applicable at the time of destruction shall be deleted from the statement. The signed certification and statement of destruction shall be made a matter of record and shall be retained in the case files of the holding agency or State agency.

§ 101–45.506 Abandonment or destruction of expendable property.

Property, such as obsolete unclassified navigation charts, electric light bulbs, radio tubes, fuses, resistors, capacitors, air filters, dust cloths, and teletype part replacement, which has been rendered unserviceable may be abandoned or destroyed without public notice pursuant to the rules, regulations, or instructions prescribed by the executive agency or State agency generating the property when accumulation of the property for disposal or rehabilitation is not economical or in the best interest of the Government.

Subparts 101–45.9 through 101–45.46 are reserved as follows:

Subparts 101–45.9—101–45.46— [Reserved]

Subpart 101–45.47 is added as follows:

Subpart 101–45.47—Reports

§ 101–45.4700 Scope of subpart.

This subpart prescribes the requirements for reporting to GSA on matters pertaining to the general subject area of disposal of personal property.

§ 101–45.4701 Performance reports.

(a) An annual report of the sale or other disposition of surplus personal property shall be submitted in duplicate to GSA within 60 calendar days after the close of each fiscal year, using Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Section 101–43.4901–121 illustrates the SF 121 and § 101–43.4901–121–1 provides instructions for its use.

(b) An annual report of the sale or other disposition of foreign excess property shall be submitted in duplicate to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives within 90 days after the close of each fiscal year using Standard Form 365, Annual Report of Disposal of Foreign Excess Property. Section 101–43.4901–365 illustrates SF 365 and provides instructions for its use.

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

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

Dated: October 12, 1977.

JAY SOLOMON,
Administrator of General Services.

§ 101-44.4901-123 Standard Form 123, Transfer Order Surples Personal Property.

(a) Page 1 of Standard Form 123.

TRANSFER ORDER SURPLUS PERSONAL PROPERTY

1. ORDER NO(S)
a. _____
b. _____

FORM APPROVED OMB NO. 29-R0167

PAGE 1 OF PAGES

2. TYPE OF ORDER
☐ STATE AGENCY ☐ DOD(SEA) ☐ FAA

3. SURPLUS RELEASE DATE

4. SET ASIDE DATE

5. ☐ NONREPORTABLE ☐ REPORTABLE

6. TOTAL ACQUISITION COST

7. TO:
GENERAL SERVICES ADMINISTRATION (FSS)*

8. LOCATION OF PROPERTY

9. HOLDING AGENCY (Name and address)*

10. FOR GSA USE ONLY
SOURCE CODE ☐
STATE ☐☐ CITY ☐☐☐
TYPE OF DONATION ☐☐
ADJUSTED ALLOCATION CODE ☐☐

11. PICKUP OR SHIPPING INSTRUCTIONS*

12. SURPLUS PROPERTY LIST

L/I NO. (a)	IDENTIFICATION NUMBER(S) (b)	DESCRIPTION (c)	COND. CODE (d)	QUANTITY AND UNIT (e)	ACQUISITION COST UNIT (f)	ACQUISITION COST TOTAL (g)

13. TRANSFEREE ACTION

Transferee certifies and agrees to the terms, conditions, and assurances as specified on reverse.

a. TRANSFEREE (Name and address of State Agency, SEA, or public airport)*

b. SIGNATURE AND TITLE OF STATE AGENCY OR DONEE REPRESENTATIVE

c. DATE

d. SIGNATURE OF NATIONAL SEA OFFICER

e. DATE

14. ADMINISTRATIVE ACTION

I certify that the administrative actions pertinent to this order, as specified on reverse have been and are being taken.

a. DETERMINING OFFICER (DOD or FAA)*

b. SIGNATURE OF DETERMINING OFFICER

c. DATE

d. GSA APPROVING OFFICER

e. SIGNATURE OF APPROVING OFFICER

f. DATE

*Please include "ZIP Codes" in all address blocks.

123-106

STANDARD FORM 123 (REV. 10-77)
Prescribed by GSA
FPMR (41 CFR)—101-44.110

(b) Page 2 of Standard Form 123.

CERTIFICATIONS, AGREEMENTS, AND ASSURANCES

The transferee specified in block 13a on the obverse of this transfer order, in consideration of and for the purpose of obtaining any or all property for donation covered by such transfer order, recognizes and agrees that any such transfer will be made by the United States in reliance on the following certifications, agreements, and assurances:

1. OFFICIAL SIGNING IN BLOCK 13b AS REPRESENTATIVE OF: a. STATE AGENCY. (1) As a condition of the allocation of property listed in block 12, the State agency, for itself, and, with respect to any such property to be distributed in an adjacent State, pursuant to an approved Inter-State Distribution Agreement as agent for an authorized representative of the adjacent State, hereby certifies:

(a) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203(j) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 386, as amended (hereinafter referred to as the Act), and the regulations of the General Services Administration to receive surplus property for distribution within the State to eligible donees within the meaning of the Act and regulations.

(b) The property listed on this document or attachments hereto is usable and needed by a public agency for one or more public purposes, such as conservation, economic development, education; parks and recreation, public health, and public safety, or for educational or public health purposes, including research for any such purpose, by an eligible nonprofit institution or organization which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, in the State.

(c) When the property is picked up by or shipped to a State agency, the State certifies that it has available adequate funds, facilities, and personnel to effect accountability, warehousing, proper maintenance, and distribution of the property.

(d) When the property is distributed by a State agency to a donee, or when delivery is made direct from a holding agency to a donee, that the donee who is acquiring the property is eligible within the meaning of the Act and the regulations of the General Services Administration, and that such property is usable and needed by the donee.

(2) With respect to donable property picked up by or shipped to a State agency, the State agency agrees to the following:

(a) The right to possession only is granted and the State agrees to make prompt State-wide distribution of the same, on a fair and equitable basis, to donees eligible to acquire property under Section 203(j) of the Act and regulations of the General Services Administration, after such eligible donees have properly executed the appropriate certifications and agreements established by the State agency and/or the General Services Administration.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof. Title to the property shall pass to the eligible donee when it executes the certifications and appropriate agreements required by the State agency and has taken possession of the property.

(c) The State agency further agrees that it will pay promptly the cost of care, handling, and shipping incident to taking possession of such property and that during the time the title remains in the United States of America, it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State agency or to the transportation agent designated by the State agency; and that in the event of any loss of or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover for the account of the United States of America the fair value of any such property lost or damaged.

(d) No surplus property hereafter approved for transfer by the General Services Administration shall be retained by the State agency for use in performing its functions unless such property use is authorized by the General Services Administration in accordance with the provisions of a cooperative agreement entered into between the State agency and the General Services Administration.

(3) Where an applicant State agency is acting under an interstate distribution agreement approved by the General Services Administration as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required above shall also be made by the applicant State agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in the adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State agency is acting.

b. SERVICE EDUCATIONAL ACTIVITY. Pursuant to section 203(j) of the Act and regulations promulgated thereunder, and a designation of this organization by the Secretary of Defense as an educational activity of special interest to the armed services, donation of the surplus personal property listed in block 12 is requested. It is hereby certified that (a) the signer is appropriately authorized; (b) the property is usable and necessary to carry out the educational purposes of the transferee, is required for use to fill an existing need, and will be used for such purposes within 1 year after it is obtained; and (c) funds are available and will be paid, when requested, to cover cost of care and handling incident to the donation, including packing, preparation for shipment, loading, and transporting such property.

c. PUBLIC AIRPORT. Pursuant to the Act and section 13(g) of the Surplus Property Act of 1944, 58 Stat. 770, as amended, and regulations promulgated thereunder, request is hereby made for the property listed in block 12. The transferee agrees that (a) funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property; and (b) if such property is donated to the transferee it will (1) not be used, sold, salvaged, or disposed of for other than airport purposes without the consent of the Federal Aviation Administration; (2) be kept in good repair; (3) be used for airport purposes; (4) be appropriately marked as Federal surplus property and will be made available for inspection upon request; and (5) at the option of the United States, revert to the United States, in its then existing condition, if all the aforesaid conditions are not met, observed, or complied with.

d. STATE AGENCY, SERVICE EDUCATIONAL ACTIVITY OR PUBLIC AIRPORT.

Assurance of Compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

The transferee agrees that (1) the program for or in connection with which any property covered by this transfer order is acquired by the transferee will be conducted in compliance with, and the transferee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the transferee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR Subpart 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, to the end that no person in the United States shall, on the ground of race, color, national origin, or sex, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the transferee receives Federal assistance from the General Services Administration; (2) this agreement shall be subject in all respects to the provisions of said regulations; (3) this agreement shall obligate the transferee for the period during which it retains ownership or possession of any such property; (4) the transferee will promptly take, and continue to take such action as may be necessary to effectuate this agreement; (5) the United States shall have the right to seek judicial enforcement of this agreement; and (6) this agreement shall be binding upon any successor in interest of the transferee and the word "transferee" as used herein, includes any such successor in interest.

STATEMENT OF ADMINISTRATIVE ACTIONS

2. OFFICIAL SIGNING IN BLOCK 14b AS REPRESENTATIVE OF:

a. DEPARTMENT OF DEFENSE (PROPERTY DISPOSAL OFFICER). The personal property listed in block 12 is surplus and available for donation to the service educational activity in block 13a (subject to any interim request by a Federal agency).

b. FEDERAL AVIATION ADMINISTRATION. The Administrator of the Federal Aviation Administration has determined that the surplus personal property listed in block 12 is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and/or foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport.

3. OFFICIAL SIGNING IN BLOCK 14a AS REPRESENTATIVE OF GENERAL SERVICES ADMINISTRATION: The surplus personal property listed in block 12, except any disapproved items, is approved for transfer for donation purposes. Property listed hereon requested for transfer by a State agency is hereby allocated to that State. Such property will be held by the holding agency for a period not to exceed 42 calendar days from the surplus release date pending receipt of pickup or shipping instructions, whereupon it will be released to the donee.

STANDARD FORM 123 (Rev. 10-77)

§ 101-44.4901-123-A Standard Form 123-A, Transfer Order Surplus Personal Property (Continuation sheet).

TRANSFER ORDER SURPLUS PERSONAL PROPERTY (Continuation sheet)	ORDER NO(S). a. _____ b. _____	FORM APPROVED OMB NO. 29R0167	PAGE

SURPLUS PROPERTY LIST (Continuation of item 12)

L/I NO. (a)	IDENTIFICATION NUMBER(S) (b)	DESCRIPTION (c)	COND. CODE (d)	QUANTITY AND UNIT (e)	ACQUISITION COST UNIT (f)	ACQUISITION COST TOTAL (g)

123-204 ☆ GPO : 1977 — 238 - 206 STANDARD FORM 123-A (Rev. 10-77) Prescribed by GSA FPMR (41 CFR) 101-44.110

§ 101-44.4902-3040 GSA Form 3040, State Agency Monthly Donation Report of Surplus Personal Property.

(a) Page 1 of GSA Form 3040.

STATE AGENCY MONTHLY DONATION REPORT OF SURPLUS PERSONAL PROPERTY	DATE (Month and year)	FORM APPROVED OMB NO. 29-R0247
TO	FROM (Give name of Reporting State Agency)	

DESCRIPTION OF ITEMS		ACQUISITION COST (Omit cents) SUBTOTAL	TOTAL
A. BEGINNING INVENTORY			$
B. PROPERTY RECEIVED			
1. From Federal Agencies		$	
2. From other State Agencies		$	
3. From overseas		$	
4. Other receipts		$	
5. TOTAL			$
C. PROPERTY DONATED			
1. PUBLIC AGENCIES	a. Conservation	$	
	b. Economic development	$	
	c. Education	$	
	d. Parks and recreation	$	
	e. Public health	$	
	f. Public safety	$	
	g. Two or more of the above	$	
	h. Other	$	
	i. TOTAL OF PART 1	$	
2. NONPROFIT INSTITUTIONS OR ORGANIZATIONS	a. Education	$	
	b. Public health	$	
	c. TOTAL OF PART 2	$	
	GRAND TOTAL OF PARTS 1 AND 2		$
D. OTHER DISTRIBUTION			
1. Transfer to other State Agencies		$	
2. Return to Federal Agency		$	
3. Sold		$	
4. Abandoned or destroyed		$	
5. Other adjustments		$	
6. TOTAL			$
E. ENDING INVENTORY			$

GENERAL SERVICES ADMINISTRATION GSA FORM 3040 (10-77)

(b) Page 2 of GSA Form 3040.

DESCRIPTION OF ITEMS	ACQUISITION COST (Omit cents) SUBTOTAL	TOTAL
F. METHOD OF DISTRIBUTION		
1. From State Agency facility	$	
2. Direct from holding agency	$	
3. TOTAL		$
G. DISTRIBUTION TO PUBLIC AGENCIES		
1. State	$	
2. Local	$	
3. TOTAL		$

REMARKS *(Continue on separate sheet, if necessary)*

TYPED NAME AND TITLE OF APPROVING OFFICIAL	SIGNATURE OF APPROVING OFFICIAL	DATE

GSA FORM 3040 BACK (10-77)

§ 101–44.4902–3040–1 Instructions for preparing GSA Form 3040.

GENERAL—Each report shall be signed and dated by an approving official and submitted in duplicate to the appropriate GSA regional office by the 25th day of each month covering the preceding calendar month's activities.

A. *Beginning Inventory*—List the total original Government acquisition cost for all property on hand at the beginning of the report month.

B. *Property Received*—Original Government acquisition cost for:

1. From Federal agencies—Property received and posted to inventory records during the report month from Federal agencies other than that received from sources identified under 2, 3, and 4, below.

2. From other State agencies—Property received from other State agencies via an overage report or SF 123 action and posted to inventory records during the report month.

3. From Overseas—Property received through the overseas program and posted to inventory records during the report month.

4. Other receipts—Property received from all other sources and posted to inventory records during the report month, including property released by Federal agencies without documents; property returned by donees, overages not previously posted, etc. Major receipts (over $500 per line item) should be explained in detail under "Remarks."

C. *Property Donated*—Original acquisition cost of surplus property distributed to:

1. Public agencies (as defined in § 101–44.001–10)—The original Government acquisition costs for donation to public agencies during the report month shall be identified for purposes of:

a. Conservation.
b. Economic development.
c. Education.
d. Parks and recreation.
e. Public health.
f. Public safety.
g. Two or more (When the donee indicates on the State agency distribution document that the property will be used equally for two or more public purposes).
h. Other (When the property will be used for a public purpose other than a through f).

2. Nonprofit institutions or organizations—As indicated in § 101–44.207, donations to nonprofit institutions and organizations during the report period shall be identified by (a) educational and (b) public health purposes.

D. *Other Distribution*—Original Government acquisition cost for:

1. Transfer to other State agencies—Total acquisition cost of all property transferred to other State agencies and dropped from inventory during the report month as a result of an overage report or SF action.

2. Return to Federal agency—Total acquisition cost of all property returned to Federal agencies as approved by GSA and dropped from inventory during the report month with the exception of that property turned in for sale.

3. Sold—Total acquisition cost of all property dropped from inventory as a result of sales during the report month whether sold by the State agency or GSA.

4. Abandoned or destroyed—Total acquisition cost of all property dropped from inventory as a result of approved and documented abandonment or destruction actions during the report month.

5. Other adjustments—Total acquisition cost of all property redonated after having been returned from a donee, lost, stolen, or destroyed; shortages and inventory adjustments not previously posted, etc., which was dropped from inventory during the report month and documented in accordance with published procedures.

E. *Ending inventory*—To be computed by adding A and B, then subtracting C and D (A+B−C−D=E). F and G are for informational purposes only and are not included in E since they are already represented in C and D.

F. *Method of Distribution*—Total acquisition cost of property donated during the report month identified as (1) distribution from a State agency facility to a donee or (2) picked up or shipped direct from the holding agency to a donee. (The total should be the same as the total of C and D.)

G. *Distribution to Public Agencies*—Total Government acquisition cost of property donated within the State during the reporting month.

1. Distribution to State public agencies such as State police departments, State hospitals, State parks, etc.

2. Distribution to county and local public agencies, such as a county civil defense unit, municipal health unit, county roads commission, etc., and to nonprofit educational and public health donees.

(The total should be the same as the total of C.)

[FR Doc.77–30617 Filed 10–17–77;4:05 pm]

federal register

THURSDAY, OCTOBER 20, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Appeals from Proposed Base Flood Elevation Determinations and Letters of Map Amendments for Various Communities

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1097]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Kent County, Del.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Kent County, Del. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Kent County, Delaware.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Kent County are available for review at Kent County Courthouse, The Green, Dover, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Wash., D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Kent County.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Isaac Branch	Route 13	14
Mill Creek	Penn Central R.R.	30
Puncheon Branch	Route 13	17
Tidbury Creek	Route 300	16

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30352 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-1105]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Green Lake County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Green Lake County, Wis. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Green Lake County, Wisconsin.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Green Lake County are available for review at Green Lake County Courthouse, Green Lake, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Green Lake ty.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River	Berlin lock No. 1	761
	White River lock and dam.	761
	Princeton lock and dam.	768
Puchyan River	C.T.H. "J" Bridge	774
	Berlin Street Bridge	782
Silver River	Spaulding Bridge	804
Grand River	C.T.H. "M" Bridge	803
	Illage Road Bridge	863

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30359 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-2521]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Liberty, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Liberty, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Liberty, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Liberty, are available for review at City Hall, 16 South Missouri Street, Liberty, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Liberty, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cates Branch	Liberty Landing Rd.	[1] 754
	Missouri Highway 291	756
	Old Missouri 71 bypass.	758
	Ruth Ewing Rd.	[2] 764
	Sherrill Ave.	769
	Marilyn Ave.	[2] 774
	Missouri Highway 291 (2 miles from confluence with Town Branch).	[2] 822
	Murray Rd.	[2] 838
	Shrader Rd.	843
	Mill Ave.	849
Fishing River	County Highway C.	844
Holmes Creek	Missouri Highway 33.	[2] 820
Little Shoal Creek	Withers Rd.	762
	Missouri Highway 10.	[1] 780
	Interstate 35	[2] 804
Little Shoal Creek Trident No. 2.	Liberty Rd.	[2] 814
	Circle Dr.	[2] 830
Little Shoal Creek Trident No. 3.	Old RR.	[2] 790
Little Shoal Creek Trident No. 4.	Campbell Rd.	763
	Abandoned railroad bridge.	783
	Kings Highway	794
Missouri River	Liberty Bend Bridge.	732
Rush Creek	Railroad bridge	792
	Highway 10	[2] 796
Shoal Creek	Birmingham Rd.	742
	Chicago, Rock Island & Pacific RR.	[2] 744
	Chicago, Burlington & Quincy RR.	744
	U.S. Highway 69	[1] 758
Town Branch	Missouri Highway 10.	[2] 737
	Ewing Rd.	754

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30354 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–2540]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Marinette, Marinette County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Marinette, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Marinette, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Marinette, are available for review at City Hall, 1901 Hall Avenue, Marinette, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Marinette, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Bay	Eastern coast	584
Menominee River	Ogden St.	584
	U.S. Highway 41	584
	C&NW RR.	585
	Hattie St.	587
	Scott Paper Co. lower dam.[1]	588
	do.[2]	596
	Scott Paper Co. upper dam.[1]	603
	do.[2]	610
Madigan-Laverman Ditch.	West Bayshore St.	585
	Shore Dr.	588
	James St.	591
	Paul St.	592
	Edwin St.	593
	Pierce Ave.	593
	Industrial Parkway	604
North Branch Madigan-Laverman Ditch.	Cleveland Ave.	593
	Pierce Ave.	594

[1] Downstream side.
[2] Upstream side.

(National Flood Insurance Act of 1968, Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30360 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–2628]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Carlsbad, N. Mex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Carlsbad, N. Mex. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Carlsbad, N. Mex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Carlsbad.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Carlsbad are available for review at Municipal Building, 101 North Halagueno Street, Carlsbad, N. Mex.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pecos River	Pecos River Dr. (projected).	3,124
	Church St	3,115
	Green St	3,109
Hackberry Draw	Lea St	3,158

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30355 Filed 10-19-77;8:45 am]

[4210–01]

[Docket No. FI–2796]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Baltimore, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Baltimore, Md. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Baltimore, Md.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Baltimore, Md., are available for review at the Department of Planning on the 8th floor, Room 100, Baltimore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Baltimore, Md. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 10-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above city of Baltimore datum
Gwynns Falls	West corporate limits	288
	Forest Park Ave	262
	Weir between Forest Park Ave. and Windsor Mill Rd.	273
	Windsor Mill Rd	184
	Frederick Ave	58
	Wilkens Ave	57
	Western Maryland RR.	46
	Baltimore & Ohio RR., north of Washington Blvd.	44
	Washington Blvd	33
	Baltimore & Ohio RR., north of Russel St.	26
	Russel St	25
	Baltimore & Ohio RR., north of Annapolis Rd.	19
	Annapolis Rd	13
Jones Falls	North corporate limits.	208
	Smith Ave	206
	Kelly Ave	204
	Upstream Jones Falls Expressway ramp.	199
	Northern Parkway	199
	Downstream Jones Falls Expressway ramp.	196
	Penn Central RR	189
	Melvale Ave	186
	Penn Central RR	172
	41st St	163
	Union Ave	152
	Londontown Bridge	151
	Jones Falls Expressway.	136
	Weir between Jones Falls Expressway and Keswick Rd.	120
	Keswick Rd	110
	29th St	92
	28th St	88
	Baltimore & Ohio RR.	74
	North Ave	71
Western Run	Mouth of underground culvert 350 ft downstream of Fallstaff Rd.	424
	Clarks Lane	413
	Bancroft Rd	404
	Strathmore Ave	387
	Taney Rd	370
	Footbridge	350
	Pimlico Rd	324
	Bonnieview Dr	269
	Poplin Ave	248
	Lochlea Rd	219
	Greely Ave	211
	Newbury St	207
	Jones Falls Expressway.	206
	Cottonworth Ave	206
Herring Run	Perring Parkway	227
	Woodbourne Ave	225
	Echodale Ave	224
	Pilgrim Rd extended	208
	Sinclair Lane	51
	Harbor Tunnel Thruway bridges.	31
	Pulaski Highway	26
	Baltimore & Ohio RR.	23
	Interstate 95 bridges	18
	East corporate limits	13
Moores Run	Hamilton Ave	87
	Footbridge	67
	Radecke Ave	54
	Sinclair Lane	45
	Harbor Tunnel Thruway.	30
	Interstate 95 bridges	26
	Pulaski Highway	21
	East corporate limits	19
Patapsco River	Intersection: Worcester St. and Warner St.	8.7
	Haines St. and Russell St.	8.7
	Calvert St. and Pratt St.	8.7
	President St. and Pratt St.	8.7
	Central Ave. and Fleet St.	8.7
	Bond St. and Thames St.	8.7
	Washington St. and Fleet St.	8.7
	Chester St. and Alice Anna St.	8.7
	Broadway and Lancaster St.	8.7
	Clinton St. and Holabird Ave.	8.7
	850 ft of Light St	8.7
	1,950 ft from shore end of Childs St.	8.7
	300 ft from shore end of Halsey St.	8.7
	500 ft from shore end of southern end of Clinton St.	8.7
	200 ft from shore end of southern end of Newkirk St.	8.7

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Intersection of Haven St. and Newgate Ave.	8.7
	250 ft from shore end of Ben Hill Ave.	8.7
	1,250 ft from shore end of Cannery Ave.	8.7
	Intersection of Hawkins Point Rd. and Pennington Ave.	8.7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30341 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-2805]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Glen Cove, Nassau County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Glen Cove, Nassau County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Glen Cove, Nassau County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Glen Cove, Nassau County, N.Y., are available for review at City Hall, the Main Chamber, 18 Bridge Street, Glen Cove, N.Y. 11542.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Glen Cove, Nassau County, N.Y. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound	East corporate limits	13
	Sanview Dr. (extended).	13
	Graves Point Rd. (extended).	13
	South corporate limits	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30342 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-2857]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Whitehall, Lehigh County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Whitehall, Lehigh County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Whitehall, Lehigh County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Whitehall, Lehigh County, Pa. are available for review at the Township Building in the Lobby, 3219 McArthur Road, Whitehall, Pa. 18052.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872), Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Whitehall, Lehigh County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lehigh River	Downstream corporate limits.	264
	Lehigh Valley Thruway.	268
	Bridge St.	271
	Abandoned railroad bridge.	275
	Pine St.	276
	Confluence with tributary.	277
	Confluence with Copiay Creek.	277
	Lehigh St.	284
	Dam just upstream of Lehigh St.	286
	Next upstream corporate limits.	287
	do.	290
	Northampton Dam	296
	Main St.	300
	Confluence with Spring Creek.	302
	Upstream corporate limits.	302
Jordan Creek	Downstream corporate limits.	260
	Fifth St.	264
	MacArthur Rd (State Route 145).	268
	Lehigh Valley Thruway.	275
	Mickley Rd.	286
	Upstream corporate limits.	310

Source of flooding	Location	Elevation in feet above mean sea level
Coplay Creek	Mouth at Lehigh River.	280
	Ironton RR	283
	Abandoned railroad bridge.	293
	Lehigh St	295
	Confluence with tributary.	308
	Center St	313
	Columbia St	322
	MacArthur Rd. (State Route 145).	328
	Upstream limit of detailed study.	336

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30348 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-2943]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Martinez, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Martinez, Calif.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Martinez, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Martinez are available for review at City Hall, 525 Henrietta Street, Martinez, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Martinez.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alhambra Creek	Main St	16
	Alhambra Way	81
	Pleasant Hill Rd. West.	156
Drainage ditch	Truitt Ave	129

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30351 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-2954]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Orleans, Jefferson County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Orleans, Jefferson County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Orleans, Jefferson County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Orleans, Jefferson County, N.Y., are available for review at the Orleans' Post Office, La Fargeville.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Orleans, Jefferson County, New York.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chaumont River	Ford St	355
	State Route 180	370
Mullet Creek	do	249
	State Route 12	256
	State Route 180	259
	The Ledges Rd	262
	Tanners Corners Rd	281
	Eastern corporate limits.	291
St. Lawrence River.	Interstate Route 81	249
	Reed Point Rd. (extended).	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30343 Filed 10-19-77;8:45 am]

[4210–01]

[Docket No. FI–2968]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Orleans, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the village of Orleans, Vt. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the village of Orleans, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Orleans are available for review at Orleans village Office, Orleans, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Orleans. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Barton River	Canadian Pacific RR. bridge.	745
	Railroad Avenue Bridge.	744
	Canadian Pacific RR. bridge.	744
	Private drive bridge	741
	Private footbridge	740
	Vermont Route 98 (Main St.) Bridge.	732
	Maple Street Bridge	703
Willoughby River	East Street Bridge	711

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30358 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–2969]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for Wood County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Wood County, Wis. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Wood County, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Wood Country are available for review at Wood County Courthouse, Wisconsin Rapids, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Wood County. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Twomile Creek	16th Street Bridge [1]	1,018
	32d Street Bridge [1]	1,029
Fourmile Creek	48th Street Bridge	994
	Lake Wazeecha Dam [1]	1,016
Mocasin Creek	State Highway 54 bridge. [1]	963
	Green Bay & Western Ry. bridge.	1,012
Wisconsin River	Nekoosa corporate limits.	937
	Chicago & Northwestern RR. bridge.	990
	Biron Dam [1]	1,035

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30361 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3086]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Frederick, Brown County, S. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Frederick,

Brown County, S. Dak. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Frederick, Brown County, S. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Frederick, Brown County, S. Dak., are available for review at the Community Center, Frederick, S. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Frederick, Brown County, S. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maple River	3d Ave. (extended)	1,367
	Main St	1,369
	County Route 5	1,370

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30349 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3090]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Ocean Shores, Grays Harbor County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Ocean Shores, Grays Harbor County, Wash. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Ocean Shores, Grays Harbor County, Wash.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ocean Shores, Grays Harbor County, Wash., are available for review at the City Hall, Point Brown Avenue, Ocean Shores, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ocean Shores, Grays Harbor County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pacific Ocean	North corporate limit.	23
	Chance A La Mer (extended).	23
	Ocean Lake Way (extended).	23
	Taurus St. (extended).	22
	Butter Clam St. (extended).	22
	Decatur St. (extended).	22
	Sportmens Way (extended).	22
	South corporate limit.	22
North Bay	North corporate limit.	14
	Albatross St	14
	River View St. (extended).	14
Garys Harbor	Tonquin St	15
Duck Lake	Chance A La Mer	13.5
	Albatross St	13.5
	Overlake Dr	13.5
	Dover Ct. (extended)	13.5
	Mount Olympus Ave.	13.5
Grand Canal	Albatross St. (extended).	13.5
	Ocean Lake Way	13.5
	Cakesosta St. (extended).	13.5
Lake Minard	Razor Clam St	13.5
	Tonquin St	13.5

NOTE.—Elevation given in feet above mean sea level is per Ruskin, Fisher and Associates datum (RFAD) which is 2.02 ft below national geodetic and vertical datum of 1929.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30350 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3095]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the City of Connellsville, Fayette County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Connellsville, Fayette County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Connellsville, Fayette County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final eleva-

tions for the City of Connellsville, Fayette County, Pa., are available for review at the City Hall, Arch Street, Connellsville, Pa. 15425.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Connellsville, Fayette County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Youghiogheny River.	Northwest corporate limit.	878
	U.S. Route 119	879
	Con Rail bridge	880
	Confluence with Connell Run.	883
Mounts Creek	Northwest corporate limit.	877
	Norfolk & Western Railroad bridge.	879
	4th St	879
	Broad Ford Rd	886
Connell Run	B & O Railroad culvert.	883
	South Arch St	885
	South Pittsburgh St	893
	Wills Ave	916
	South Alley	937
	Hill St	973
	Perry St	998
	Locust St	1,031
Trump Run	B & O Railroad culvert.	891
	Arch St	897
	Davidson Ave. (extended).	908
	Austin Ave. (extended).	927
	South Pittsburgh St	933

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30347 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3101]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Sheffield Lake, Lorain County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Sheffield Lake, Lorain County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Sheffield Lake, Lorain County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sheffield Lake, Lorain County, Ohio are available for review at City Hall, 609 Harris Rd., Sheffield Lake, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sheffield Lake, Lorain County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Erie	Flood zones along Lake Erie are limited to a very narrow band extending upward from the lake shore to elevation 590.5 ft. This represents the still water elevation plus wave action.	590.5
Day Ditch	Lake Rd	585
	Tennison Ave	587
	Ivanhoe Ave	596
	Rowelyn Ave	600
	Ferndale Ave	605
	Belle Ave	606
	Brookly Ave	606
	Knickerbocker Rd	606
	Holl Ave	607
	Corporate limits (upstream).	612
Schumaker Ditch	Lake Rd	595
	Hawthorne Ave	595
	Bicycle path	603
	Corporate limits (upstream).	606

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30344 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3105]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Turbett, Juniata County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Turbett, Juniata County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Turbett, Juniata County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Turbett, Juniata County, Pa. are available for review at Ms. Kepner's house, R.D. 1, Port Royal, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Turbett, Juaniata County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain maangement in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100–year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tuscarora Creek	Con Rail	438
	Route 75	438
	LR 34063	443
Juniata River	Northeast corporate Limits.	427
	LR 34006 (extended)	431

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30345 Filed 10-19-77;8:45 am]

[4210–01]

[Docket No. FI–3115]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Oregon, Lucas County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Oregon, Lucas County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Oregon, Lucas County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Oregon, Lucas County, Ohio, are available for review at the Oregon Municipal Building, 5330 Seaman Road, Oregon, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Oregon, Lucas County, Ohio. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Otter Creek	Mouth to Park St	579
	Corduroy St	583
	Yarrow St	584
	Seaman St	586
	Wheeling St	587
	Starr Ave	588
	Dearborn Ave	590
	Navarre Ave. (upstream).	595
	Toledo Terminal RR. (downstream).	595
	Culvert Inlet, downstream of Pickle Rd.	594
	Pickle Rd. (upstream).	598
	Maginnis Rd	59
	Woodville Rd. (upstream).	598
	Brown Rd	603
	Bay Terminal RR	606
Maumee River	Entire portion along city.	579
Maumee Bay (Lake Erie).	From western corporate limits to approximately 1,000 ft west of Johnin Ditch.	579
	Band of shoreline 15 ft wide, from 1,000 ft west of Johnin Ditch east to Stadium Rd.	581
	Bank of shoreline 15 ft wide, from Lagundovie Rd. east to the corporate limits.	580
	Bay Shore Rd. between East Lane and Tabernilla Rd., from dike to approximately 800 ft inland of Bay Shore Rd.	579
	From shoreline inland to Bay Shore Rd., between Stadium Rd. and Lagundovie Rd.	578
	Lagundovie Rd. east to the corporate limits, from approximately 15 ft inland from the shoreline, landward the following distances: at Lagundovie Rd., 950 ft; at Norden Rd., 1,600 ft; at corporate limits, 1,850 ft.	578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30356 Filed 10-19-77;8:45 am]

[4210–01]

[Docket No. FI–3137]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Parryville, Carbon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Parryville, Carbon County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the

Borough of Parryville, Carbon County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Parryville, Carbon County, Pa. are available for review at the Borough Hall on the first floor.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872; Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Parryville, Carbon County, Pa. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Southeast corporate limits.	440
	Pennsylvania Turnpike northeast extension.	442
	West corporate limits	449
Pohopoco Creek	Main St	439
	Pennsylvania Turnpike northeast extension.	443
	Upstream corporate limits.	449

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30346 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3549]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Sidon, Leflore County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the town of Sidon, Leflore County, Miss.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: On publication of the Flood Insurance Rate Map for the town of Sidon, Leflore County, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sidon, Leflore County, Miss., are available for review at Town Hall, Sidon, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581, or toll-free line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Sidon, Leflore County, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations, were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Old Yazoo River	South St. (extended)	126
Bendway (Yazoo River Backwater).	Front St. (extended)	126
Ponding area	Southeast corporate limits.	126

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30353 Filed 10–19–77;8:45 am]

[4210–01]

[Docket No. FI–3550]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Unincorporated Areas of Wilson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the unincorporated areas of Wilson County, Tex.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: On publication of the Flood Insurance Rate Map for the unincorporated areas of Wilson County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Wilson County, Tex., are available for review at the County Clerk's Office, Floresville, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Wilson County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Hollow Creek	County road "A"	489
	Downstream of county road "C."	494
Colibro Creek	Approximately 0.2 miles upstream of the confluence with Dry Hollow Creek.	493
	Downstream of FM 1346	499
Tributary No. 2 of Dry Hollow Creek.	County road "B"	489
Tributary No. 3 of Dry Hollow Creek.	Approximately 3,500 ft upstream from Dry Hollow Creek.	487
Tributary No. 4 of Dry Hollow Creek.	Approximately 600 ft upstream from Dry Hollow Creek.	485

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30357 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lafayette, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 3, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lafayette, Colo. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Lafayette, Colo., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 080026A Panel 02, published on June 3, 1974 in 39 FR 19456, indicates that Lots 176 and 177, Resubdivision of Lot 17, Centaur Village, Lafayette, Colo., as recorded in P-5, F3, No. 33, in the office of the Recorder of Boulder County, Colo., are within the Special Flood Hazard Area.

Map No. H 080026A Panel 02 is hereby corrected to reflect the existing structures on the above property are not within the Special Flood Hazard Area identified on May 24, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30384 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-289]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Westminster, Colorado

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 19, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Westminster, Colo. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Westminster, Colo., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of a Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free-line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be otbained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 080008A Panel 10, published on June 19, 1974 in 39 FR 21138, indicates that Lot 1, Porthole Plaza and Lots 8 through 27, Block 5, Hillsdale Subdivision, as recorded in File 14, Map 246, and Book 5, Page 157, respectively, in the office of the Clerk and Recorder of Adams County, Colo., are within the Special Flood Hazard Area.

Map No. H 080008A Panel 10 is hereby corrected to reflect the above property is

not within the Special Flood Hazard Area identified on June 7, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30385 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On November 29, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Anne Arundel County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Anne Arundel, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free-line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 240008 Panel 18, published on November 29, 1974, in 39 FR 41504, indicates that Lots 15 and 16, Section D, Armiger Addition to Green Haven also being 7704 Edgewood Road, Anne Arundel County, Md., as recorded in Liber 2858, Page 845 of Deeds in the Office of the Clerk of the Circuit Court, Anne Arundel County, Md., are within the Special Flood Hazard Area.

Map No. H 240008 Panel 18 is hereby corrected to reflect that the exist-structures on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30387 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On November 29, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Anne Arundel County, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the County of Anne Arundel, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll-free-line 800–424–8872, Room 5270, 451 Seventh Street SW.,Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 240008 Panels 59 and 60, published on November 29, 1974, in 39 FR 41504, indicates that Lot 16, Plat 3, St. Margarets Farm, Anne Arundel County, Md., as recorded in Plat Number 3084, Liber 58, Folio 9 in the Office of the Clerk of the Circuit Court, Anne Arundel County, Md., is within the Special Flood Hazard Area.

Map No. H 240008 Panels 59 and 60 are hereby corrected to reflect that a portion of the above property, which can be described as follows:

Beginning at a point being the intersection of the common lot line between Lots 16 and 17 and the westerly right-of-way of Kingsberry Drive as shown on the recorded plat; thence S. 77°57'52'' W., approximately 399.5 feet to a point; thence N. 57° W., approximately 256 feet to appoint; thence N. 76°36'23'' E., approximately 517 feet to a point; thence southerly to the right along the west right-of-way of Kingsberry Drive, approximately 207 feet to the point of beginning,

is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30388 Filed 10-19-77;8:45 am]

[4210-01]

[Docket No. FI-658]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Cobb County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 12, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Cobb County, Ga. It has been de-

termined by FIA, after further technical review of the Flood Hazard Boundary Map for Cobb County, Ga., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581, or toll-free line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 130052 Panel 15, published on August 12, 1975, in 40 FR 33822, indicates that Lot 9, Block A, Woodview Manor, Cobb County, Ga., as recorded in Plat Book 29, Page 56, in the office of the Clerk of Cobb County, Ga., is within the Special Flood Hazard Area.

Map No. H 130052 Panel 15 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on October 3, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30386 Filed 10-19-77;8:45 am]

[4210–01]

[Docket No. FI–880]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Corte Madera, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 13, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Corte, Madera, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the town of Corte Madera, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581, or toll-free line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 065023A Panel 01, published on February 13, 1976, in 41 FR 6727, indicates that Lot 7, Block 4, Madera Gardens Subdivision No. Seven, Corte Madera, Calif., as recorded in Book 1083, Page 497, in the office of the Recorder of Marin County, Calif., is within the Special Flood Hazard Area.

Map No. H 065023A Panel 01 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on January 16, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30383 Filed 10-19-77;8:45 am]

federal register

THURSDAY, OCTOBER 20, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

IMPLEMENTATION OF THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

Interim Regulations

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 790-1]

INTERIM REGULATIONS TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

AGENCY: Environmental Protection Agency.

ACTION: Interim regulations.

SUMMARY: These Regulations are amendments to Parts 30, 35, 40, and 45 of the current Environmental Protection Agency (EPA) regulations governing grants and other Federal assistance promulgated in accordance with the provisions and requirements of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976. Part 30, General Grant Regulations and Procedures, is modified to include references to the Act where appropriate. Part 35, State and Local Assistance, is modified to substitute regulations governing Solid and Hazardous Waste Management Program Support Grants under sections 3011, 4007, 4008 and 4009 of the Act for the former regulations governing Solid Waste Planning Grants under section 207 of the Solid Waste Disposal Act before amendment. Part 40, Research and Demonstration Grants, is modified to provide for programs under sections 8001, 8004, 8005 and 8006 of the Act. In addition to changes required by the Act, numerous technical amendments have also been made to Part 40. Finally, Part 45, Training Grants and Manpower Forecasting, is modified to include references to the programs under sections 7007 and 8001 of the Act.

DATE: Comments received on or before December 1, 1977, will be considered in the development of final regulations.

EFFECTIVE DATE: October 20, 1977.

ADDRESS: Comments on these Regulations should be in triplicate and may be addressed to the Deputy Assistant Administrator for Solid Waste (WH-462), Attn: Docket Number 40 CFR B, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Val Grey, Office of Solid Waste (WH-462), EPA, Washington, D.C., telephone 202-755-9173.

SUPPLEMENTARY INFORMATION: On October 21, 1976, the President signed the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, which amended the Solid Waste Disposal Act, Pub. L. 89-272. The Act provided for a number of new financial assistance programs and modified others requiring amendments and addition to appropriate parts of the current EPA grant regulations.

Drafts of proposed amendments were circulated for comment to all States, and selected public and environmental interest groups in accordance with the Office of Management and Budget (OMB) Circular Number A-85 review requirements. The comment period closed July 5, 1977. A public meeting was held at EPA in Washington, D.C. on June 30, 1977, and additional comments were received. All comments received by July 5 were reviewed and carefully considered in the redrafting of these regulations.

EPA's response to several recurring comments and discussions of several program decisions are presented below.

Deleted Regulations

Although the provisions of §§ 35.300 through 35.340 of this Chapter (Solid Waste Planning Grants) are deleted from the Code of Federal Regulations, they will remain applicable in their uncodified form to all grants previously awarded under those regulations. Regional offices must assure that work elements under grants to States awarded prior to fiscal year 1978 which remain uncompleted will be coordinated with work elements of the fiscal year 1978 program.

Substate Impact on State Plans

Several commenters expressed concern that substate entities would not receive sufficient consideration in the early stages of State work program development and distribution of funds, nor in implementation of the State work program. In response, EPA has included a provision designed to assure adequate opportunity for substate involvement (§ 35.720). Substate entities can also affect the State work program through the public participation process which will be developed in Part 249 of this chapter.

Implementation Funds to Substate Entities

Several commenters felt that Federal funds will not reach those substate entities ready to implement needed programs in cases where State agencies do not meet requirements for grant award. In such cases, direct awards to substate entities may be made provided the projects are certified by the State to be consistent with the State plan and funds for such awards are available. Generally, however, it is EPA's intent to award grants to States for "pass-through" to substate entities.

Federal Requirements for State Programs

Another concern raised by several States is that these regulations reflect excessive Federal control over State programs. EPA has attempted to provide maximum flexibility for development of State programs, and has included opportunities for negotiation between the State and Regional Administrator, allowing any unique social, political, economic, legal and environmental circumstances and priorities of the State to be considered and incorporated into the State work program.

Required Outputs

Several commenters disliked the requirement that the inventory of open dumps be conducted by the States. It is EPA's position, however, that it will be in the interest of the States to conduct the inventory since it is they who must close or develop a schedule for upgrading or closing all open dumps. EPA considers this program element a high priority in developing a State solid waste management program and will provide up to 100 percent of the inventory cost.

Several comments also addressed the requirement for a State hazardous waste management program element. EPA does not consider this a burden since, during fiscal year 1978, a State need only demonstrate a movement toward development of the ability to assume the hazardous waste management program in subsequent fiscal years. Further, these regulations allow exception to the requirement in unusual circumstances.

Fiscal Year 1978 Allocations

Commenters questioned the proposed allocation formula in earlier drafts of the regulations for funds appropriated under section 3011. That formula has been deleted since it will not be used in fiscal year 1978. The Administrator has determined that all funds appropriated in fiscal year 1978 will be allocated by the formula developed for solid waste management programs (section 4008(a)(1)) for achieving the outputs required under and used for solid waste management program elements including movement toward ability to assume the hazardous waste management program. Supplemental regulations will be issued for fiscal year 1979, which will provide an allocation formula for section 3011 funding.

Eligible State Agencies

Also questioned was the eligibility of State agencies, other than executive agencies, for Federal funding. The Act does not limit Federal funding solely to State executive agencies. Therefore, wherever the law authorizes the EPA to make grants "to States," e.g., in section 3011 and 4008, it is interpreted to mean all State bodies, including State legislatures. These regulations and Part 255 of this chapter will provide for one State agency (presumably an executive agency) designated by the Governor to carry out the solid waste management program or to coordinate the distribution of program funds and work responsibilities among other State entities, which may include legislative bodies.

Authorizations Not Included

In addition to the programs for which regulations have been developed the Act also authorizes financial assistance to eligible applicants for the purchase of tire shredders under section 2004 and to special communities under section 4008

(e). Regulations have not been developed to cover these programs, because it is not expected that sufficient funds will be appropriated by Congress in the next year. Supplemental regulations will be developed when warranted. It is also unlikely that sufficient funds will be appropriated for rural communities assistance under section 4009 although regulations have been developed.

EFFECTIVE DATE

Delay in the effective date of these regulations would be contrary to the public interest, since fiscal year 1978 grants must be processed immediately to allow timely initiation of State programs. Therefore, these regulations are effective October 20, 1977.

Dated: October 13, 1977.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 30 is amended as follows:

1. By revising § 30.101(c) to read as follows:

§ 30.101 Authority.

* * * * *

(c) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*);

* * * * *

2. By revising § 30.305–2(a)(3), (a)(4), and (a)(14) and adding new paragraphs (a)(15) and (a)(16) to read as follows:

§ 30.305–2 Notification of intent (A–95, Part I).

(a) * * *

(3) 66.451 Solid and Hazardous Waste Management Program Support Grants;

(4) 66.452 Solid Waste Management Demonstration Grants;

* * * * *

(14) 66.602 Environmental Protection Consolidated Grants—Special Purpose;

(15) 66.453 Solid Waste Management Training Grants;

(16) 66.504 Solid Waste Disposal Research Grants.

3. By revising 30.305–5(a) to read as follows:

§ 30.305–5 Programs requiring State plans and jointly funded projects (A–95 Part III).

(a) *Applicability.* This section applies only to Air Pollution Control Program Grants, Water Pollution Control State and Interstate Program Grants, and Solid and Hazardous Waste Management Program Support Grants to the extent they involve State plans.

* * * * *

4. By redesignating the existing paragraph under § 30.515 as (a) and adding a new paragraph (b) to read as follows:

§ 30.515 Required patent provision.

(a) * * *

(b) Inventions made under the Resource Conservation and Recovery Act of 1976 are subject to section 9 of the Federal Non-nuclear Energy Research and Development Act of 1974. This is implemented by Appendix B.

5. By revising the authority statement which follows the table of sections to read as follows:

Authority: Authorities cited in § 30.101.

40 CFR Part 35 is amended as follows:

6. By deleting the table of sections for §§ 35.300 through 35.340 including the centered heading "Solid Waste Planning Grants" (which precedes § 35.300).

§§ 35.300 through 35.340 [Deleted]

7. By deleting §§ 35.300 through 35.340 including the centered heading "Solid Waste Planning Grants" (which precedes § 35.300).

8. By revising §§ 35.400 through 35.425 to read as follows:

Subpart B—Program Grants

Sec.

35.400 Purpose.
35.400–1 Air pollution control agency grant awards.
35.400–2 Water pollution control program grant awards.
35.400–3 Public water system supervision program grant awards.
35.400–4 Solid and hazardous waste management program support grant awards.
35.403 Authority.
35.404 Annual guidance.
35.405 Criteria for evaluation of program objectives.
35.410 Evaluation of agency performance.
35.415 Financial status report.
35.420 Payment.
35.425 Federal and grantee program support.

AUTHORITY: Secs. 105 and 301(b), Clean Air Act, as amended (42 U.S.C. 1857(c) and 1857(g)); secs. 106 and 501, Federal Water Pollution Control Amendments of 1972 (33 U.S.C. 1256 and 1361); secs. 1443(a) and 1450, Safe Drinking Act (42 U.S.C. 300j–2); and secs. 3011, 4007, 4008 and 4009, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6931, 6947, 6948 and 6949).

§ 35.400 Purpose.

This subpart establishes and codifies policy and procedures for air pollution, water pollution, public water system supervision and solid and hazardous waste management program support grants, and supplements the EPA general grant regulations and procedures (Part 30 of this chapter). These grants are intended to aid programs for air pollution control, water pollution control, public water system supervision, and solid and hazardous waste management at the State, interstate, or local level.

§ 35.400–1 Air pollution control agency grant awards.

Grants may be awarded to air pollution control agencies for the planning, development, establishment, improvement, and maintenance of programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in accordance with the applicable implementation plan.

§ 35.400–2 Water pollution control program grant awards.

Grants may be awarded to State and interstate water pollution control agencies to assist them in developing or administering programs for the prevention, reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

§ 35.400–3 Public water system supervision program grant awards.

Grants may be awarded to State agencies to assist them in developing or administering public water system supervision programs.

§ 35.400–4 Solid and hazardous waste management program support grant awards.

Grants may be awarded to agencies having responsibility for solid and hazardous waste management to assist them in developing and implementing solid and hazardous waste management work programs.

§ 35.403 Authority.

This subpart is issued under sections 105 and 301(b) of the Clean Air Act, as amended (42 U.S.C. 1857(c) and 1857(g)); sections 106 and 501 of the Federal Water Pollution Control Amendments of 1972 (33 U.S.C. 1256 and 1361); sections 1443(a) and 1450 of the Safe Drinking Act (42 U.S.C. 300j–2); and sections 3011, 4007, 4008 and 4009 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6931, 6947, 6948 and 6949).

§ 35.404 Annual guidance.

The Environmental Protection Agency will develop and disseminate annual guidance to be used by the grantee to structure air pollution, water pollution, public water system supervision, and solid and hazardous waste management programs for the coming Federal fiscal year. The guidance will contain a statement of the national strategy including national objectives and national priorities for the year, together with planning figures for Federal program grant assistance based on the EPA budget approved by the President. The annual guidance will be disseminated each year as soon as practicable during the month of February.

§ 35.405 Criteria for evaluation of program objectives.

(a) Programs set out in the application and submitted in accordance with these regulations shall be evaluated in writing by the Regional Administrator to determine:

(1) Consistency and compatibility of objectives and expected results with EPA national and regional priorities in implementing purposes and policies of the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act or the Resource Conservation and Recovery Act.

(2) Feasibility of achieving objectives and expected results in relation to existing problems, past performance, program authority, organization, resources and procedures.

(b) Approval of the program developed under § 35.526 (air) or § 35.565 (water pollution) or § 35.626 (public water systm supervision) or § 35.718 (solid and hazardous waste management) shall be based on the extent to which the applicant's program satisfies the above criteria.

§ 35.410 Evaluation of agency performance.

(a) A performance evaluation shall be conducted at least annually by the Regional Administrator and the grantee to provide a basis for measuring progress toward achievement of the approved objectives and outputs described in the work program. The evaluation shall be consistent with the requirements of § 35.538 for air pollution control agencies, § 35.570 for water pollution control agencies, § 35.626(d) for public water system supervision agencies and § 35.744 for solid and hazardous waste management agencies.

(b) The Regional Administrator shall prepare a written report of the annual evaluation. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

§ 35.415 Financial status report.

Within 90 days after the end of each budget period, the grantee must submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld under § 30.615-3 of this chapter until this report is received.

§ 35.420 Payment.

Grant payments will be made in accordance with § 30.615 of this chapter. Notwithstanding the provisions of § 30.345 of this chapter, the first grant payment subsequent to grant award may include reimbursement of all allowable costs incurred from the beginning of the approved budget period, provided that monthly costs incurred from the beginning of the budget period to the date of grant award do not exceed the level of costs incurred in the last month of the prior budget period.

§ 35.425 Federal and grantee programs support.

(a) For purposes of establishing the amount of resources which will be committed by the agency to particular budget categories or program elements under §§ 35.527 (air), 35.561(a) (water), and 35.626-1 (public water system supervision), Federal and grantee financial contribution shall be considered as combined sums, and shall not be separately identified for each budget category or program element. For purposes of this subpart, and pursuant to § 30.700(a) of this chapter, all project expenditures by the grantee shall be deemed to include the Federal share.

(b) A grantee may not unilaterally reduce the non-Federal share of project costs. In the event of a significant proposed or actual reduction in the non-Federal contribution, the Regional Administrator must consider a reduction in the Federal share or an increase to the Federal percentage.

9. By adding new §§ 35.700 through 35.744 to read as follows:

SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM SUPPORT GRANTS

Sec.

35.700 Purpose.
35.701 Definitions.
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§ 35.700 Purpose.

These regulations establish policies and procedures for grants under sections 3011, 4007, 4008, and 4009 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6931, 6947, 6948, and 6949). These regulations supplement the EPA general grant regulations and other requirements set forth in Parts 30 and 35 of this chapter.

§ 35.701 Definitions.

The Act contains a list of definitions in section 1004 which are not repeated here. In addition, the following terms have the meaning set forth below:

§ 35.701-1 The Act.

The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

§ 35.701-2 Substate entity.

Any public regional, local, county, municipal, or intermunicipal agency, or regional or local public (including interstate) solid or hazardous waste management authority, or other public agency below the State level.

§ 35.701-3 Nonrecurrent expenditures.

Expenditures which include any of the following: (a) the amount by which the annual cost of the purchase of individual items of equipment, each costing over $2,500, exceeds the average of such purchases for the three preceding fiscal years (nonrecurrent equipment purchases may be depreciated over the anticipated useful life of the equipment); (b) costs of projects supported under grants authorized by sections of the Act other than sections 4007, 4008, and 4009; or (c) those expenditures which are identified as being acceptable as nonrecurrent expenditures under generally accepted accounting principles, with the prior approval of the Regional Administrator.

§ 35.702 Summary of program.

(a) To understand the State solid and hazardous waste management program, the provisions below should be read with the regulations which govern the identification of regions and agencies for solid waste planning and management (Part 255 of this chapter), the regulations which set forth the requirements of the solid waste management planning process (Part 256 of this chapter), and the regulations which govern hazardous waste management (Part 250 of this chapter).

(b) EPA grants awarded under these regulations primarily provide funding support to an annual work program which is to be carried out in each State. The emphasis is on a flexible process which can meet the unique social, political, economic, legal, and environmental circumstances in each State. The events leading to a State grant are summarized as follows: As early as possible each year, EPA will determine a tentative funding level for each State. Using this level as a target, each State will develop a "draft" work program and submit it to the appropriate EPA Regional Administrator by June 1. Regional Office personnel will work with the State to negotiate any necessary adjustments in the work program. When funds are appropriated, they will be allotted among the States. By August 1, the State must submit its "final" work program (as part of its grant application) to the Regional Administrator, who will award the State grant, assuming the program meets applicable requirements. Mid-year program evaluations by the Regional Administrator are required; end-of-year evaluations may also be conducted. For fiscal year 1978, only the final work program

is required and must be submitted by November 21, 1977.

(c) While it is important that sound planning be accomplished, EPA intends for States to avoid delays in undertaking needed implementation activities. Thus, a State's work program can describe implementation activities to be undertaken in one program area while planning is being completed in another. In order to qualify for fiscal year 1978 funding, the State submission must consist of two parts: (1) the State plan previously developed under section 207 of the Solid Waste Disposal Act before amendment by the Resource Conservation and Recovery Act of 1976, including a strategy for achieving the purposes of the Act, or an equivalent plan developed independently by the State; and (2) the first year's proposed work program under these regulations.

(d) Each State is expected to use its early grants for, among other things, the development of a plan which EPA envisions will grow from the State's initial submission for fiscal year 1978. The plan developed under the grant must meet the objectives of the Act. In fiscal year 1979, as much of the plan as is developed will be submitted as part of the grant application. When the plan is fully developed, the State's planning responsibilities will be primarily to update or revise the plan as required.

(e) The substance of the State's yearly work program is addressed generally in § 35.722. It lists the program elements each State must address in its work program. Specific elements may be modified, if approved by the Regional Administrator. The State's program must also describe specific outputs for each element. Outputs under two program elements are specifically required, namely, the inventory of open dumps and movement toward development of a hazardous waste program. Each year, EPA will provide guidance concerning desired output requirements.

(f) States are required to complete the agency and area identification processes mandated by section 4006 of the Act before they can be eligible for a grant in fiscal year 1979. For fiscal year 1978, each State must commit to timely completion of these processes, and submit a schedule for such completion.

(g) It is EPA's intention that program grants stimulate and reward State and substate initiatives for dealing with solid and hazardous waste problems. Thus, EPA encourages each State to meet its particular problems, with no more Federal controls than necessary to assure the program is successful nationally.

(h) These provisions also allow EPA to award implementation grants to State agencies and, in limited circumstances, directly to substate agencies for activities which the State certifies are consistent with the plan and work program.

§ 35.704 Eligibility for funding.

(a) Grants will be awarded to a State under section 4008(a)(1) of the Act only if the State has submitted a work program under § 35.718 as part of its grant application, and the work program meets the requirements of this chapter and is approved by the Regional Administrator.

(b) The Governor shall designate a single State agency to carry out the work program or coordinate distribution of funds and work responsibilities among State and substate entities for fiscal year 1978.

(c) Funds for activities under the program elements in § 35.722(a) (solid waste plan development and implementation) shall be allocated within the State only to the agency or agencies (State or substate) identified under section 4006 of the Act and Part 255 of this chapter. For fiscal year 1978, in States where the agency identification process under Part 255 is not complete, such funds shall be allocated to the agency or agencies which the Governor (with the Regional Administrator's concurrence) determines are most appropriate to undertake the work elements in view of the requirements of Part 255. This determination by the Governor is not required where the Regional Administrator determines that an agency has explicit authority under State law to carry out these responsibilities.

(d) No funds for activities under the program elements in § 35.722(b) (hazardous waste program development and implementation) will be awarded to any State unless the Regional Administrator determines that the State's hazardous waste program development and implementation efforts are consistent with the requirements of EPA guidelines published under section 3006(a) of the Act, except that for fiscal year 1978, hazardous waste program development will be funded as an element of solid waste work program development (see §§ 35.722(a)(3) and 35.730-2).

(e) Funds for rural communities assistance will be allocated by the State only to entities eligible under § 35.734.

(f) Grants to States and substate agencies for certain implementation activities under section 4008(a)(2) of the Act will be awarded only for activities which are certified by the State to be consistent with the plan developed under Part 256 of this chapter and the State's work program under § 35.718. Further eligibility criteria are set forth in § 35.732.

§ 35.706 Allotments.

EPA's annual guidance will set forth the Administrator's determination of the division of appropriated funds among the Act's various authorized programs, and the basis for his determination. Allotments are not an absolute entitlement of funds for any State; rather, they represent the amount of a grant the State can receive if the State's work program supports that level of funding and is approved by the Regional Administrator. For fiscal year 1978, population figures in the formulae below will be drawn from the 1970 census. In subsequent fiscal years, EPA may use updated data if available from the U.S. Department of Commerce. Allotments will be rounded to the nearest hundred dollars.

§ 35.706-1 Solid waste management planning and implementation.

Sums which the Administrator determines will be available in each fiscal year for grants under section 4008(a)(1) of the Act will be alloted among all States in the ratio that the population in each State bears to the population in all of the States, except that no State shall receive an allotment of less than one-half of one percent of the sums so allotted in any fiscal year.

§ 35.706-2 Hazardous waste management program development and implementation.

[Reserved]

§ 35.706-3 Rural communities assistance.

Sums which the Administrator determines will be available in each fiscal year for grants under section 4009 of the Act will be allotted among all States based on the average of three factors: (a) the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; (b) the ratio which the population of counties in each State having less than twenty persons per square mile bears to the total population of such counties in all the States; and (c) the ratio which the populaion of such low-density counties in each State having 33 percent or more of all families with incomes not in excess of 125 percent of the poverty level bears to the total population of such counties in all the States.

§ 35.706-4 State and substate implementation grants.

Sums which the Administrator determines will be available for grants to States and substate entities under section 4008(a)(2) of the Act will be awarded directly to such entities without an advance allotment process.

§ 35.706-5 Special communities.

[Reserved.]

§ 35.708 Regional allowances.

The Administrator will issue to each Regional Administrator, as a part of the EPA annual program guidance, tentative regional allowances for the next fiscal year. The tentative regional allowance will be the sum of anticipated State allotments under § 35.706 for that region, based on the appropriation requested by the President. To facilitate program planning, the Regional Administrator will promptly notify each State of its tentative allotment. As soon as practicable after funds are appropriated, the Administrator will issue to each Regional Administrator a final regional allowance.

§ 35.710 Grant amount.

(a) Each State will receive grants from its final allotment for each fiscal year in an amount which does not exceed the reasonable cost of carrying out its ap-

proved work program, as determined by the Regional Administrator. In determining the amount of a State's grant, the Regional Administrator will consider: (1) the financial commitments, functions and obligations assigned to the various planning and implementing agencies by the State's proposed program; (2) the priorities among and feasibility of proposed State program outputs in relation to resources available; (3) the anticipated cost of the State's program in relation to its expected accomplishments and likelihood of success; and (4) evaluations of past performance of planning and implementing agencies.

(b) Should the Regional Administrator's evaluation of the State work program submission reveal that the output commitment is not consistent with the level of funding requested, the requirements of this chapter, or the EPA annual guidance, he may negotiate with the State to change the output commitment or reduce the grant amount. If a State proposes a different set of outputs than suggested in § 35.722 or the EPA annual guidance due to its unique solid or hazardous waste management problems, the Regional Administrator may approve the State's proposed program if he determines that the outputs are consistent with the law, that the outputs can and should be produced, and that the proposed funding is appropriate; provided, however, that the elements described in § 35.730 are required of all States.

(c) Unobligated funds remaining after grant negotiations with States within a region may be used for supplementary grant awards to other States within that region. Funds not obligated by the Regional Administrator within six months following the date of the final advice of allowance for that region will revert to the Administrator for reallocation to regions which can demonstrate a need for funds in excess of their final regional allowance.

§ 35.712 Reduction of grant amount.

(a) In the event a State fails to submit its final annual work program on or before the dates specified in § 35.718–2, the grant amount may be reduced by up to one percent of the State's total allotment for each day's delay.

(b) If the Regional Administrator's program evaluation reveals that the grantee will not achieve or has not achieved the outputs specified in the approved program, an effort should be made to resolve the situation through mutual agreement by amending the approved program. If agreement is not reached, the Regional Administrator may reduce the grant amount in proportion to the estimated program cost to produce such outputs, under § 30.920 of this chapter. This provision does not limit the Regional Administrator's right to take other appropriate actions authorized by §§ 30.915 and 30.920.

(c) Funds recovered under § 35.712 (a) and (b) will be available for grant awards to other States under § 35.710(c).

§ 35.714 Federal share.

The Federal share shall not exceed 75 percent of total allowable work program costs, except that the Regional Administrator may award up to 100 percent of allowable costs of conducting the inventory of open dumps under the work element in §§ 35.722(a)(2) and 35.730–1.

§ 35.716 Budget period.

The budget period of the grants shall be for the Federal fiscal year.

§ 35.718 State program development and submission.

§ 35.718–1 Plan submission requirements.

(a) No grant funds will be awarded to a State for fiscal year 1978 for activities under the program elements in § 35.722 (a) (solid waste plan development and implementation) unless the State has submitted to the Regional Administrator the plan developed by the State under section 207 of the Solid Waste Disposal Act prior to its amendment by the Resource Conservation and Recovery Act of 1976 (if the plan is incomplete, the State shall submit the portions of the plan which are complete) or, if the State has no such plan, the equivalent thereof developed by the State; with a strategy for achieving the solid waste plan development and implementation requirements of the Act, developed in accordance with supplementary EPA guidance.

(b) In fiscal year 1979 and subsequent years, no grant will be awarded to a State for activities under the program elements in § 35.722(a) unless the State is in compliance with the plan development and submission guidelines set forth in Part 256 of this chapter.

§ 35.718–2 Annual work program submission requirements.

(a) Each State shall submit to the Regional Administrator by June 1 of each year a draft work program, based on the State plan, and meeting the requirements of this chapter, except that for fiscal year 1978, only the final work program is required. The draft program shall contain the following:

(1) a summary of the current year's work program.

(2) a description by program element (see § 35.722) of the State's proposed work program for the coming year, including:

(i) a description within each program element of the work to be performed and outputs to be achieved (with identification of estimated related costs and person-years to be expended) and the relationship to the State plan;

(ii) an identification of all funds, both Federal and non-Federal, which the State anticipates receiving during the fiscal year for the work program; and

(iii) the proposed distribution of funds and output achievement responsibilities among State, and substate entities.

(3) After fiscal year 1978, a description of the steps the State has taken to comply with the requirements of § 35.720 concerning involvement of substate agencies, and the comments or a summary thereof from such agencies on the draft work program.

(b) Each State shall submit to the Regional Administrator by August 1 of each year a final work program as part of its grant application, consisting of the program described in § 35.718–2(a) modified as appropriate to reflect the results of public participation under § 35.726 and negotiations with the Regional Administrator. For fiscal year 1978, the work program shall be submitted by November 21, 1977.

§ 35.720 Involvement of legislative and other agencies.

To the extent practicable, the State shall involve the legislature and other appropriate agencies in work program development and implementation. The Regional Administrator may disapprove part or all of a State's proposed work program if he determines that the program does not adequately involve a local or regional agency with demonstrated capability to undertake an element of the program.

§ 35.722 Program elements.

Guidance concerning output requirements will be included in EPA's annual guidance under § 35.404. Under § 35.710 (b), the Regional Administrator may approve a State's proposal to alter or add to the list of program elements below. The State's program must be developed so that the program elements are free from unnecessarily redundant or inconsistent outputs. The State's work program shall identify specific outputs to be achieved during the year within the following major program elements (common outputs may be developed for overlapping program areas):

(a) *Solid waste planning and implementation activities.*

(1) Plan development (including update and revision).

(2) Inventory of open dumps (a required element; see § 35.730?1).

(3) Preliminary work towards development of a hazardous waste program (a required element for fiscal year 1978; see § 35.730–2).

(4) Enforcement, regulatory and permit activities.

(5) Site surveillance, monitoring of pollutants, and inspections.

(6) Agency and area identification (State and substate) under section 4006 of the Act.

(7) Administration.

(8) Public participation.

(9) Technical assistance.

(10) Training.

(b) *Hazardous waste program development and implementation activities under section 3011 of the Act.*

(1) Surveys of hazardous waste generation, treatment, disposal, transportation and storage.

(2) Enforcement, regulatory and permit activities.

(3) Transportation control (including registration or licensing), and management of the manifest system.

(4) Monitoring of pollutants.

(5) Storage, treatment and disposal control activities.
(6) Administration.
(7) Public participation.
(8) Planning (as part of yearly program for activities not otherwise covered by § 35.722(a)).
(9) Technical assistance.
(10) Training.
(c) *Rural communities assistance activities.*
(1) Review of project proposals and distribution of assistance to communities.
(2) Coordination and project oversight.
(d) *Special communities assistance activities.* [Reserved]

§ 35.724 Clearinghouse review.

All applicants for grants under this Part must comply with the requirements of Office of Management and Budget (OMB) Circular Number A-95, as required by § 30.305 of this subchapter.

§ 35.726 Public participation.

The State work program, and any other program or project for which assistance is sought under these regulations, shall be the subject of public participation consistent with Part 249 of this chapter. In the case of the State work program, the State must also afford an opportunity for substate review under § 35.720.

§ 35.728 Program review and approval.

(a) The Regional Administrator shall review the State's draft work program submission and provide comments to the State within thirty calendar days of its receipt.
(b) The Regional Administrator shall approve, conditionally approve, or disapprove a State's final work program submission within thirty calendar days of its receipt, notwithstanding the provisions of § 30.345 of this chapter. The work program will be approved only if it is in compliance with all requirements of the Act and this chapter.
(c) The Regional Administrator may award a grant based in conditional approval of a State work program which requires minor changes to qualify for approval. In such an event, the Regional Administrator will provide the State with an explicit statement of deficiencies found in the work program submission and include, as part of the grant agreement, written conditions which must be met to secure final approval and the date by which such conditions shall be met. Non-compliance with such conditions may result in a reduction in the grant amount as reflected in the grant agreement, or the grant agreement may provide that no funds beyond a stated amount will be released to the State pending compliance with the conditions.

§ 35.730 Required outputs.

§ 35.730-1 Inventory requirements.

The inventory of open dumps is a required program element for which up to 100 percent Federal funding is available under § 35.714. Specific inventory output requirements for each fiscal year will be set forth in EPA's annual guidance. Since existing data and inventory needs differ from State to State, the Regional Administrator may negotiate with the State concerning specific inventory requirements and allow deviations from the priorities set forth in the annual guidance.

§ 35.730-2 Hazardous waste program element requirements.

For fiscal year 1978, the preliminary work designed to move the State toward development of a hazardous waste program which would qualify for authorization under section 3006 of the Act, in accordance with regulations published by EPA under section 3006 of the Act and the annual EPA guidance, is a required program element. For a State in which there is a very low level of hazardous waste generation, transportation, storage, treatment or disposal activity, or where a program is impracticable without legislation and the State's legislature does not meet during fiscal year 1978, or in similarly exceptional circumstances, this required output may be modified or waived by the Regional Administrator with the concurrence of the Deputy Assistant Administrator for the Office of Solid Waste.

§ 35.732 Implementation and substate grants.

(a) Section 4008(a)(2) of the Act authorizes grants to States, counties, municipalities, intermunicipal agencies and State and local public solid waste management authorities for implementation of programs to provide solid waste management, resource recovery, and resource conservation services and hazardous waste management. Such assistance generally does not include assistance for construction, or any acquisition of land or interest in land, or any subsidy for the price of recovered resources. Assistance shall be awarded only for activities which are certified by the State as consistent with the plan developed under Part 255 of this chapter and the State's work program developed under this part.
(b) Generally, financial assistance to substate entities under sections 4008(a)(1) and (2) of the Act will be provided through the State, by means of a written interagency agreement transferring grant funds from the State to the substate agency. The agreement shall be developed, administered and approved in the same manner as that specified for rural communities assistance projects (see § 35.734(d)), and a similar process of competitive selection shall be established (see § 35.734(c)) for use when demand exceeds available funding.
(c) EPA will award grants directly to substate agencies only in those instances where the award of assistance directly to a substate entity is the most feasible means for accomplishing the goals of the Act (for example, for grants for resource recovery system implementation projects or grants to an Indian tribe over which the State has limited authority) or in the event the State has not submitted a fully approvable work program. The terms of the grant agreement will be negotiated between the Regional Administrator or Administrator, as appropriate and the prospective grantee under this section, and shall be consistent with the objectives of the Act and these regulations.

§ 35.734 Rural communities assistance.

(a) Financial assistance through States to municipalities or counties under this section shall be available when all the following circumstances exist:
(1) the applicant is a municipality or county which cannot feasibly be included in a solid waste management system or facility serving an urbanized, multijurisdictional area because of its distance from such systems;
(2) existing or planned solid waste management services or facilities are unavailable or insufficient to comply with the requirements of section 4005 of the Act;
(3) the assistance is for systems which are certified by the State to be consistent with any plans or programs established under any State or areawide planning process (including plans submitted under Part 255 of this chapter and § 35.718-1); and
(4) the municipality has a population of five thousand or less, or, if a county, a population of ten thousand or less or less than twenty persons per square mile and not located within a metropolitan area.
(b) Financial assistance under this section shall be available for solid waste management facilities including equipment necessary to meet the requirements of section 4005 of the Act or restrictions on open burning or other requirements arising under the Clean Air Act or the Federal Water Pollution Control Act. No assistance shall be available for the acquisition of land or interest in land.
(c) If funding levels under § 35.706-3 are insufficient to meet the needs of all applicants within a State, the State shall use a list of numerically weighted project review criteria (which shall be disclosed in advance to competing applicants) for evaluation of project applications. Such criteria must be approved by the Regional Administrator, who may provide technical assistance for preparation of such criteria at the request of the State. These criteria should include, at a minimum, priority for projects which
(1) propose critically needed equipment purchases to meet the purposes of § 35.734(b);
(2) have the greatest fiscal need in terms of objective measurements such as community tax base and tax effort; and
(3) evidence greatest likelihood of environmental benefit and energy conservation in the area of solid and hazardous waste management.
(d) Financial assistance shall be provided by the State through a written interagency agreement between the State and the community. The agreement must be submitted to the Regional Administrator. If the sum involved exceeds $100,000, it must be approved by the Regional Administrator before funds may be released by the State to the community. The agreement shall incorporate by reference the provisions of this chapter, making such provisions applicable to the community. The agreement shall specify

appropriate outputs and associated funding in the same manner as a grant agreement between the State and EPA.

(e) As part of its yearly work program summary submitted under § 35.718–2(a)(1), the State shall briefly describe the status of its rural assistance program, including the number of applicants, grantees, output achievements and costs thereof.

§ 35.736 Special communities.

[Reserved.]

§ 35.738 Limitations on award.

§ 35.738–1 Area and agency identification.

Under section 4006 of the Act and Part 255 of this chapter, the Governor of each State is required to identify by November 12, 1977, the boundaries of regional solid waste management areas, and by May 11, 1978, the State must identify appropriate agencies and their responsibilities for solid waste planning and management in the identified areas. No grant shall be awarded to a State for fiscal year 1979 and subsequent years unless these identification processes have been satisfactorily completed. For fiscal year 1978, no grant will be awarded to a State which does not include in the work program a schedule for Regional and agency identification by the above dates. In the event the State does not achieve either of the deadlines without good cause, the Regional Administrator may terminate part or all of the grant for fiscal year 1978.

§ 35.738–2 Maintenance of effort.

No State will be eligible to receive any grant for activities under the work elements in § 35.722(a) (solid waste plan development and implementation) during any fiscal year when its expenditures of non-Federal funls for other than non-recurrent expenditures for such activities will be less than its expenditures were for such activities during fiscal year 1975, except that such funds may be reduced by an amount equal to their proportionate share of any general reduction of State spending ordered by the Governor or Legislature of such State.

§ 35.738–3 Federal grant as supplementary.

No State will be eligible to receive any grant under this Subpart unless the Regional Administrator is satisfied that such grant will supplement and, to the extent practicable, increase the level of State, substate or other non-Federal funds that would in the absence of such grant be made available for the maintenance of solid and hazardous waste management programs.

§ 35.740 Adherence to budget estimates.

Grant expenditures shall be consistent with the resource estimates contained in the approved State work program. In the event that rebudgeting of funds among program elements becomes necessary, the provisions of § 30.610 of this chapter shall be applied.

§ 35.742 Program changes.

The grantee shall conduct its activities in a manner consistent with the approved State work program. In the event that changes to the approved State program become necessary, the provisions of § 30.610 shall be applied.

§ 35.744 Program evaluation and reporting.

Program evaluation is primarly a State responsibility and should be conducted periodically throughout the program year. It is EPA policy to limit evaluation to that which is necessary for responsible management of the national effort to control pollution resulting from inadequate solid and hazardous waste management. Therefore, joint Federal and State evaluations will be conducted at the Regional Office level. Each Regional Administrator shall review and evaluate State programs at least once a year as follows:

(a) *Mid-year evaluation.* By May 1 of each year, the Regional Administrator shall conduct a joint onsite evaluation meeting with appropriate State and other officials to review and evaluate the program accomplishments of the current budget period and the work projected for the coming year.

(b) *End-of-year review.* The Regional Administrator may conduct an evaluation meeting with appropriate State and other officials to review the accomplishments of the program year.

(c) *Reports.* The Regional Administrator shall prepare a written report of each evaluation and forward a copy to the grantee.

40 CFR Part 40 is amended as follows:

10. By revising the table of sections to read as follows:

PART 40—RESEARCH AND DEMONSTRATION GRANTS

Sec.
40.100 Purpose of regulation.
40.105 Applicability and scope.
40.110 Authority.
40.115 Definitions.
40.115–1 Construction.
40.115–2 Intermunicipal agency.
40.115–3 Interstate agency.
40.115–4 Muncipality.
40.115–5 Person.
40.115–6 State.
40.120 Publication of EPA research objectives.
40.125 Grant limitations.
40.125–1 Limitations on duration.
40.125–2 Limitations on assistance.
40.130 Eligibility.
40.135 Application.
40.135–1 Preapplication coordination.
40.135–2 Application requirements.
40.140 Criteria for award.
40.140–1 All applications.
40.140–2 [Reserved]
40.140–3 Federal Water Pollution Control Act.
40.145 Supplemental grant conditions.
40.145–1 Resource Conservation and Recovery Act.
40.145–2 Federal Water Pollution Control Act.
40.145–3 Projects involving construction.
40.150 Evaluation of applications.
40.155 Confidential data.
40.160 Reports.
40.160–1 Progress reports.
40.160–2 Financial status report.
40.160–3 Reporting of inventions.
40.160–4 Equipment report.
40.160–5 Final report.
40.165 Continuation grants.

AUTHORITY: Authorities cited in § 40.110.

11. By revising § 40.110(d) to read as follows:

§ 40.110 Authority.

* * * * *

(d) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(1) Section 8001 (42 U.S.C. 6981) authorizes grants for research and demonstration projects relating to solid waste.

(2) Section 8004 (42 U.S.C. 6984) authorizes grants for the demonstration of new or improved technologies for resource recovery.

(3) Section 8005 (42 U.S.C. 6985) authorizes grants to conduct special studies and demonstration projects on recovery of useful energy and materials.

(4) Section 8006 (42 U.S.C. 6986) authorizes grants for the demonstration of resource recovery systems or for the construction of new or improved solid waste disposal facilities.

* * * * *

12. By revising § 40.115 to read as follows:

§ 40.115 Definitions.

The statutes identified in § 40.110 contain definitions which are not all repeated here. The following terms shall have the meaning set forth below:

13. By revising § 40.115–2(b) to read as follows:

§ 40.115–2 Intermunicipal agency.

* * * * *

(b) Under the Resource Conservation and Recovery Act, an agency established by two or more municipalities with responsibility for planning or administration of solid waste.

* * * * *

14. By revising 40.115–3(c) to read as follows:

§ 40.115–3 Interstate agency.

* * * * *

(c) Under the Resource Conservation and Recovery Act, an agency of two or more municipalities in different States or an agency established by two or more States, with authority to provide for the disposal of solid waste and serving two or more municipalities located in different States.

* * * * *

15. By revising § 40.115–4(b) to read as follows:

§ 40.115–4 Municipality.

* * * * *

(b) Under the Resource Conservation and Recovery Act, a city, town, borough,

county, parish, district, or other public body created by or pursuant to State law, with responsibility for the planning or administration of solid waste management, or an Indian Tribe or authorized tribal organization or Alaska Native village or organization, and any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

* * * * *

16. By designating the existing § 40.115–5 as paragraph (a) and adding a new paragraph (b) as follows:

§ 40.115–5 Person.

(a) * * *

(b) Under the Resource Conservation and Recovery Act, an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

17. By revising § 40.115–6 to read as follows:

§ 40.115–6 State.

(a) Under the Federal Water Pollution Control Act, a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) Under the Resource Conservation and Recovery Act, a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) In all other cases, a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

§ 40.115–7 [Deleted]

§ 40.115–8 [Deleted]

§ 40.115–9 [Deleted]

§ 40.115–10 [Deleted]

18. By deleting §§ 40.115–7, 40.115–8, 40.115–9 and 40.115–10.

19. By revising § 40.120 to read as follows:

§ 40.120 Publication of EPA research objectives.

The Office of Research and Development of EPA publishes a statement of research objectives and priorities annually in a document entitled "Office of Research and Development—Program Guide." This document may be obtained from either the Office of Research and Development, RD–674, or the Grants Administration Division, PM–216, U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 40.120–1 [Deleted]

§ 40.120–2 [Deleted]

§ 40.120–3 [Deleted]

20. By deleting §§ 40.120–1, 40.120–2, and 40.120–3.

21. By revising § 40.125–1 to read as follows:

§ 40.125–1 Limitations on duration.

(a) No research or demonstration grant shall be approved for a budget period in excess of 2 years except demonstration grants involving construction.

(b) No research or demonstration grant shall be approved for a project period in excess of 5 years.

(c) The grant award official may extend the budget and project periods for up to an additional 12 months without additional grant funds, when such extensions are in the best interest of the Government.

22. By revising § 40.125–2(c) to read as follows:

§ 40.125–2 Limitations on assistance.

* * * * *

(c) *Resource Conservation and Recovery Act.*

(1) Sections 8001, 8004, and 8005. The maximum practicable cost sharing is required.

(2) Section 8006. The Federal share for any grant for the demonstration of resource recovery systems shall not exceed 75 percent and is subject to the conditions contained in section 8006(b) of the Act. The Federal share for any grant for the construction of new or improved solid waste disposal facilities shall not exceed 50 percent in the case of a project serving an area which includes only one municipality and 75 percent in any other case, and is subject to the limitations contained in section 8006(c) of the Act. Not more than 15 percent of the total funds authorized to be appropriated for any fiscal year to carry out this section shall be awarded for projects in any one State.

23. By revising § 40.130(b) to read as follows:

§ 40.130 Eligibility.

* * * * *

(b) Resource Conservation and Recovery Act.

(1) Section 8001, public authorities, agencies, and institutions; private agencies and institutions; and individuals.

(2) Sections 8004 and 8005, public agencies and authorities or private persons.

(3) Section 8006, State, municipal, interstate or intermunicipal agencies.

(4) No grant may be made under this Act to any private profit-making organization.

* * * * *

24. By revising § 40.135–1(a)(1) and adding a new paragraph § 40.135–1(c) to read as follows:

§ 40.135–1 Preapplication coordination.

(a) *All applicants.* (1) Applicants for research and demonstration grants are encouraged to contact EPA for further information and assistance prior to submitting a formal application. The EPA regional office or laboratory nearest the applicant will be able to provide such assistance or to refer the applicant to an appropriate EPA representative.

* * * * *

(c) Applications for grants for demonstration projects funded by the Office of Solid Waste will be solicited through the Department of Commerce Business Daily, and selections will be made on a competitive basis.

§ 40.135–2 [Amended]

25. By revising the number of application copies required in the first sentence from "14" to "8".

§ 40.140–2 [Reserved]

26. By deleting and reserving § 40.140–2.

27. By revising § 40.145–1 to read as follows:

§ 40.145–1 Resource Conservation and Recovery Act.

Programs for which a Federal grant is awarded by the Environmental Protection Agency to a State, municapal, interstate or intermunicipal agency, or to any public authority, agency or institution, under the Resource Conservation and Recovery Act, shall be the subject of public participation consistent with Part 249 of this chapter.

28. By revising 40.160–2 to read as follows:

§ 40.160–2 Financial status report.

A financial status report must be prepared and submitted within 90 days after completion of the budget and project periods in accordance with §30.635–3.

40 CFR Part 45 is amended as follows:

29. By revising § 45.102(d) to read as follows:

§ 45.102 Authority.

* * * * *

(d) Sections 7007 and 8001 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6977 and 6981).

* * * * *

30. By revising 45.115(c) to read as follows:

§ 45.115 Eligibility.

* * * * *

(c) *Resource Conservation and Recovery Act.*

(1) *Section 7007(a).* State or interstate agencies, municipalities, educational institutions, and other organizations.

(2) Section 8001(a) Federal, State, and interstate or local authorities, agencies, and institutions, private agencies and institutions, and individuals.

(3) No grant may be made under this Act to any private profit-making organization.

* * * * *

31. By adding a new paragraph as (f) to § 45.135 to read as follows:

§ 45.135 Supplemental grant conditions.

* * * * *

(f) Training grants awarded under the Resource Conservation and Recovery Act will be subject to the following condition: Any training program or project for which a Federal grant is awarded to a State, interstate, municipal or local authority, agency or institution shall be the subject of public participation consistent with Part 249 of this chapter.

§ 45.145 [Amended]

32. By revising the reference to "§ 30.701" to read "§ 30.705."

[FR Doc.77-30614 Filed 10-19-77;8:45 am]

federal register

THURSDAY, OCTOBER 20, 1977

PART V

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

■

SURFACE MINING CONTROL AND RECLAMATION

Restrictions of Financial Interests of State and Federal Employees

[4310–05]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

PART 705—RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

PART 706—RESTRICTION ON FINANCIAL INTERESTS OF FEDERAL EMPLOYEES

Monitoring and Enforcing Restrictions of Financial Interests of State and Federal Employees Performing Functions or Duties Under Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Final rules.

SUMMARY: The regulations in Part 705 establish provisions for monitoring and enforcing financial interest restrictions applicable to employees of the State Regulatory Authority performing any function or duty under the Surface Mining Control and Reclamation Act of 1977 in order for the State to be eligible for reimbursements or grants under the Act. The proposed regulations in Part 706 establish provisions for monitoring and enforcing financial interest restrictions which apply to Federal employees performing any function or duty under the Act in order to be in compliance with the Act. These regulations provide the methods by which prohibited financial interest situations involving employees performing under the Act can be identified and remedied.

EFFECTIVE DATE: November 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Director, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240, 202–343–4237.

SUPPLEMENTARY INFORMATION:

I. Background

On August 23, 1977, Interior issued proposed regulations under Parts 2170 and 2171 to implement Sections 201(f) and 517(g) of the Act (42 FR 42540–42546). As final rules, these Parts are 705 and 706, respectively.

Sections 201(f) and 517(g) of the Act make it a crime for employees performing any function or duty under the Act to knowingly have a direct or indirect financial interest in any coal mining operation. The Act further directs the Secretary to publish regulations which establish methods for monitoring and enforcing the prohibition, including provisions for the filing and review of financial interest statements.

The Secretary promulgates these regulations recognizing the clear Congressional intent that affected employees maintain the highest standards of honesty, integrity and impartiality to avoid even the appearance of conflict of interest.

The direct or indirect financial interests of an employee's spouse, minor child, or other relatives who are full-time members of the employee's home are considered to be the financial interests of the employee. Disclosure of these interests will bring to the reviewer's attention any direct or indirect financial interests in coal mining operations which the employee may be deriving from interests of other family members and relatives. Disclosure will also preclude employees from transferring prohibited financial interests to close family members or relatives in order to avoid the provisions in the Act.

In keeping with the legislative intent and at the suggestion of several States, these regulations place as much responsibility as possible upon the individual States. States are responsible for resolving prohibited financial interest situations, and for initiating action to impose the penalties of the Act within their existing laws, regulations and personnel programs in order to meet the requirements of the Act. Care has been taken to specifically separate the responsibilities of the Federal Government from those of the individual States and to guard against the imposition of excessive Federal requirements upon the States.

The same high standards applicable to covered employees of the State agencies apply to covered employees of the Federal Government under the separate regulations in Part 706. With regard to covered employees of other Federal agencies, it is proposed that each agency have as much latitude as possible in resolving prohibited financial situations and in enforcing the requirements within these regulations. Other Federal agencies' implementation must be consistent with the regulations developed for employees of the Department of the Interior.

II. Comments

The Director, Office of Surface Mining Reclamation and Enforcement, received 15 written comments and 12 oral comments on the proposed rules published in the Federal Register on August 23, 1977. Most of the comments received were addressed to Part 705 implementing Section 517(g) for State employees. Where changes have been made in response to these comments, the same changes have been adopted in Part 706 applicable to Federal employees.

Subsequent paragraphs discuss the major comments received.

1. *Authority to enforce the regulations.* Two commenters took exception to the provisions of § 705.1 that the States must adopt the minimum provisions in proposed Part 705 in order to be eligible for reimbursements under Section 502, grants under Section 705, or primary regulatory authority under Section 503 of the Act. One commenter stated that there is no legislative authority for the Secretary to require adoption of the financial interest provisions as a prerequisite to the implementation of Section 503 or 705. The second commenter stated that there is no statutory authority for withholding reimbursements to the States under Section 502 of the Act on the basis that the States do not have regulations relating to direct and indirect financial interests which meet the minimum Federal requirements.

These views were not accepted. Section 517(g) of the Act directs the Secretary to "establish methods by which the provisions of this subsection will be monitored and enforced". No stipulation is placed on what the methods can or cannot entail. Further statutory support for the methods proposed is found in Section 201(c)(2) which states: "The Secretary, acting through the Office, shall publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act". It has been determined that (i) adoption by the States of the minimum financial interest provisions in Part 705 of these regulations is necessary to carry out the purposes and provisions of Section 517(g) of the Act, and (ii) the most effective enforcement method available to ensure that the States adopt these financial interest provisions is to tie such adoption to the desirable program provisions of Section 502 reimbursement funds, Section 705 grant funds, and Section 503 State program approval.

Similarly, three commenters objected to the provisions of § 705.6(b) that an employee who fails to file the required financial interest statement would be in violation of a condition of employment and therefore be subject to removal from his or her position. All three commenters stated that the proposed requirement goes beyond the statutory authority of the Act by attempting to expand on the penalties provided in the Act. In addition, one commenter misinterpreted the proposed provisions in § 705.6(b) by suggesting that the provisions mean that the Federal Government would have authority to order removal of a State employee found to have a prohibited interest.

These views were rejected on the basis that (i) Sections 201(f) and 517(g) prohibit certain Federal employees and any State Regulatory Authority employees who perform any functions or duties under the Act from having a direct or indirect financial interest in any underground or surface coal mining operation, and (ii) without a complete financial statement it could not independently be determined if an employee is in compliance with Section 517(g). Therefore, filing of the statement does in fact become a condition of employment both for certain Federal employees and State Regulatory Authority employees who perform functions or duties under the Act.

2. *Effective date of monitoring and enforcement procedures.* Three commenters questioned the requirement of § 705.13(a)(1) to obtain statements of employment and financial interest from State employees within 120 days of the enactment of these regulations. A Federal agency sought a deferral to March 31, to make the filing date compatible with other conflict of interest filing requirements in that agency. One State

agency believed the 120 day timeframe was unrealistic and another contended the first filing should be as late as February 1979, the deadline for State program submission.

Under the Administrative Procedure Act, these regulations go into effect 30 days after publication. Therefore, it is necessary to provide prompt assistance to affected employees in identifying and resolving any prohibited financial interest situations. The 120 day timeframe for filing was selected as a practical limit based on consultations with numerous State officials during the original drafting of these regulations. This initial filing requirement is being retained in §§ 705.13(a)(1) and 706.13(a)(1). To provide more administrative flexibility for subsequent anual filings, the specified February 1 date has been modified to provide for the Director's approval of some other date insofar as such other date still permits the Director to meet reporting requirements to the Congress.

One commenter suggested that while more than 90 days would not ordinarily be required, the time required for remedial action to resolve a prohibited interest for a State employee be increased from 90 days to 180 days in order to provide additional time for remedial action when this would minimize financial loss to the employee. The commenter also suggested that the Head of the State Regulatory Authority be provided an additional 30 days after the 180 day period expired to report noncompliance cases to the Director.

These changes have not been adopted. In most instances, 90 days should be a reasonable and sufficient time period in which to resolve prohibited financial interests, within the intent of Section 517(g), particularly in consideration of the criminal penalty that may apply in such instances. In addition, § 705.19(b)(3)(i) of the regulations provides that the Director may, after receiving a noncompliance report from the Head of a State Regulatory Authority, grant additional time to the Head of the State Regulatory Authority for the resolution of prohibited interests. The Department, however, prefers to treat such extensions of time as exceptions beyond 90 days rather than the rule. Also, while it is recognized that noncompliance situations may not be reported precisely on the 90th day, prompt reporting is expected. This should be less than 30 days except in rare instances.

3. *Proposals to delete or change procedural requirements.* One commenter suggested deletion of many procedural provisions of these regulations, either because they required undue effort or because there was no authority under the Act for such procedures. Among the more significant changes of this nature sought by the commenter was deletion of requirements that: (i) The Head of the State Regulatory Authority and the Director determine that employees had correctly identified prohibited interests from those listed on their statement of employment and financial interests § 705.4(a)(2) and (b)(2); (ii) the Head of the State Regulatory Authority and the Director determine that prohibited interests have been resolved (§ 705.4(a)(4) and (b)(4)); (iii) appeals procedures be established outside of those which already exist for dealing with criminal penalties (§ 705.21), and (iv) employees provide details regarding prohibited interests (§ 705.17(c)(3)). After careful reconsideration of these and other procedures recommended for deletion, it has been concluded that these are in fact necessary and consistent with the Section 517(g) requirement that methods be established by which provisions of this section of the Act will be monitored and enforced, including appropriate provisions for filing and review of statements.

One commenter stated that requirements of § 705.11 (b), (c), and (d) for the Head of the State Regulatory Authority to prepare and submit lists of positions not performing functions or duties under the Act is a tremendous burden and meaningless. A positive list should be required. Based on this comment, new wording was selected to lessen the reporting burden. Heads of multifaceted State Regulatory Authorities now may list the title of entire boards, offices, bureaus, or divisions within the State Regulatory Authority which do not perform functions or duties under the Act. This means that the list of personnel not performing functions or duties under the Act will be limited to only those positions on boards or in offices, bureaus or divisions which are responsible for implementing any provisions of the Act. Subpart 705.11 has been changed accordingly.

The justification for maintaining a negative listing (that is a list of positions not performing under the Act) is that such a listing will assist the Secretary with his responsibility for monitoring and enforcing the provisions of Section 517(g). Specifically, the monitoring responsibility will include audits to determine if the States are complying with the provisions in Section 517(g) of the Act. One important aspect of these provisions will be the justification criteria being used to identify employees not performing any functions or duties under the Act. It is this justification and not a justification for covered employees which is most likely to be requested by members of Congress or others who wish to review the application of Section 517(g) provisions. Consequently, the suggestion for using a positive listing is not adopted.

One commenter suggested deletion of the prohibition against employment in coal mining operations because the word "employment" does not appear in Section 517(g) of the Act. Similarly, the commenter requested deletion of references to "security", "real property" and "creditor" on the basis that there is no authority in Section 517(g) to cover these types of financial interests. These changes have not been adopted. The accepted definitions of "interest" include the right to a benefit, clearly a situation which pertains to employment, ownership and creditor relationships. Further, the existence of employee/employer, ownership and creditor relationships that conflict with official duties is the type of situation that Section 517(g) intended to prevent.

4. *Definitions.* a. *Covered employees.*— Five commenters said that the terms "employee" and "function or duty under the Act" were not adequately defined in § 705.5. They suggested various groups should be excluded from the definition, i.e. State consultants, secretaries, receptionists, clerical personnel, lab personnel, and advisory board or commission members.

Based on the Department's responsibility to develop definitive regulations which implement the Act, and in order to enhance consistency between and among the States and to avoid confusion, the Department has clarified the term employee in § 705.5 to include advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decisionmaking functions for the State Regulatory Authority under the authority of State law or regulations. An exception has been made for members of advisory boards or commissions which are established to represent multi-interests in accordance with requirements of State law or regulations. This exception is necessary to avoid dismembering boards or commissions composed in such a manner as to represent divergent interests.

To provide further guidance as to which members of the State Regulatory Authority are covered employees for the purpose of these regulations, we have added a definition of the term "performing any function or duty under this Act". This term means those functions or duties of an employee which, by their decisions or actions or by their failure to act, affect the programs under the Act. This definition should not be interpreted as excluding all support and clerical personel. Those who may act with considerable independence or are otherwise in a position to affect the agencies' programs are covered employees under this definition. This approach was adopted in lieu of specifying job titles of employees who are covered or not covered since the actual duties that go with such job titles will vary widely. It will be necessary for State officials to apply the definition of "performing any function or duty under this Act" for groups of employees having common job duties and for other situations on a case-by-case basis in order to identify noncovered employees.

b. *Prohibited interests.*—Eight commenters stated that the terms "conflict" and "direct or indirect financial interests" were not precise or explicit, and that clarification of these terms was one of the most important issues. Two commenters suggested deletion of the terms "conflict" and "conflict of interest" because these terms do not appear in Section 517(g) of the Act. These and other commenters suggested various situations which should not be considered as prohibited financial interests, as follows:

(1) Determination of the existence of a direct or indirect financial interest should be linked to a situation where an employee's judgment and decisionmaking role is affected. The most frequently mentioned issue was to permit interests by covered employees in coal mining operations which did not come under their inspection, decisionmaking or jurisdiction. For example, four commenters suggested that a covered employee be allowed to retain financial interests in coal mining operations in States other than the one in which he or she is employed. Similarly, one commenter suggested that the employee should be required to certify only to financial interests which create a conflict, rather than to certify to interests held in coal mining operations.

(2) A de minimis provision should be adopted. Specifically, one commenter suggested that interests of less than 10 percent of the outstanding stock of a business entity should be considered insignificant and therefore not reportable.

(3) Retirement benefits, whether or not guaranteed, should not be considered a financial benefit.

In response to these comments, several changes have been made in these final rules in §§ 705.5 and 706.3. The terms "conflict" and "conflict of interest" have been deleted as both confusing and lacking a statutory base. It is, however, recognized that the statutory history reflects an intent to prohibit conflict of interests and this has been taken into consideration in redefining indirect interests as discussed subsequently.

In lieu of "conflict of interest", the term "prohibited financial interest" has been adopted in light of the statutory restrictions on certain interests. The suggestions for excluding certain financial interest and employment situations from direct interest could not be considered because Section 517(g) of the Act specifically prohibits any covered employee from having a direct interest in a coal mining operation. This statutory requirement also extends to indirect interests, but there is more flexibility to distinguish between conflict and nonconflict situations in defining the term "indirect financial interest".

In these final rules, direct financial interest is defined in terms of what constitutes any financial interest in coal mine operations held by a covered employee. No exceptions are recognized in light of the specific prohibitions of the Act.

In these final rules, indirect financial interest is defined as beneficial ownership (i.e. investments not held in the employee's name but from which he or she reaps the benefits). The definition includes financial interests of the employee's spouse, minor children and other relatives residing in his or her home, except where such financial interests are unrelated to the functions or duties of the employee. It is clear that the potential for conflict increases the closer the relationship of such financial interest to the employee's job duties. Over time, it is expected that through the decisionmaking, appeals and oversight processes, more explicit guidance will be developed by the Director.

One commenter suggested that, to assure impartiality, no covered employees should have been employed or held an elected or appointed office in an organization which has taken a public position on coal surface mining within three years of his employment by a State Regulatory Authority. This suggestion has not been adopted. No statutory authority exists in Section 517(g) of the Act for this, nor does the legislative history suggest that this would be a reasonable inference of the intent of the Act.

c. *Coal mining operations.* Two commenters questioned whether companies that manufacture equipment for production or safety in mining operations or produce pollution control equipment are engaged in coal mining operations for the purpose of these rules. The answer is no. The definition of coal mining operation in §§ 705.5 and 706.3 of these rules addresses those companies which are in the business of developing, producing, preparing or loading various types of coal or of reclaiming the areas upon which such activities occur.

The same two commenters questioned whether diversified companies, engaged in coal operations and many other activities, are considered to be engaged in coal mining operations for the purposes of these rules. The answer is yes. There is no reasonable basis for interpreting Sections 201(f) and 517(g) of the Act as allowing consideration of the relative significance of coal mining operations to the total business of a company.

5. *Employee reporting requirements.* One commenter objected to the reporting requirements of § 705.17 imposed on employees. It was contended that reporting of other than financial interests in coal mining operations was not warranted by the statute and represents an invasion of privacy. However, the concepts that affected employees would only report financial interests in coal mining operations or simply certify that they had no such interests were discarded as legally insufficient to ensure employee compliance with Section 517(g). Instead, covered employees are being required to submit a detailed statement of employment and financial interests to appropriate officials for review. Based on the criteria in these regulations, the reviewing official will determine whether a prohibited financial interest exists and what the proper remedial action should be.

To assist in the Head of the State Regulatory Authority and employees, the proposed rules set forth examples of prohibited financial interests. Three commenters suggested adding examples of financial interests which they believed would not be prohibited. Three other commenters suggested that the examples not be identified as prohibited interests, but rather as exceptions to be reported for a determination of whether or not they represented prohibited interests. One of these commenters also observed that the problem with citing such examples is that they limit the opportunity for the Head of the State Regulatory Authority to make judgments based on the full circumstances of a situation.

While there is little true flexibility in judging direct financial interests, judgment will be required for indirect financial interests because these rules provide an exception where the financial interests of the spouse, minor children and resident relatives are unrelated to the employee's functions or duties. Therefore, we have concluded that the inclusion of examples of prohibited interests in these final rules would create an unwarranted inflexibility. In order to provide assistance in addressing these judgmental areas, and to increase uniformity to the extent feasible, it is contemplated that the Director will issue supplementary guidance, including identification of certain common situations which have been identified as either prohibited or nonprohibited interests.

6. *Requirements for review of employees' statements.* Two commenters suggested deletion of the requirement that the Head of the State Regulatory Authority certify that no prohibited interests exist (§§ 705.4(a)(4) and 706.5(a)(3)). One commenter suggested there was no authority under the Act for this requirement. However, such authority is contained in the provisions of Section 517(g) which states that the Secretary establish methods by which provisions of this subsection of the Act will be monitored and enforced. The other commenter noted that such a certification requirement obligated the Head of the State Regulatory Authority to take responsibility for employee statements which might contain false information. The wording has been changed to make the certifying official responsible only for the information made available for his or her review.

7. *Gifts and gratuities.* One commenter stated that a common problem affecting State surface mining inspectors has been the traditional practice of coal operators offering gifts or gratuities at holiday time. Gifts from a coal mine operator to a State or Federal employee performing functions or duties under the Act may, if accepted, create an indirect financial interest. Based on the comment received, on the clear legislative requirement under Section 201(c)(2) that the Secretary publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of the Act, and on the fact that Federal employees and most State employees already have policies prohibiting acceptance of gifts, §§ 705.18 and 706.18 were adopted.

Sections 705.18 and 706.18 give consideration to existing State and Federal prohibitions about the acceptance of gifts. The regulations in § 705.18 do not prohibit all gifts, are addressed to minimum requirements, and call for administrative remedies to be in accordance with State regulations or policies. The regulations in Section 706.18 for Federal employees are identical and call for administrative remedies to be in accordance with existing Federal regulations.

The Department believes the regulations added in §§ 705.18 and 706.18 are necessary to satisfy the requirements of Section 201(c)(2) of the Act and to help ensure that State and Federal regulatory officials do not obtain an indirect financial interest in a coal mining operation by receiving a gift from a coal mine operator.

8. *Relations with other Federal agencies.* One comment, received from another Federal agency dealt exclusively with certain provisions of Part 706 which affect the relationships between other Federal agencies and Interior. It was suggested that the provisions of § 706.4 (c) be amended to clearly delegate to the audit capability of other Federal agencies the responsibility for auditing compliance with the Act and regulations within their agency. This was our intent and the wording of the regulation has been modified as suggested.

9. *Adopting additional regulatory provisions.* Two commenters suggested that we add subject matter not addressed in the proposed regulations. Both commenters asked the Department to include provisions delineating what private citizens or citizen groups must do to report conflict of interest situations which they are aware of within State Regulatory Authorities. In addition, one of the two commenters suggested that the proposed regulations should address the related financial interest question of whether a State agency should be allowed to rent office space or a building from a coal company.

These suggested additions have not been adopted. The Department feels that citizens and citizen groups should be encouraged to report violations, but does not consider it appropriate to regulate the channels or procedures for such reporting. Concerning such issues as State agency rentals of building space, the Department believes this is beyond the statutory provisions of Section 517(g) and therefore cannot be addressed in these regulations. The primary authors of this document are Allan L. Reynolds, Gene Fredriksen, and Gabe Paone of the Departmental Counselors staff, in coordination with the Office of Surface Mining Reclamation and Enforcement Task Force and the Solicitor's Office.

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

Dated: October 14, 1977.

LEO M. KRULITZ,
Solicitor.

In consideration of the foregoing and pursuant to the authority of sections 201(c), 201(f) and 517(g) of the Surface Mining Control and Reclamation Act of 1977, Title 30 is amended by adding Chapter VII, Office of Surface Mining Reclamation and Enforcement and by adding Parts 705 and 706 to read as follows:

Sec.
705.1 Purpose.
705.2 Objectives.
705.3 Authority.
705.4 Responsibility.
705.5 Definitions.
705.6 Penalties.
705.11 Who shall file.
705.13 When to file.
705.15 Where to file.
705.17 What to report.
705.18 Gifts and gratuities.
705.19 Resolving prohibited interests.
705.21 Appeals procedures.

AUTHORITY: Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, Sections 201(c) and 517(g).

§ 705.1 Purpose.

This part sets forth the minimum policies and procedures that States must establish and use to implement Section 517(g) of the Act in order to be eligible for reimbursement of costs of enforcing and administering the initial regulatory program under Section 502, or for grants for developing, administering and enforcing a State regulatory program under Section 705 of the Act, or to assume primary regulatory authority under Section 503 of the Act (Pub. L. 95-87). Compliance with the policies and procedures in this part will satisfy the requirements of Section 517(g) of the Act. Section 517(g) prohibits certain employees of the State Regulatory Authority from having any direct or indirect financial interest in any underground or surface coal mining operation. The regulations in this part are applicable to employees of the State Regulatory Authority as defined in § 705.5.

§ 705.2 Objectives.

The objectives of this part are: (a) To ensure that the States adopt a standard program for implementing the provisions in Section 517(g) of the Act.

(b) To establish methods which will ensure, as required by Section 517(g) of the Act, that each employee of the State Regulatory Authority who performs any function or duty under the Act does not have a direct or indirect financial interest in any underground or surface coal mining operation.

(c) To establish the methods by which the monitoring, enforcing and reporting responsibilities of the Secretary of the Interior as stated in Section 517(g) will be accomplished.

§ 705.3 Authority.

(a) The Secretary of the Interior is authorized by Pub. L. 95-87 to:

(1) Establish the methods by which he or she and State officials will monitor and enforce the provisions contained in Section 517(g) of the Act;

(2) Establish appropriate provisions for employees of the State Regulatory Authority who perform any function or duty under the Act to file a statement and supplements thereto in order to identify any financial interest which may be affected by Section 517(g), and

(3) Report annually to the Congress the actions taken and not taken during the preceding calendar year under Section 517(g) of the Act.

(b) The Governor of the State, the Head of the State Regulatory Authority, or such other State official designated by State law, is authorized to expand the provisions in this part in order to meet the particular needs within the State.

(c) The Office of Audit and Investigation, U.S. Department of the Interior, is authorized to conduct on behalf of the Secretary periodic audits related to the provisions contained in Section 517(g) of the Act and related to the provisions in this part. These audits will be conducted on a cyclical basis or upon request of the Secretary or the Director.

§ 705.4 Responsibility.

(a) The Head of each State Regulatory Authority shall: (1) Provide advice, assistance, and guidance to all State employees required to file statements pursuant to § 705.11;

(2) Promptly review the statement of employment and financial interests and supplements, if any, filed by each employee, to determine if the employee has correctly identified those listed employment and financial interests which constitute a direct or indirect financial interest in an underground or surface coal mining operation;

(3) Resolve prohibited financial interest situations by ordering or initiating remedial action or by reporting the violations to the Director who is responsible for initiating action to impose the penalties of the Act;

(4) Certify on each statement that review has been made, that prohibited financial interests, if any, have been resolved, and that no other prohibited interests have been identified from the statement;

(5) Submit to the Director such statistics and information as he or she may request to enable preparation of the required annual report to Congress;

(6) Submit to the Director the initial listing and the subsequent annual listings of positions as required by § 705.11 (b), (c) and (d);

(7) Furnish a blank statement 45 days in advance of the filing date established by § 705.13(a) to each State employee required to file a statement; and

(8) Inform annually each State employee required to file a statement with the Head of the State Regulatory Authority, or such other official designated by State law or regulation, of the name, address, and telephone number of the person whom they may contact for advice and counseling.

(b) The Director, Office of Surface Mining Reclamation and Enforcement, shall:

(1) Provide advice, assistance, and counseling to the Heads of all State Regulatory Authorities concerning implementation of these regulations;

(2) Promptly review the statement of employment and financial interests and supplements, if any, filed by each Head of the State Regulatory Authority. The Director will review the statement to determine if the Head of the State Regulatory Authority has correctly identified those listed employment and financial

interests which constitute a direct or indirect financial interest in an underground or surface coal mining operation;

(3) Recommend to the State Attorney General, or such other State official designated by State law or the Governor of the State, the remedial action to be ordered or initiated, recommend to the Secretary that action be taken to impose the penalties of the Act, or recommend to the Secretary that other appropriate action be taken with respect to reimbursements, grants, or State programs;

(4) Certify on each statement filed by the Head of the State Regulatory Authority that the State has completed the review of the statement, that prohibited financial interests have been resolved, and that no other prohibited interests have been identified from the statement;

(5) Monitor the program by using reports requested from Heads of State Regulatory Authorities and by using periodic audits performed by the Office of Audit and Investigation, U.S. Department of the Interior;

(6) Prepare for the Secretary of the Interior a consolidated report to the Congress as part of the annual report submitted under Section 706 of the Act, on the actions taken and not taken during the preceding calendar year under Section 517(g);

(7) Designate if so desired other qualified Office of Surface Mining Reclamation and Enforcement employees as assistant counselors to assist with the operational duties associated with filing and reviewing the statements from the Heads of each State Regulatory Authority;

(8) Furnish a blank statement by December 15 of each year, to the Head of each State Regulatory Authority; and

(9) Inform annually, the Head of each State Regulatory Authority of the requirement to file his or her statement with the Director and supply the name, address, and telephone number of the person whom they may contact for advice and counseling.

(c) State Regulatory Authority employees performing any duties or functions under the Act shall:

(1) Have no direct or indirect financial interest in coal mining operations;

(2) File a fully completed statement of employment and financial interest 120 days after these regulations become effective or upon entrance to duty, and annually thereafter on the specified filing date; and

(3) Comply with directives issued by persons responsible for approving each statement and comply with directives issued by those persons responsible for ordering remedial action.

§ 705.5 Definitions.

Act. Means the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87.

Coal Mining Operation. Means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur.

Employee. Means (i) any person employed by the State Regulatory Authority who performs any function or duty under the Act, and (ii) advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decisionmaking functions for the State Regulatory Authority under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

Performing any function or duty under this Act. Means those decisions or actions, which if performed or not performed by an employee, affect the programs under the Act.

Direct Financial Interest. Means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

Indirect Financial Interest. Means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relatives hold a financial interest.

Prohibited Financial Interest. Means any direct or indirect financial interest in any coal mining operation.

Office. Means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

Director. Means the Director or Acting Director of the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior.

Secretary. Means the Secretary of the Interior.

State Regulatory Authority. Means that office in each State which has primary responsibility at the State level for administering this Act. Until an office is established under the provisions of Section 503 or Section 504 of the Act, this term shall refer to those existing State offices having primary jurisdiction for regulating, enforcing, and inspecting any surface coal mining and reclamation operations within the State during the interim period between the effective date of the Act and the establishment of the State Regulatory Authority under Section 503 or Section 504.

§ 705.6 Penalties.

(a) Criminal penalties are imposed by Section 517(g) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87. Section 517(g) prohibits each employee of the State Regulatory Authority who performs any function or duty under the Act from having a direct or indirect financial interest in any underground or surface coal mining operation. The Act provides that whoever knowingly violates the provisions of Section 517(g) shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment of not more than one year, or by both.

(b) Regulatory penalties are imposed by this part. The provisions in Section 517(g) of the Act make compliance with the financial interest requirements a condition of employment for employees of the State Regulatory Authority who perform any functions or duties under the Act. Accordingly, an employee who fails to file the required statement will be considered in violation of the intended employment provisions of Section 517(g) and will be subject to removal from his or her position.

§ 705.11 Who shall file.

(a) Any employee who performs any function or duty under the Act is required to file a statement of employment and financial interests. An employee who occupies a position which has been determined by the Head of the State Regulatory Authority not to involve performance of any function or duty under the Act or who is no longer employed by the State Regulatory Authority at the time a filing is due, is not required to file a statement.

(b) The Head of each State Regulatory Authority shall prepare a list of those positions within the State Regulatory Authority that do not involve performance of any functions or duties under the Act. State Regulatory Authorities may be organized to include more activities than are covered by the Act. For example, if a State has identified its Department of Natural Resources as the State Regulatory Authority there may be only one or two offices within that Department which have employees who perform any functions or duties under the Act. In those cases, the Head of the State Regulatory Authority shall list the title of boards, offices, bureaus or divisions within the State Regulatory Authority which do not perform any functions or duties under the Act and list the positions not performing functions or duties under the Act for only those boards, offices, bureaus or divisions that do have some employees performing functions or duties under the Act. Only those employees who are employed in a listed organizational unit or who occupy a listed position will be exempted from the filing requirements of Section 517(g) of the Act.

(c) The Head of each State Regulatory Authority shall prepare and submit to the Director, an initial listing of positions that do not involve performance of any functions or duties under the Act within 60 days of the effective date of these regulations.

(d) The Head of each State Regulatory Authority shall annually review and up-

date this listing. For monitoring and reporting reasons, the listing must be submitted to the Director and must contain a written justification for inclusion of the positions listed. Proposed revisions or a certification that revision is not required shall be submitted to the Director by no later than September 30 of each year. The Head of each State Regulatory Authority may revise the listing by the addition or deletion of positions at any time he or she determines such revisions are required to carry out the purpose of the law or the regulations of this part. Additions to and deletions from the listing of positions are effective upon notification to the incumbents of the positions added or deleted.

(e) The Secretary or the Director may modify the listing at any time one or both of them determines that the listing submitted by the Head of a State Regulatory Authority indicates that coverage is not sufficient to carry out the purpose of the law or the regulations of this part.

§ 705.13 When to file.

(a) Employees performing functions or duties under the Act shall file:

(1) Within 120 days of the effective date of these regulations; and

(2) Annually on February 1 of each year, or at such other date as may be agreed to by the Director, provided that such alternative date will allow sufficient time to obtain information needed by the Director for his or her annual report to the Congress.

(b) New employees hired, appointed, or transferred to perform functions or duties under the Act will be required to file at the time of entrance to duty.

(c) New employees are not required to file an annual statement on the subsequent annual filing date if this date occurs within two months after their initial statement was filed. For example, an employee entering duty on December 1, 1978 would file a statement on that date. Because December 1 is within two months of February 1 the employee would not be required to file his or her next annual statement until February 1, 1980.

§ 705.15 Where to file.

(a) The head of the State Regulatory Authority shall file his or her statement with the Director. All other employees, as provided in § 705.11, shall file their statement with the head of the State Regulatory Authority or such other official as may be designated by State law or regulation.

§ 705.17 What to report.

(a) Each employee shall report all information required on the statement of employment and financial interests of the employee, his or her spouse, minor children, or other relatives who are full-time residents of the employee's home. The report shall be on OSM Form 705–1 as provided by the Office. The statement consists of three major parts, (1) a listing of all financial interests, including employment, security, real property, creditor and other financial interests held during the course of the preceding year, (2) a certification that none of the listed financial interests represent a direct or indirect financial interest in an underground or surface coal mining operation except as specifically identified and described by the employee as part of the certificate, and (3) a certification by the reviewer that the form was reviewed, that prohibited interests have been resolved, and that no other prohibited interests have been identified from the statement.

(b) Listing of all financial interests. The statement will set forth the following information regarding any financial interest:

(1) *Employment.* Any continuing financial interests in business entities and nonprofit organizations through a pension or retirement plan, shared income, salary or other income arrangement as a result of prior or current employment. The employee, his or her spouse or other resident relative is not required to report a retirement plan from which he or she will receive a guaranteed income. A guaranteed income is one which is unlikely to be changed as a result of actions taken by the State Regulatory Authority.

(2) *Securities.* Any financial interest in business entities and nonprofit organizations through ownership of stock, stock options, bonds, securities or other arrangements including trusts. An employee is not required to report holdings in widely diversified mutual funds, investment clubs or regulated investment companies not specializing in underground and surface coal mining operations.

(3) *Real Property.* Ownership, lease, royalty or other interests or rights in lands or minerals. Employees are not required to report lands developed and occupied for a personal residence.

(4) *Creditors.* Debts owed to business entities and nonprofit organizations. Employees are not required to report debas owed to financial institutions (banks, savings and loan associations, credit unions, and the like) which are chartered to provide commercial or personal credit. Also excluded are charge accounts and similar short term debts for current and ordinary household and living expenses.

(c) Employee certification, and, if applicable, a listing of exceptions.

(1) The statement will provide for a signed certification by the employee that to the best of his or her knowledge, (i) none of the listed financial interests represent an interest in an underground or surface coal mining operation except as specifically identified and described as exceptions by the employee as part of the certificate, and (ii) the information shown on the statement is true, correct, and complete.

(2) An employee is expected to (i) have complete knowledge of his or her personal involvement in business enterprises such as a sole proprietorship and partnership, his or her outside employment and the outside employment of the spouse and other covered relatives, and (ii) be aware of the information contained in the annual financial statement or other corporate or business reports routinely circulated to investors or routinely made available to the public.

(3) The exceptions shown in the employee certification of the form must provide enough information for the Head of the State Regulatory Authority to determine the existence of a direct or indirect financial interest. Accordingly, the exceptions should:

(i) List the financial interests;

(ii) Show the number of shares, estimated value or annual income of the financial interests; and

(iii) Include any other information which the employee believes should be considered in determining whether or not the interest represents a prohibited interest.

(4) Employees are cautioned to give serious consideration to their direct and indirect financial interests before signing the statement of certification. Signing the certification without listing known prohibited financial interests may be cause for imposing the penalties prescribed in § 705.6(a).

§ 705.18 Gifts and gratuities.

(a) Except as provided in paragraph (b) of this section, employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, from a coal company which:

(1) Conducts or is seeking to conduct, operations or activities that are regulated by the State Regulatory Authority; or

(2) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) The prohibitions in paragraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors. An employee may accept:

(1) Food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner, or other meeting where an employee may properly be in attendance; and

(2) Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal value.

(c) Employees found guilty of violating the provisions of this section will be subject to administrative remedies in accordance with existing or adopted State regulations or policies.

§ 705.19 Resolving prohibited interests.

(a) Actions to be taken by the Head of the State Regulatory Authority:

(1) Remedial action to effect resolution. If an employee has a prohibited financial interest, the Head of the State Regulatory Authority shall promptly advise the employee that remedial action which will resolve the prohibited interest is required within 90 days.

(2) Remedial action may include:

(i) Reassignment of the employee to a position which performs no function or duty under the Act, or

(ii) Divestiture of the prohibited financial interest, or

(iii) Other appropriate action which either eliminates the prohibited interest or eliminates the situation which creates the conflict.

(3) Reports of noncompliance. If 90 days after an employee is notified to take remedial action that employee is not in compliance with the requirements of the Act and these regulations, the Head of the State Regulatory Authority shall report the facts of the situation to the Director who shall determine whether action to impose the penalties prescribed by the Act should be initiated. The report to the Director shall include the original or a certified true copy of the employee's statement and any other information pertinent to the Director's determination, including a statement of actions being taken at the time the report is made.

(b) Actions to be taken by the Director:

(1) Remedial action to effect resolution. Violations of the regulations in this part of the Head of a State Regulatory Authority, will be cause for remedial action by the Governor of the State or other appropriate State official based on recommendations from the Director on behalf of the Secretary. The Governor or other appropriate State official shall promptly advise the Head of the State Regulatory Authority that remedial action which will resolve the prohibited interest is required within 90 days.

(2) Remedial action should be consistent with the procedures prescribed for other State employees by § 705.19 (a)(2).

(3) Reports of noncompliance.

(i) If 90 days after the Head of a State Regulatory Authority is notified to take remedial action the Governor or other appropriate State official notifies the Director that the Head of the State Regulatory Authority is not in compliance with the Act and these regulations, the Director shall report the facts of the situation to the Secretary who shall determine whether the action to impose the penalties prescribed by the Act, or to impose the eligibility restrictions prescribed by § 705.1 should be initiated.

(ii) Within 30 days of receipt of a noncompliance report from the Head of a Regulatory Authority under § 705.19 (a)(3), the Director shall notify the Head of the State Regulatory Authority and the employee involved of additional action to be taken. Actions which the Director may take include but are not limited to the granting of additional time for resolution or the initiation of action to impose the penalties prescribed by the Act.

§ 705.21 Appeals procedures.

Employees have the right to appeal an order for remedial action under § 705.19, and shall have 30 days to exercise this right before disciplinary action is initiated.

(a) Employees other than the Head of the State Regulatory Authority, may file their appeal, in writing, through established procedures within their particular State.

(b) The Head of the State Regulatory Authority may file his or her appeal, in writing, with the Director who will refer it to the Conflict of Interest Appeals Board within the U.S. Department of the Interior.

Sec.

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706.21 Appeals procedures.

AUTHORITY: Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, sec. 201 (c) and (f).

§ 706.1 Purpose.

This part sets forth the minimum policies and procedures to be followed by Federal employees to satisfy the requirements of Section 201(f) of the Act. The requirements of this part are in addition to Executive Order 11222 of May 8, 1965, and other applicable regulations related to conflict of interest. Section 201(f) prohibits certain Federal employees from having any direct or indirect financial interest in underground or surface coal mining operations. The regulations of this part are applicable to Federal employees as defined in § 706.3.

§ 706.2 Objectives.

The objectives of this part are:

(a) To ensure that affected Federal agencies adopt a standard program for implementing the provisions in Section 201(f) of the Act.

(b) To establish methods which will ensure, as required by section 201(f) of the Act, that each Federal employee who performs any function or duty under the Act does not have a direct or indirect financial interest in an underground or surface coal mining operation.

(c) To establish the methods by which the monitoring, enforcing and reporting responsibilities of the Director and the Secretary of the Interior under Section 201(f) will be accomplished.

§ 706.3 Definitions.

Act. Means the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87.

Coal mining operation. Means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite or lignite or of reclaiming the areas upon which such activities occur.

Employee. Means any person employed by the Office of Surface Mining Reclamation and Enforcement within the U.S. Department of the Interior and any other person employed by the Federal Government who performs functions or duties under the Act without regard to the duration or nature of his or her appointment.

Performing any function or duty under this act. Means those decisions or actions, which if performed or not performed by an employee, affect the programs under the Act.

Direct financial interest. Means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

Indirect financial interest. Means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relatives hold a financial interest.

Prohibited Financial Interest. Means any direct or indirect financial interest in any coal mining operation.

Office. Means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

Director. Means the Director or Acting Director of the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

Secretary. Means the Secretary of the Interior.

Other Federal Agency. Means any executive Federal agency or office or part thereof not a part of the U.S. Department of the Interior, and includes but is not limited to, the following agencies: The Department of Agriculture, the Department of Justice, the Corps of Engineers, the Environmental Protection Agency, the Council on Environmental Quality and the Energy Research and Development Administration.

§ 706.4 Authority.

(a) The Director is authorized by Public Law 95-87 to:

(1) Establish the methods by which the provisions in Section 201(f) of the Act will be monitored and enforced;

(2) Establish appropriate provisions for all employees who perform any function or duty under the Act to file a statement and supplements thereto concerning their financial interests which may be affected by Section 201(f); and

(3) Report annually to the Congress on the actions taken and not taken during the preceding calendar year under Section 201(f) of the Act.

(b) Other Federal agencies with employees who perform functions or duties under the Act may adopt financial interest regulations pursuant to the Act which

are consistent with the requirements in this part. If any such agency does not adopt regulations pursuant to this part, that agency shall enter into a memorandum of understanding with the Director, to have the employees of that agency who perform functions or duties under the Act file their statements with the Director. The Director will review statements filed with him or her, applying the regulations of the Department of the Interior. Where the Director determines that remedial action is necessary, he or she will refer the case to the employing agency with a recommendation as to the action to be taken.

(c) The Office of Audit and Investigation within the U.S. Department of the Interior, will conduct periodic audits of Interior's compliance with the provisions contained in Section 201(f) of the Act and the provisions of this part. The Office of Audit and Investigation will arrange for such periodic audits of other Federal agencies to be performed by the audit unit of each such agency. The audits will be conducted on a cyclical basis or upon request of the Secretary of the Interior or the Director. Copies of all audit reports and related responses on corrective actions will be provided to the Director.

§ 706.5 Responsibility.

(a) The Director, the Head of each other Federal agency, and the Head of each other bureau or office within the U.S. Department of the Interior, have the following common responsibilities concerning employees within their organizations performing any functions or duties under the Act, and shall:

(1) Provide advice, assistance and counseling to employees concerning financial interest matters related to the Act;

(2) Promptly review the statement of employment and financial interests and supplements, if any, filed by each employee to determine if the employee has correctly identified those listed employment and financial interests which constitute a direct or indirect financial interest in an underground or surface coal mining operation;

(3) Certify on each statement that review has been made, that prohibited financial interests if any, have been resolved, and that no other prohibited interests have been identified from the statement;

(4) Resolve prohibited financial interest situations by promptly notifiying and ordering the employee to take remedial action within 90 days, or by initiating action to impose the penalties of the Act;

(5) Furnish a blank statement by December 15 of each year to each employee required to file a statement within his or her employing organization; and

(6) Inform annually each employee required to file a statement within his or her employing organization of the name, address, and telephone number of the person whom they may contact for advice and counseling.

(b) In addition to the common responsibilities in § 706.5(a) the Director shall:

(1) Monitor the program by using reports requested from the Heads of other Federal agencies, from the Heads of other bureaus and offices within the U.S. Department of the Interior, and by using periodic audits performed by the Office of Audit and Investigation, U.S. Department of the Interior and by other Federal agencies;

(2) Prepare for the Secretary a consolidated report to the Congress as part of the annual report submitted under Section 706 of the Act, on the actions taken and not taken during the preceding calendar year under Section 201(f);

(3) Refer recommendations to officials of other Federal agencies concerning those cases requiring remedial action for employees of the other Federal agency who filed with the Director because that other Federal agency did not choose to adopt its own financial interest regulations pursuant to the Act.

(4) Report to the Solicitor, U.S. Department of the Interior, through the Office of Audit and Investigation, U.S. Department of the Interior, cases of knowing violations of the provisions in Section 201(f). The Solicitor will transfer such reports to the U.S. Department of Justice.

(5) Designate, if so desired, other qualified Office employees as assistant counselors to assist with the operational duties associated with filing and reviewing financial statements;

(6) Furnish an adequate supply of blank statements to the Heads of those other Federal agencies which decide to have their employees file with the Director; and

(7) Submit to the Department of the Interior Ethics Counselor such statistics and information he may request in accordance with 43 CFR 20.735–17 as adopted.

(c) In addition to the common responsibilities in § 706.5(a), the Head of each other Federal agency with employees performing any functions or duties under the Act shall:

(1) Decide whether to adopt independent procedures for the filing and review of financial statements or to enter into a memorandum of understanding with the Director that the U.S. Department of the Interior will provide and review the financial statements and recommend any necessary remedial action to the Head of the employing agency;

(2) Submit to the Director such statistics and information the Director may request to enable preparation of the required annual report to the Congress, and to ensure uniform application of the provision in Section 201(f) of the Act; and

(3) Report to the Director and the U.S. Department of Justice cases of knowing violations of the provisions in section 201(f).

(d) In addition to the common responsibilities in § 706.5(a), the Heads of other bureaus or offices within the U.S. Department of the Interior with employees performing any functions or duties under the Act shall:

(1) Submit to the Director such statistics and information the Director may request to enable preparation of the required annual report to Congress, and to ensure uniform application of provisions in Section 201(f) of the Act;

(2) Submit to the Department of the Interior Ethics Counselor such statistics and information he may request in accordance with 43 CFR 20.735–17 as adopted, and

(3) Report to the Director cases of knowing violations of the provisions in Section 201(f).

(e) Employees shall: (1) Have no direct or indirect financial interests in coal mining operations;

(2) File a fully completed statement of employment and financial interests 120 days after these regulations become effective or upon entrance to duty, and annually thereafter on the specified filing date, and

(3) Comply with directives issued by persons responsible for approving each statement and comply with directives issued by those persons responsible for ordering remedial action.

§ 706.6 Penalties.

(a) Criminal penalties are imposed by Section 201(f) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, which prohibits each employee of the Office or any other Federal employee who performs any function or duty under the Act from having a direct or indirect financial interest in underground or surface coal mining operations. The Act provides that whoever knowingly violates the provisions of Section 201(f) shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both.

(b) Regulatory penalties are imposed by this part. The provisions in Section 201(f) of the Act make compliance with the financial interest requirements a condition of employment for all Office employees and for other Federal employees who perform any functions or duties under the Act. Accordingly, an employee who fails to file the required financial statement will be considered in violation of the intended employment provisions of Section 201(f) and will be subject to removal from his or her position.

§ 706.11 Who shall file.

(a) Every employee in the Office is required to file a statement of employment and financial interests.

(b) Any other Federal employee who performs any function or duty under the Act is required to file a statement of employment and financial interests. The Head of each other Federal agency and the Heads of other bureaus and offices within the U.S. Department of the Interior shall prepare and submit a report within 60 days of the effective date of these regulations, either listing the Federal positions identified as performing functions or duties under the Act, or listing the organizational unit and showing the total number of employees within

the unit who must file a statement. Revision to the listing or certification that revision is not required shall be submitted to the Director by no later than September 30 of each year. The Secretary, the Director, or the Heads of the other affected Federal organizations may revise the list by the addition or deletion of positions at any time such revisions are required to carry out the purpose of the law or regulations of this part. Additions to or deletions from the list of positions are effective upon notification to the incumbents.

§ 706.13 When to file.

(a) Employees performing functions or duties under the Act will be required to file:

(1) Within 120 days of the effective date of these regulations, and

(2) Annually on February 1 of each year or at such other date as may be agreed to by the Director, provided that such alternative date will allow sufficient time to obtain information needed by the Director for his or her annual report to the Congress.

(b) New employees hired, appointed, or transferred to perform functions or duties under the Act will be required to file at the time of entrance to duty.

(c) New employees are not required to file an annual statement on the subsequent annual filing date if this date occurs within two months after their initial statement was filed. For example, an employee entering duty on December 1, 1978 would file a statement on that date. Because December 1 is within two months of February 1 the employee would not be required to file his or her next annual statement until February 1, 1980.

§ 706.15 Where to file.

(a) Each Office employee shall file his or her statement of employment and financial interests with the Director.

(b) Each Department of the Interior employee, who is not an Office employee but does perform any function or duty under the Act, shall file a statement of employment and financial interests with his or her appropriate Ethics Counselor as identified in 43 CFR 20.735–22(c).

(c) Each employee of another Federal agency who performs a function or duty under the Act shall file a statement of employment and financial interests with the official designated by the Head of the other Federal agency.

§ 706.17 What to report.

(a) Each employee shall report all information required on the statement of employment and financial interests of the employee, his or her spouse, minor children, or other relatives who are full-time residents of the employee's home. The report shall be on a form provided by the Office or on a similar form adopted by an other Federal agency. The statement shall consist of three major parts, (1) a listing of all financial interests, including employment, security, real property, creditor and other financial interests held during the course of the preceding year, (2) a certification that none of the listed financial interests represent a direct or indirect financial interest in an underground or surface coal mining operation except as specifically identified and described by the employee as part of the certificate, and (3) a certification by the reviewer that the form was reviewed, that prohibited interests have been resolved, and that no other prohibited interests have been identified from the statement.

(b) Listing of all financial interests. The statement will set forth the following information regarding any financial interest:

(1) *Employment.* Any continuing financial interests in business entities and nonprofit organizations through a pension or retirement plan, shared income, salary or other income arrangement as a result of prior or current employment. The employee, his or her spouse or other resident relative is not required to report a statement plan from which he or she will receive a guaranteed income. A guaranteed income is one which is unlikely to be changed as a result of actions taken by the Federal Government under the Act.

(2) *Securities.* Any financial interest in business entities and nonprofit organizations through ownership of stock, stock options, bonds, securities or other arrangements including trusts. An employee is not required to report holdings in widely diversified mutual funds, investment clubs or regulated investment companies not specializing in underground and surface coal mining operations.

(3) *Real property.* Ownership, lease, royalty or other interests or rights in lands or minerals. Employees are not required to report lands developed and occupied for a personal residence.

(4) *Creditors.* Debts owed to business entities and non-profit organizations. Employees are not required to report debts owed to financial institutions (banks, savings and loan associations, credit unions, and the like) which are chartered to provide commercial or personal credit: Also excluded are charge accounts and similar short term debts for current and ordinary household and living expenses.

(c) Employee certification, and if applicable, a listing of exceptions.

(1) The statement will provide for a signed certification by the employee that to the best of his or her knowledge, (i) none of the listed financial interests represent an interest in an underground or surface coal mining operation except as specifically identified and described as exceptions by the employee as part of the certificate, and (ii) the information shown on the statement is true, correct, and complete.

(2) An employee is expected to (i) have complete knowledge of his or her personal involvement in business enterprises such as a sole proprietorship and partnership, his or her outside employment and the outside employment of the spouse and other covered relatives, and (ii) be aware of the information contained in the annual financial statements or other corporate or business reports routinely circulated to investors or routinely made available to the public.

(3) The exceptions shown in the employee certification of the form must provide enough information for the Director, the Head of an other Federal agency, or the Head of other bureaus or offices within the U.S. Department of the Interior to determine the existence of a direct or indirect financial interest. Accordingly, the exceptions should:

(i) List the financial interests;

(ii) Show the number of shares, estimated value or annual income of the financial interests; and

(iii) Include any other information which the employee believes should be considered in determining whether or not the interest represents a prohibited interest.

(4) Employees are cautioned to give serious consideration to their direct and indirect financial interests before signing the statement of certification. Signing the certification without listing known prohibited financial interests may be cause for imposing the penalties prescribed in § 706.6(a).

§ 706.18 Gifts and gratuities.

(a) Except as provided in paragraph (b) of this section, employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a coal company which:

(1) Conducts or is seeking to conduct operations or activities that are regulated by the Federal Government; or

(2) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) The prohibitions in paragraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors. An employee may accept:

(1) Food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner, or other meeting where an employee may properly be in attendance, and

(2) Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal value.

(c) Employees found guilty of violating the provisions of this section will be subject to administrative remedies in accordance with existing Federal regulations or policies.

§ 706.19 Resolving prohibited interests.

Actions to be taken by the Director, the heads of other Federal agencies, and the heads of other affected bureaus and offices within the U.S. Department of the Interior include:

(a) Remedial action to effect resolution. If an employee has a prohibited

financial interest, the head of the organizational entity (Department, bureau, office, etc.) where the employee works shall promptly advise the employee that remedial action which will resolve the prohibited interest is required within 90 days.

(b) Remedial action may include: (1) Reassignment of the employee to a position which performs no function or duty under the Act, or

(2) Divestiture of the prohibited financial interest, or

(3) Other appropriate action which either eliminates the prohibited financial interest or eliminates the situation which creates the conflict.

(c) Reports of noncompliance. If 90 days after an employee is notified to take remedial action that employee is not in compliance with the requirements of the Act and these regulations, the official, other than the Director, who ordered the remedial action shall promptly report the facts of the situation to the Director. The reports to the Director shall include the original or a certified true copy of the employee's statement and any other information pertinent to the Director, including a statement of actions being taken at the time the report is made. Within 30 days of receipt of a noncompliance report, the Director shall notify the head of the employing organization and the employee involved of additional action to be taken. Actions which the Director may take include but are not limited to the granting of additional time for resolution or the initiation of action to impose the penalties prescribed by the Act.

§ 706.21 Appeals procedures.

Employees have the right to appeal an order for remedial action under § 706.19 and shall have 30 days to exercise this right before disciplinary action is initiated.

(a) Office employees and other Department of the Interior employees may file their appeal, in writing, in accordance with the provisions in 43 CFR 20.735-25(b).

(b) Employees of other Federal agencies may file their appeal, in writing, in accordance with the established procedures of their employing agency.

[FR Doc.77-30620 Filed 10-19-77;8:45 am]

federal register

THURSDAY, OCTOBER 20, 1977

PART VI

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Pentachloronitrobenzene (PCNB)

[6560-01]

[FRL 805-4; OPP-30000/17]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Pentachloronitrobenzene (PCNB)

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

ACTION: Notice of rebuttable presumption.

SUMMARY: Pentachloronitrobenzene (PCNB) has been found to exceed certain risk criteria. This notice requests registrants and other interested persons to submit rebuttals and other information on the presumption and to submit any other data on the risks and benefits of this pesticide chemical. This notice is the first of several which will give public notification of the Agency's progress in reviewing this chemical.

DATES: Rebuttal evidence and other information must be received on or before December 5, 1977. Address material to Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Jeff Kempter, Office of Special Pesticide Reviews, Office of Pesticide Programs (WH-566), Rm. 447, East Tower, EPA 202-755-8053.

SUPPLEMENTARY INFORMATION: The Deputy Assistant Administrator, Office of Pesticide Programs, EPA, has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing PCNB.[1]

I. Regulatory Provisions

A. *General.* Title 40, Part 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in § 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in § 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and other interested parties may submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

This notice of rebuttable presumption against PCNB also describes scientific studies which suggest that hexachlorobenbene (HCB), a contaminant of PCNB, may adversely induce oncogenic and/or reproductive effects. The Agency is soliciting information and comment on these questions, but is not now presuming against HCB on the basis of these studies.

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on the directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" (40 CFR 162.11(a)(4)(i));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(4)(ii); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a)(4)(iii)).

C. *Benefits Information.* In addition to submitting evidence to rebut the presumption of risk, section 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant,[2] applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically § 162.11(a)(5)(iii) provides that if the benefits appear to outweigh the risks, the Administrator may in his discretion, issue a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registration should be cancelled or application denied. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

Stated below are the § 162.11(a)(3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing PCNB. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "Pentachloronitrobenzene (PCNB): Position Document 1," which follows. Copies of attachments to the Position Document, which are not published with this notice, are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to

[1] A position document, containing an appendix of references, background information, and other material pertinent to the issuance of this notice, has been prepared by the Agency Working Group on PCNB and is also published with this notice.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.
2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.
3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.
4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.
5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.
6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

FIFRA section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager Jeff Kempter, Office of Special Pesticide Reviews (WH-566), EPA, Rm. 447, East Tower, 401 M St. SW., Washington, D.C. 20460, 202-755-8053.

II. Presumptions

A. *Oncongenicity.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "(i) nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure . . . ." As a further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing PCNB, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. Grounds for Pesticide Review in Addition to Rebuttable Presumption Criteria

A. *General.* In addition to the risk criteria set forth in 40 CFR 162.11(a)(3) which require the issuance of a notice of rebuttable presumption against registration or continued registration and a determination by the Administrator to register or cancel a pesticide, 40 CFR 162.11(a)(6) provides that the Administrator may determine that a pesticide should be canceled or that a hearing should be held if the pesticide poses a substantial question of safety to man or the environment "based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator."

A determination to cancel or deny registration of a pesticide or to hold a hearing based upon such data and a finding that a pesticide poses a substantial question of safety need not be preceded by public notice and opportunity for rebuttal prior to the administrative adjudicatory hearing procedure of section 6(b) of the Act. However, where the Agency is using a notice of rebuttable presumption against registration or continued registration based on the risk criteria of 40 CFR 162.11(a)(3), it is in the public interest to include all evidence which may indicate additional grounds for determining that a pesticide causes unreasonable adverse effects on the environment. Accordingly, evidence derived from studies which suggest that HCB may produce oncogenic and/or reproductive effects has been included in the positions document accompanying this notice.

IV. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until December 5, 1977 to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

V. Duty To Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of PCNB products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which have not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. Public Comments

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of PCNB, its impurities (especially HCB), metabolites, and degradation products on flora and fauna, particularly ainmals with metabolism similar to man, is solicited. Similarly, any studies or comments on the benefits from the use of PCNB are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to § 162.11(a)(5).

All comments and information should be sent to the office of the Federal Register Section at the address given above, if possible in triplicate to facilitate the work of the agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/17." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) all of the information received may serve as a basis for final determination pursuant to § 162.11(a)(5) and (2) the Agency will not generally publish a summary of information received in the Federal Register at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the Federal Register, but rather handled by mail with affected parties. Omissions will be corrected by notice in the Federal Register.

Dated: October 13, 1977.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

PCNB special local needs registrations approved by EPA under Sec. 24(c) of FIFRA

Registrant	Name and address	Permit No.	Product name
001258	Olin Corp., Agricultural Products Department, P.O. Box 991, Little Rock, Ark. 72203.	FL-770011	Terrachlor+ Dasanit 10-3 Granular.
001258	do	CA-760137	Terra-coat L-21.
004628	Mobil Chemical Co., P.O. Box 26683, Richmond, Va. 23261	FL-770009	MOCAP-PCNB 3-10 Granular.
004628	do	SC-770003	Do.
004628	do	NC-770004	Do.
004628	do	VA-770004	Do.

PENTACHLORONITROBENZENE (PCNB): POSITION DOCUMENT 1

EPA WORKING GROUP ON PCNB, JEFF KEMPTER, PROJECT MANAGER, OFFICE OF SPECIAL PESTICIDE REVIEWS, ENVIRONMENTAL PROTECTION AGENCY

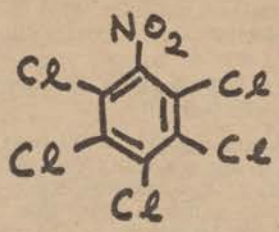
PENTACHLORONITROBENZENE (PCNB): POSITION DOCUMENT 1

I. BACKGROUND

A. *Characteristics of PCNB*

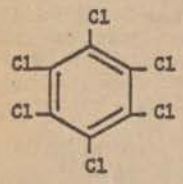
(1) *Nomenclature.* PCNB is the common name for pentachloronitrobenzene. Other common names are quintozene and terrachlor. Some trade names for PCNB are Avicol, Botrilex, Brassicol, Folosan, Terraclor and Terrachlor. In many products PCNB is combined with other active pesticidal ingredients, such as captan, terrazole, phorate, maneb, thiram, zineb, disulfoton and others.

(2) *Chemistry.* Technical grade PCNB consists of about 98% PCNB and 2% related compounds, such as hexachlorobenzene, tetrachloronitrobenzene, and pentachlorobenzene. These and other metabolites are shown in figure 1. The molecular weight is 295.4. The molecular formula is C Cl NO. The structural formula for PCNB is:

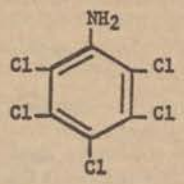


PCNB is a crystalline solid, pale yellow to white, depending on purity, with a musty odor. Its density is 1.718 at 25°C, its boiling point is 328°C at 760 mm Hg and its melting point is 142°–145°C. Some vapor pressures are:

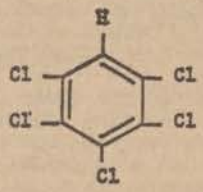
1.61×10^{-5} mm Hg at 10°C
5.0×10^{-5} mm Hg at 20°C
11.3×10^{-5} mm Hg at 25°C



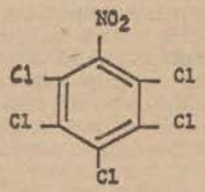
hexachlorobenzene (HCB)



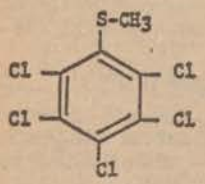
2,3,4,5,6-pentachloroaniline (PCA)



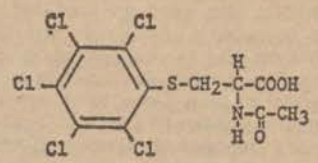
2,3,4,5,6-pentachlorobenzene (PCB)



2,3,4,5-tetrachloronitrobenzene (2,3,4,5-TCNB)



S-methyl pentachlorophenyl sulfide (MPCPS)



N-acetyl-S-pentachlorophenyl-L-cysteine

Figure 1. Chemical structures of PCNB impurities and various PCNB metabolites

PCNB is freely soluble in carbon disulfide, benzene, chloroform, ketones, and aromatic and chlorinated hydrocarbons, and is slightly soluble in alkanols. It is nearly insoluble in water (0.44 mg/l at 20[C.) and in ethanol (2 mg/l at 25[C).

(3) *Degradation, Transport and Soil Residues.*—Chacko et al. (1966) found that eight soil fungi species and nine actinomycete species, grown in nutrient media *in vitro*, degraded PCNB to pentachloroaniline (PCA). In one species of fungus, Nakanishi and Oku (1969) found that PCNB was metabolized to PCA and pentachlorothioanisole (PCTA). Several authors have stated that microbial degration of PCNB occurs only when the microorganisms are actively growing (Casely 1968, Ware and Roan 1970, Chako et al. 1966).

Casely (1968) traced the disappearance of PCNB from Yolo fine sandy loam through biological and non-biological pathways. He analyzed only for PCNB and not for its metabolites. Sterilized and unsterilized soil samples were measured for PCNB loss under moisture conditions of 3%, 20%, and 50% (equivalent to air dry, field capacity and saturated soil, respectively). It was found that only 10% of the PCNB escaped from the air-dry soil; 20% and 50% escaped from the moisture field-capacity and saturated soil samples, respectively. From these results the author observed that an increase in soil moisture increases the mobility of PCNB in the soil and thus increases losses through volatilization.

In the unsterilized field-capacity samples, 80% of PCNB was lost after 10 months. Three-fourths of this loss was to the water-saturated air passed over the sample and one-fourth to microbial degradation. Undegraded PCNB was the major component of the removed air stream. The author concluded that "considerable quantities" of PCNB could be lost to the air in intensively cropped areas where irrigation is used.

Ko and Farley (1969) attempted to confirm the conversion of PCNB to PCA in soil. Residues of PCNB were measured in moist soil, sterilized-moist soil, submerged soil and sterilized-submerged soil. Only in the submerged soil did PCNB disappear (56% after 3 weeks); more than half of this amount was transformed into PCA. The authors concluded that this conversion resulted from soil micro-organisms. They suggested that the remaining PCNB was lost through a non-biological process, since the same amount disappeared from the sterilized-submerged soil.

Wang and Broadbent (1972) measured the rate of loss of PCNB from three California soils—Colombia fine sandy loam, Sacramento clay and Staten peaty muck. PCNB was found to have a halflife of 4.7, 7.6 and 9.7 months, respectively, in these soils. Kaufman (1970) confirmed that the conversion of PCNB to PCA is enhanced by submergence of treated soil in water.

The EPA National Soils Monitoring Program reports that in 1972 there were no detections of PCNB in any of 1,487 soil samples from 37 states (Memo, 1976). Of the 1,487 soil samples collected in 1973, only 3, or 0.3%, had detectable levels of PCNB. Residues ranged from 0.22 to 2.61 ppm. Pesticide applications had been made at seven of these sites in 1973 (0.5% of 1402 responses) with an average total application of 0.2 lb/A (0.02 kg/ha).

(4) *Bioaccumulation and Metabolism.*—(a) *Plants.* Casanova and Dubroca (1973) studied the residues of PCNB found in lettuce after treatment of the soil with PCNB. In the first set of experiments, PCNB was applied to the soil before planting at rates of 15 and 30 kg AI/ha. Residues were determined by gas chromatography after 12 weeks of growth. Table 1 gives the results of the residue tests.

TABLE 1.—*Residues of PCNB in lettuce leaves (parts per million) from plants grown in treated soils*

Study location (in France)	Soil treatment rates, kilograms AI/ha		
	0	15	30
Nantes	0.51	0.63	1.10
Rennes	.17	.52	1.05
Nantes	.05	.47	1.15
Rennes	.07	.61	1.10
Rennes	.10	.16	.43
Average	.18	.48	.96

The residues after the application of 15 kg AI/ha were approximately 0.5 ppm, while the residues after an application of 30 kg approached 1.0 ppm, the established tolerance for PCNB in France. The authors suggest that this was due to PCNB applications prior to the study.

In the second set of experiments, the same application and test methods were used, except that analyses for HCB, an inherent contaminant of PCNB, were included and residues were determined not only in lettuce but also in soil before treatment and at the end of the growing season. The results are given in Table 2. The results of the first test were confirmed in the second test, which showed the presence of PCNB residues in lettuce at about 1.0 ppm after an application of 30 kg AI/ha. Residues of HCB from the same application were considerably lower than these values; they ranged from 0.02 in lettuce from untreated soils to 0.04 ppm in lettuce from treated soils.

TABLE 2.—*Residues of PCNB and HCB in lettuce from treated soil (parts per million)*

Location and procedure	Soil treatment rates, kilograms AI/ha					
	None		15		30	
	HCB	PCNB	HCB	PCNB	HCB	PCNB
Nantes:						
Lettuce	0.016	0.29	0.034	0.83	0.041	1.04
Soil (preplant)	.160	1.50	.160	1.50	.160	1.50
Soil (at harvest)	.170	1.57	.620	20.90	2.07	82.41
Rennes:						
Lettuce	.025	.34	.43	.66	----	----
Soil (preplant)	.080	.64	.090	.90	----	----
Soil (at harvest)	.087	.67	.660	10.27	----	----

Residues in soil before treatment varied considerably with the study location. HCB residues also varied, but they were consistently lower than the PCNB residues.

Casanova and Dubroca (1973) attempted to show that residues found in lettuce resulted from absorption from soil through roots rather than from surface contamination. In a laboratory, soil was treated with the equivalent of 15 and 45 kg AI/ha PCNB. Residue measurements were taken 8 weeks later. Table 3 shows the resulting residues.

TABLE 3.—*Residues of PCNB and HCB in soil and lettuce (parts per million)*

Nature of test	Soil treatment rates, kilograms AI/ha					
	None		15		45	
	HCB	PCNB	HCB	PCNB	HCB	PCNB
Treated soil	*N.D.	0.14	0.50	20.40	1.86	60.10
Lettuce	*N.D.	.03	.01	.73	.02	1.56

*N.D.=undetected.

Kuchar et al. (1969) studied the metabolism of PCNB in immature cotton plants. Cotton plants grown in soil containing 300 ppm of PCNB were monitored for PCNB, its impurities and its metabolites. Results after two weeks growth (roots included) were:

Component	Residues (parts per million)
PCNB	155.0
PCB	3.96
TCNB	.018
HCB	4.61
PCA	1.11
MPCPS	2.95

PCA had been found in young corn and soybean plants grown in PCNB-treated soil (Kuchar et al. 1969). Gorbach and Wagner (1967) have also cited PCA as a metabolite in potatoes, along with two unidentified metabolites. Kuchar et al. (1969) later described these unidentified substances as having gas chromatograph retention times identical to HCB and MPCPS.

HCB applied to wheat seed is translocated to the developing grain (Johns 1969, Smith 1969).

(b) *Animals. Rabbits.*—In a study conducted by Beets et al. (1955) 12 rabbits received either 1, 2, or 3 g of PCNB via stomach tube. Urine and feces were collected for 72 hours. An average of 62% of the administered dose was found in the feces from the 2 g dose and was considered unabsorbed. Another 11% of the dose could be accounted for as PCA in the urine. N-acetyl-S-(pentachlorophenyl)-L-cysteine was also isolated from the urine at a level 14% of the initial dose. Pentachlorophenol was formed only in trace amounts.

To determine the metabolic pathways of 2,3,4,5,-TCNB, 0.7 g was administered to rabbits as an aqueous suspension via stomach tube. The 2,3,4,5-TCNB was poorly absorbed; 33% was found in the feces after 48 hours. Further, 11% of the dose was excreted in the urine as 2,3,4,5-tetrachloroaniline (2,3,4,5-

TCA). The excretion of the glucuronide (41%) and the ethereal sulfate (6%) of 6-amino-2,3,4,5-tetrachlorophenol indicated that ring hydroxylation had occurred (Bray et al. 1953).

Dogs.—Purebred beagles, approximately 4.5 months old (4 per sex per dose), were fed 0, 5, 30, 180, or 1,080 ppm PCNB in their diets for two years (Borzelleca 1971). Olin technical grade PCNB (97.8%), containing 1.8% HCB, 0.4% 2,3,4,5-TCNB and 0.1% PCB, was used. Kidney, brain, skeletal muscle, liver, spleen, fat, bile, blood, urine, and feces samples were collected for analysis after two years. Electron-capture gas chromatography was used to detect the presence of PCNB, PCB, HCB, PCA, and MPCPS. Results for liver, kidney, fat, and feces at dose levels of 0, 5, 30, and 180 ppm dietary exposures are summarized in Table 4.

MPCPS appeared to have an equal propensity to be stored in the fat or skeletal muscle of the male rat. At the method's sensitivity level (unstated), a 60 day withdrawal period from the treated diet resulted in undetectable residues of PCA, MPCPS, and PCB in adipose tissue at all exposure levels. Substantial residues of HCB remained from all levels of dietary exposure.

TABLE 4.—*Dog tissues and excreta concentrations of PCNB, its metabolites (PCA, MPCPS), and related impurities (a) after 2 years on diet*

Tissue and diet	Concentrations found (parts per million)				
	PCNB	PCA	MPCPS	PCB	HCB
Liver:					
0	ND	<0.06	<0.05	<0.02	ND
5	ND	<.06	<.05	<.02	0.039
30	ND	<.06	<.10	<.02	.125
180	ND	<.06	<.05	0.54±0.61	.74
Fat:					
0	ND	<.08	<.03	.005	.005
5	ND	<.08	<.03	.093	.452
30	ND	<.08	<.03	.163	1.11
180	ND	<.08	(b) ND	.767	6.12
Kidney:					
0	ND	ND	ND	<.03	ND
5	ND	ND	ND	<.03	<.04
30	ND	ND	ND	<.03	<.10
180	ND	(c) .018	.021	<.10	<.60
Feces:					
0	0.004	(c) .005	(d) .014	ND	(c) .004
5	.059	.188	.134	.007	.009
30	.343	.450	.675	.03	.022
180	1.56	1.96	.192	.03	.072

(a) PCNB, 97.8 pct; HCB, 1.8 pct; PCB, 0.1 pct; 2, 3, 4, 5-TCNB, 0.4 pct.
(b) 2 of 3 samples.
(c) 1 dog, ND in 2.
(d) Average 2 dogs, ND in 1.

Rats.—Finnegan et al. (1958) conducted an initial study to determine the amount of PCNB stored in the fat of male and female albino rats. The diets contained 0, 63.5, 1,250, or 2,500 ppm of PCNB as a 25% dust. The animals were fed for 3 months and then sacrificed. The results showed a dose-related increase in content of PCNB in adipose tissue. Subcutaneous and perirenal fat samples were taken to be analyzed by neutron activation of chlorine. For the respective dietary levels, the average chlorine concentration in ether extracts of fat was 42.4, 392, 571, and 1,151 ug/g in males, and 43.7, 470, 875, and 1,316 ug/g in females.

As stated by Kuchar et al. (1969), the neutron activation process was later found to be inadequate for determining residues of PCNB or its metabolites in animals.

A subsequent study by Borzelleca et al. (1971) stated that the residue in the fat originally identified as PCNB consisted mostly of the impurities PCB and HCB.

As part of a reproduction study (Borzelleca et al. 1971), a portion of F-2b generation rats were fed diets containing 0, 5, 50, or 500 ppm PCNB for approximately 3 weeks following weaning. The animals were sacrificed after producing two litters. Analyses were made of composites of tissue and excreta from three rats of the same sex and dietary level. Those animals that were not sacrificed at this time were returned to control diets for two months. Residues of PCNB, HCB, PCB, PCA, and MPCPS were found in skeletal muscle, liver, kidney, fat, and feces at the end of the 33 week feeding period and two months after withdrawal from treated diets (see Table 5).

The major tissue of storage appeared to be adipose tissue (fat) where both PCB and HCB displayed dose-related storage levels. This storage trend continued to the 1,080 ppm exposure level, where respective storage levels of PCB and HCB increased to 5.15 and 194 ppm, respectively. No significant amounts of any product, including PCNB, were found in the urine. Decreased elimination of HCB from animal tissues over an extended time period was indicated by dose-related levels of HCB in fecal matter at the end of the 60 day withdrawal period.

TABLE 5.—*Rat tissue and excreta concentrations of PCNB, its metabolites (PCA, MPCPS), and related impurities (PCB, HCB)*

Specimen and diet (parts per million)	Days on control, diet (a)	Sex	Concentrations found (parts per million)				
			PCNB	PCA	MPCPS	PCB	HCB
Sk. muscle: 500	0	M	(b) ND	0.117	8.13	0.042	29.7
Liver: 500	0	M	ND	.069	.306	.010	1.93
Kidney: 500	0	M	ND	.084	.269	.131	6.43
Fat:							
5	0	M	ND	ND	.060	<.001	.587
5	0	F	ND	ND	.055	<.001	.824
50	0	M	ND	.019	.46	.019	10.8
50	0	F	ND	.095	.345	.011	4.73
500	0	M	ND	1.11	4.74	.304	117
500	0	F	ND	.238	3.82	.176	49
5	60	M	ND	ND	ND	ND	1.07
50	60	M	ND	ND	ND	ND	3.67
500	60	M	ND	ND	ND	ND	22.3
Feces:							
5	60	M	ND	ND	ND	ND	.023
50	60	M	ND	ND	ND	ND	.137
500	60	M	ND	.027	.101	ND	1.95

(a) After 33 weeks on test diets.
(b) ND=None detected.

Cows.—PCNB (Olin technical grade) was dissolved in corn oil and administered orally in gelatin capsules to cows (Borzelleca et al. 1971). Doses for each cow were dependent upon the animal's consumption of feed the previous week. Three cows per dose level received 0, 0.1, 1.0, or 10 ppm PCNB for 12 to 16 weeks. Fat biopsies for analyses during the course of the study were collected from the brisket area; additional tissues were obtained at autopsy. The cows were milked twice daily. An aliquot was removed and analyzed by a gas chromatograph equipped with electron capture. Levels of detectability for control and treated samples differed from week to week; consequently, the results are difficult to assess accurately. Tissue samples included skeletal muscle, liver, kidney, and abdominal and subcutaneous fat.

Considerable variation in residue levels was noted when individual samples were analyzed. Levels of HCB in milk from cows fed a diet of 1 ppm PCNB ranged from 0.001 to 0.003 ppm between the twenty-first and fifty-sixth days of continuous exposure. The average value was 0.002 ppm. At a dietary level of 10 ppm PCNB, the HCB residue ranged from non-detectable to 0.015 ppm, with an average value of 0.01 ppm. Levels of PCNB, PCA, MPCPS, and PCB showed sporadic variation, but were generally 0.005 ppm or less. There was little indication of dose-related level changes.

Samples of subcutaneous fat biopsied at 0, 1, 2, 4, 7, and 8 weeks after exposure to 10 ppm in the diet suggested a 0.5 ppm plateau of HCB residue beginning in the fourth week and continuing through the eighth week. PCA appeared to stabilize at a level of about 0.1 ppm between weeks 1 and 8 at the 10 ppm dietary exposure level. The remaining residues (PCA, PCNB, and MPCPS) were negligible or non-detectable.

Guorsaud et al. (1972) studied the relationship of HCB residues in endive roots to residue levels of HCB in the milk of cows eating the roots. First they determined that of all the pesticides used only PCNB was chemically related to HCB. Using gas chromatography, they found that the roots of the endives were contaminated with both HCB and PCNB and that the milk of cows eating these endives was contaminated with HCB. The most contaminated milk (26 ppm HCB) was from cows receiving 25 to 30 kg of endive roots per day. The roots were contaminated with 0.11 ppm of HCB. Another sample of milk containing 0.13 ppm of HCB came from a cow receiving endive roots contaminated with 0.006 ppm HCB.

In a subsequent study (Goursaud et al. 1972), a cows received a feed mixture containing 12 kg of endive roots contaminated with 0.16 ppm HCB and 2.16 ppm PCNB. The residues found in the milk are shown in Table 6. The authors concluded that the HCB contamination in the milk was linked to the application of PCNB to endives. They speculated that the source of HCB was from original formulation rather than from PCNB degradation.

TABLE 6.—*Residues of HCB and PCNB (parts per million) in milk of cows fed treated endive roots*

	HCB	PCNB
Milk sampling day:		
0*	0.21	Negligible for all samples.
1	.57	
2	1.23	
3	1.34	
4	1.68	
5	1.83	
6	2.00	
7	2.02	

*Day 0 means the day before the root-feed mixture was fed to the cows.

Feeding studies have shown that HCB is assimilated in the fat and other tissues of sheep (Craig and Dwyer 1961, Avrahami and Steel 1972a), chickens (Craig 1959, Watts 1968a, 1968b, Avrahami and Steel 1972b, 1972c), pigs (Gardiner and Armstrong 1960, Hansen et al. 1977), Japanese quail (Vos et al. 1968, 1971), kestrels (Vos et al. 1972), lambs (EPA 1976), rats (Medline et al. 1972, Villenueve 1975, Kuiper-Goodman et al. 1977), and aquatic organisms (Laseter et al. 1976, Isensee 1976).

Field studies have reported the occurrence of HCB residues in fish (Zitko 1971, Koeman et al. 1969, Holden 1973, Johnson et al. 1974), poultry products (Stanhope 1969, Tuinstra and Roos 1970, Goursaud et al. 1972, Smyth 1972), birds (Gilbertson and Reynolds 1972, Zitko and Choi 1972, Cromartie et al. 1975, Nickerson and Barbehenn 1972, White 1976, White and Heath 1976), edible animal tissues (Booth and McDowell 1975), and human milk and tissues (Bick 1967, Acker and Schulte 1970, Abbott et al. 1972, Siyali 1972, Brady and Siyali 1972, Curley et al. 1973, Neuhaus et al. 1973, Graca et al. 1974, Stacey and Thomas 1975, EPA 1977).

(5) *Tolerances and Food Residues.* Before any pesticide or any inert ingredient of a pesticide formulation may be used on a food or feed crop, a tolerance or exemption from a tolerance must be established. A tolerance is defined as the maximum residue level allowed for a particular pesticide on a raw agricultural commodity or a processed food or feed. It is based on the maximum residue expected from the proposed use and on the toxicological data submitted by the registrant. PCNB tolerances are summarized in Table 7.

TABLE 7.—*U.S. tolerances* for PCNB on raw agricultural commodities (40 CFR 180.291)*

Crop	Parts per million	Crop	Parts per million
Bananas	0.1	Cottonseed	0.1
Beans	.1	Garlic	.1
Broccoli	.1	Peanuts	1.0
Brussels sprouts	.1	Peppers	.1
Cabbage	.1	Potatoes	.1
Cauliflower	.1	Tomatoes	.1

*All tolerances are interim except for cottonseed.

FDA Market Basket surveys from 1964 to 1969 detected very small residues of PCNB in only 0.7% of leaf and stem type vegetables sampled. Residues ranged from 0.005 ppm to 0.42 ppm, with an average of 0.01 ppm (Duggan et al. 1971). In the Market Basket Survey between June 1971 and June 1972, trace residues were found in only one sample (oil, fat, or shortening). HCB residues ranged from 0.002 to 0.011 ppm in 4 composite samples, while PCA residues were found from 0.005 to 0.023 ppm in 3 composite samples (Manske and Johnson 1975).

In another FDA survey for 1973–1974, individual items in the dairy and meat composites in four market baskets were analyzed. PCNB residues occurred from 0.002 to 0.005 ppm in 7 composites. HCB ranged from 0.0003 to 0.0070 ppm in 17 composites. PCA was found from 0.004 to 0.050 ppm in 10 composites. TCNB occurred at 0.001 to 0.284 ppm in 8 composites (Manske and Johnson 1977).

Samples from FDA compliance and surveillance programs during 1972–1976 showed small residues in animal feed, vegetables and cottonseed meal (U.S.F.D.A. 1976).

HCB has been shown to survive the milling process of wheat and remain in the final product (Old 1969). It has also been detected at 0.010 ppb in raw and 0.006 ppb in finished U.S. drinking water (Murphy 1975).

(6) *Toxicity.* (a) *Acute. Rats.*—The oral LD-50 for technical grade PCNB (Olin product) as a 10% solution in corn oil was found to be 1.71 ± 0.17 g/kg for females (Finnegan et al. 1958). The oral LD-50 of a 75% wettable powder commercial formulation (Olin product) administered as a 40% aqueous suspension to male rats was greater than 12 g/kg.

Dogs.—Groups of 10 mongrel dogs were administered PCNB (Olin product) via gavage as a 10% solution in warm corn oil. Doses up to 2.5 g/kg did not produce any deaths, although half of the dogs on this dosage level vomited (Finnegan et al. 1958).

Rabbits.—Percutaneous toxicity was tested in male albino New Zealand rabbits weighing an average of 1.96 kg (Borzelleca et al. 1971). Animals with intact and abraded skin were used. The hair was removed from the trunk with an electric clipper and abrasions were made with a metal grid. The rabbits were restrained in stocks for 24 hours. PCNB (Olin product) was dissolved in dimethyl phthalate as a 30% solution and applied over the trunk under the restraining device. Doses of 10.0 ml/kg and 13.3 ml/kg were applied to 10 rabbits with intact skin and 13.3 ml/kg was administered to 10 rabbits with abraded skin. During the 14 days following dosing these were no indications of toxicity or skin irritation.

(b) *Subacute. Rats.*—Five groups of 7 male and 7 female albino rats of weanling age were divided into separate groups for a 3 month study. Each was fed a diet containing 1 of 5

levels of PCNB (Olin Product) at 0, 63.5, 635.0, 1,250, 2,500, or 5,000 ppm. The animals were weighed at weekly intervals and a hematologic study was done upon termination of the study. Body weights for males were significantly depressed at the 2,500 ppm level. The males and females on the 5,000 ppm level were killed at the end of 2 weeks. At the 1,250 and 2,500 ppm levels, the kidney-to-body weight ratios showed a significant increase for male rats. Significant increases in the liver-to-body weight ratios were found at all levels except in the females fed 63.5 ppm (Finnegan et al. 1958).

Rtas (10 per sex per dose) were fed technical PCNB (purity and source unknown) in their diets at rates of 0, 1,000, 5,000, or 10,000 ppm for 90 days. The growth rate of rats fed 5,000 ppm PCNB was slightly less than that of controls. Rats on the 10,000 ppm diet had an even lower growth rate (FAO/WHO 1970).

Dogs.—Groups of 3 mongrel dogs were placed on diets containing either 25, 200 or 1,000 ppm PCNB for 1 year. The PCNB (Olin product) was added as a dust formulation consisting of 20% PCNB, 77% Pyrax ABB and 3% Armour "Sticker." The dogs were weighed at weekly intervals and hematologic studies were made at the start, mid-point and termination of the study. The PCNB did not inhibit growth or result in any significant hematological or histopathological changes (Finnegan et al. 1958).

(c) *Chronic. Rats.*—Finnegan et al. (1958) conducted a 2 year study in which rats in groups of 10 males and 10 females were fed a diet containing 0, 25, 100, 300, 1,000 or 2,500 ppm PCNB. The PCNB (Olin product) was the same formulation as for the dog experiment discussed above. Rats were housed individually and weighed weekly. They were given hematologic examination during the eleventh and twenty-fourth months of the experiment. Deaths did not correlate with the dose of PCNB. Female rats showed a slight growth suppression at 100 ppm and above. The growth of male rats accelerated, especially at 25 ppm. Hematological values were within normal ranges. Lung abscesses and fatty changes in the liver did not correlate with PCNB dose.

Dogs.—In a study conducted by Farbwerke Hoechst AG (cited in FAO/WHO 1970), groups of 6 dogs, 3 males and 3 females, were fed diets containing 0, 500, 1,000 or 5,000 ppm PCNB (purity not specified) for 2 years. Liver changes occurred in all groups and the degree was dose related. The 5,000 ppm level produced fibrosis, narrowing of hepatic cells, thick leucocyte infiltration and increased size of the periportal areas. At the 500 and 1,000 ppm levels, the changes were similar but to a lesser degree. The highest dose level also produced atrophy of bone marrow and reduced hematopoiesis.

In another study (Borzelleca et al. 1971), purebred beagles, approximately 4.5 months old, were fed a diet containing PCNB (Olin product) at 0, 5, 30, 180, or 1,080 PRM for 2 years. Hematocrit values showed a significant decrease at 18 months for males receiving dosages of 30 and 180 ppm. There was no change for males at 1,080 ppm There were no dose related effects on urine analysis, blood chemistry, mortality, body weight, food consumption or the estrus cycle. A ratio of organ-to-body weight data showed a significantly greater value for livers of the dogs at 1,080 ppm PCNB. No treatment-related lesions were observed in dogs sacrificed at 1 year. In dogs sacrificed after two years, cholestatic hepatosis with secondary bile nephrosis was found in those dosed at 180 ppm and 1,080 ppm. Although these correlated with dosing, the authors considered the lesions reversible.

B. *Registered Uses and Supplies*

(1) *Products.* PCNB, a versatile fungicide, is an active ingredient in 233 Federally-registered products and 98 State-registered products. It is not used as inert ingredient in any registered products. PCNB is formulated as wettable powders, dusts, emulsifiable concentrates, granules, and in combination with other active ingredients previously listed.

(2) *Use Patterns.* 295,000 pounds of PCNB were used as a soil fumigant in 1971; 7,000 pounds were used for seed treatment (EPA 1976). Of the soil fungicide applied, 77% was used on cotton, 19% on peanuts, and 4% on nursery and fruit crops, and vegetables. It is unlikely that PCNB is used on more than 12% of the total U.S. cotton acreage and 2%–3% of the U.S. peanut acreage (EPA, 1976).

C. *Supply*

The sole manufacturer of PCNB is the Olin Chemical Corp. of Stamford, Conn. In 1971 annual production was 3 million pounds active ingredient (National Academy of Sciences 1975). According to the Olin Corporation, about a quarter of its production is exported. The U.S. Department of Agriculture has not recorded any imports.

II. REGULATORY HISTORY

A. *Past Actions*

On January 14, 1959, a registration for Technical Grade PCNB (EPA Reg. No. 1258–517) was issued to Olin Mathieson Chemical Corporation. This later became the Olin Chemical Corporation, the current holder of the PCNB technical registration. After the technical material was registered, numerous end use products were registered for various uses, including food crop uses. Tolerances for PCNB were set at zero.

In June 1965, the National Academy of Sciences National Research Council issued a report recommending that "no residue" and "zero tolerance" concepts be abandoned. The report stated that zero tolerances were not desirable, since, as experience bore out, residues might be present at levels below the current sensitivity of detection methods.

On April 13, 1966 a joint USDA-HEW statement for implementation of the recommendation was published in the FEDERAL REGISTER. The plan included discontinuation by December 31, 1967 of registrations involving residues on food or feed for which a tolerance or exemption were lacking. However, extensions were granted until December 31, 1970, if progress was being made toward showing that the registration could be continued without undue hazard to the public health.

In late 1967, PR Notice 67–10 informed registrants of the extension of certain no residue and zero tolerance registrations beyond December 31, 1967. A FEDERAL REGISTER notice of April 15, 1967 stated that registrations involving food or feed on a no residue or zero tolerance basis would be cancelled unless (1) FDA established finite tolerance or (2) a progress report were submitted to show studies were underway to support such tolerance. All registered uses of PCNB listed in the USDA Summary of Agricultural Pesticides (Compendium) were extended until January 1, 1969.

On September 4, 1968, a petition to establish tolerances on several crops was received by the Federal Food and Drug Administration (FDA). This petition was filed (i.e. accepted) on September 11, but on October 20 was found to be inadequate. PCNB was certified for usefulness on alfalfa, celery, clover, beans, bananas, broccoli, brussel sprouts, cabbage, cauliflower, cottonseed, flaxseed, garlic, lettuce, mushrooms, peanuts, peppers, potatoes, and tomatoes on December 27, 1968.

PR Notice 69–2, issued on January 10, 1969, again extended affected registrations, beyond December 31, 1968 to January 1, 1970, based on the petition to FDA for uses in the USDA Summary. These include alfalfa, bananas, beans (all), beans (pole), beans (bush), broccoli, brussel sprouts, cabbage, cauliflower, clover, cotton, cotton (seed), garlic, lettuce (head), peanuts, peppers, potatoes, and tomatoes, (staked, unstaked, and green house).

On February 19, 1969, these petition data were found sufficient to support issuance of requested negligible residue tolerances (0.1 ppm) and 1 ppm on celery. On March 21 that year PCNB residue data and analytical methods were evaluated, and on August 1, the petition was amended by Olin Corporation. This amendment was evaluated on February 19, 1970.

PR Notice 70–1, issued on January 19, 1970 yet again extended registrations, this time beyond December 31, 1969. Some PCNB uses were extended to January 1, 1971; these uses are listed in the EPA Compendium of Registered Pesticides, which superceded the USDA Summary. PR 70–8, issued on March 10, 1970, informed registrants of further needs for toxicological information; specifically, carcinogenicity and teratogenicity studies were requested to be submitted or to be initiated for PCNB.

In March 1970, FDA recommended establishment of the proposed tolerances in spite of findings by the U.S. Department of Health, Education and Welfare of possible tumorigenic and teratogenic effects (DHEW 1969). A dissenting opinion from FDA, on the other hand, recommended further data requests because of these findings. Finally, on May 1, 1970, the amended petition was withdrawn because of an EPA requirement that the petitioner resolve the issues raised by DHEW. Later, on May 25, a petition for cottenseed was resubmitted, and on February 17, 1971, a permanent tolerance was issued at 0.1 ppm.

In the meantime, on December 14, 1970 a new petition, was received by EPA. It proposed tolerances on peanuts at 1.0 ppm and bananas, beans, broccoli, brussel sprouts, cabbage, cauliflower, garlic, peppers, potatoes, and tomatoes at 0.1 ppm. Additional data were not submitted and thus EPA refused to file the new petition. In addition, since evidence did not support or was not submitted in support of PCNB uses on alfalfa, clover, and lettuce (head), these uses were cancelled while remaining uses were extended until further notice.

Olin requested on October 11, 1971, a reconsideration of the petition, since the World Health Organization (WHO) had established a temporary acceptable daily intake which was based on crop residue data in agreement with the proposed tolerances. As a consequence, on November 10, EPA filed the amended petition and on November 23 issued a Certification of Usefulness for 0.1 ppm on bananas, beans, broccoli, peppers, potatoes, and tomatoes and 1 ppm in or on peanuts. However, on February 23, 1972, EPA recommended against establishment of proposed tolerances and requested further requirements to be met by the petitioner.

On May 9, the petition was evaluated. When eight deficiencies were found, EPA requested further data. In a letter to Olin Corporation dated May 25, EPA outlined these deficiencies and stated that the toxicology review could not progress without the results of the carcinogenic and teratogenic tests in progress. On December 2, 1972, interim tolerances were established identical to the proposed tolerances. Olin proposed amendments

to the petition on January 30, 1973, which were accepted on March 2, 1973.

On March 14, 1973, EPA stated that a teratology study submitted by the registrant had satisfied one of the toxicological requirements for making the proposed tolerances permanent. However, it was noted that the carcinogenicity study still had to be submitted before permanent tolerances could be recommended.

EPA informed the registrant on June 5, 1973 that only two of the deficiencies had been corrected, while six were still unresolved. It was recommended that permanent tolerances not be established. It was stated that a tolerance of 0.2 ppm for total residues of HCB, PCB and PCA would be required for meat, fat and meat by-products of cattle, goats, horses and sheep, and 0.2 ppm in milk fat. It was stressed that these suggested tolerances for HCB were based only on HCB arising from PCNB uses; the tolerance pending for HCB under another petition might require addition of a paragraph under 40 CFR 180.3 specifying that residues of HCB shall not exceed the higher of the two tolerances.

EPA received a progress report on the National Cancer Institute cancer bioassay on rats and mice on February 21, 1974.

On July 9, 1974, the petitioner was notified of the acceptability of protocols for chicken feeding study, and this study was received by EPA on November 17, 1975.

In summary, while there exists a permanent tolerance for cottonseed, tolerances for residues of PCNB on other crops listed in Table 7 are interim. Finalization of these into permanent tolerances is pending the outcome of this RPAR investigation and further review by the EPA Registration Division.

B. *Referral to OSPR*

Action was started by OSPR on the basis of the findings in Section III below, that PCNB induced a statistically significant increase in the incidence of tumors in mice. PCNB was accepted as a candidate for RPAR review in July 1976, by the Director, Office of Special Pesticide Reviews.

III. SUMMARY OF SCIENTIFIC EVIDENCE TO SUPPORT REBUTTABLE PRESUMPTION—ONCOGENICITY

40 CFR 162.11(a)(3)(ii)(A) provides that a "rebuttable presumption shall arise if a pesticide's ingredient(s) * * * [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure * * *." Section 162.3(bb) defines the term oncogenic as "the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formation in living animals."

Several studies have been examined by the Agency which present evidence that PCNB meets the above criterion. Briefly, these findings are that PCNB induced:

1. A significant increase in hepatic carcinomas in male mice exposed to 1,000 to 3,000 ppm PCNB in the diet ($p<0.021$).

2. A significant increase in fibrosarcomas of the skin in female mice at 1,200 ppm in the diet ($p<0.001$).

3. A significant increase in hepatomas in male mice fed 1,206 ppm in the diet ($p<0.011$).

4. A significant increase in skin papillomas in mice receiving PCNB as an initiating agent followed by croton oil applications (males, $p<0.0225$; males and females and females combined, $<p0.011$).

5. A higher occurrence of malignant lymphoreticular tumors in male rats exposed to 1,200 ppm in the diet ($p<0.0548$).

Following are descriptions of the tests which resulted in these conclusions.

A. *Hazleton Carcinogenesis Bioassay of PCNB*

A carcinogenesis bioassay of PCNB was started in 1972 at Hazleton Laboratories, Inc., on behalf of the National Cancer Institute. The experiments used Osborne-Mendel rats (Supplier: BmI) and B6C3F1 mice (Supplier: Charles River Laboratories).

These animals were fed a mixture of corn oil and PCNB *ad libitum* at two dose levels, with 50 males and 50 females of each species in each group. Control groups for each species consisted of 20 animals of each sex.

The composition of the PCNB has been reported by the supplier as (Olin Corporation letter, 1976):

	Weight (percentage)
Pentachloronitrobenzene	98.1–98.2
Pentachlorobenzene	.11–0.16
Chloranil	.13–0.15
2,3,4,5-Tetrachloronitrobenzene	.22–0.29
Hexachlorobenzene	1.0
High Boiler (unknown)	.30–0.22

Male rats in the low dose group received 7,500 to 5,000 ppm, and 15,000 to 10,000 ppm PCNB in the high dose group. These doses were decreased to the second dosage rate after 14 weeks and continued until feeding was completed at 78 weeks. Low dose females were fed 11,000 ppm for 14 weeks; this was decreased to 7,250 ppm PCNB for the remainder of the experiment. High dose females received 22,000 ppm for 14 weeks and 14,500 ppm for the remaining feeding period. All animals were sacrificed after 111–113 weeks.

Mice were fed PCNB for 78 weeks. Low dose males were fed increasing doses of 1,075 ppm to 3,000 ppm, and high dose males received 2,150 to 6,000 ppm. Low dose females were fed 2,320 to 4,500 ppm and the high dose groups received 4,640 to 9,000 ppm. Surviving animals were sacrificed 91 to 93 weeks after the start of feeding.

The results obtained from rats showed a higher incidence of carcinomas in low dose PCNB-treated males and females. Female rats fed the low dose also had increases in malignant tumors. However, these observations are not statistically significant ($p<0.05$).

Carcinomas of the liver increased in low dose male mice, with eight of eighteen mice (44%) in that group, compared to two of twenty control male mice, developing carcinomas. This is significant at $p<0.021$ (Albert, 1977).

B. *Central Institute for Nutrition and Food Research—Mouse Study*

At the request of Farbwerke Hoechst AG (Frankfurt, W. Germany), the Central Institute for Nutrition and Food Research conducted a mouse carcinogenesis bioassay of PCNB (Van der Heijden and Til 1974). According to the report, the technical grade sample contained:

	Weight percentage
Pentachloronitrobenzene	98.2–98.3
Hexachlorobenzene	2.7
2,3,4,5-tetrachloronitrobenzene	1.1
2,3,5,6 - tetrachlornitrobenzene and 2,3,4,6-tetrachlornitrobenzene	0.64
Chloranil	<0.5

Diet pellets were administered *ad libitum* to SPF (Swiss random bred) males and females in 0, 100, 400 and 1,200 ppm dose groups for 80 weeks.

Gross necropsies were conducted. Tissues and tissues with gross abnormalities, three sections of the liver and each lung lobe were histologically prepared and examined. The gross examination showed skin abscesses and subcutaneous masses in females that had ingested 1,200 ppm PCNB. From tissue specimens, they were identified as fibromas and fibrosarcomas. 12 of 91 females at this dose level, compared to none of the 90 control females, had these tumors at $p<0.001$ (Albert 1977).

C. *Central Institute for Nutrition and Food Research—Rat Study*

In September 1971 the Institute began a carcinogenesis test for PCNB on rats at the behest of Farbwerke Hoechst A.G. (Anonymous undated). The technical material was the same as that used in the mouse study. Males and females, 50 per dose group, were fed a diet of 0, 100, 400 and 1,200 ppm for 104 weeks.

Complete gross necropsies were conducted to provide tissues for histological fixing and scrutiny. Tissue examinations were detailed for 20 males and females from the control and 1,200 ppm groups, but were limited to the liver for all other animals and to grossly visible tumors or lesions suspected of being tumors.

26 of 47 (55%) males ingesting 100 ppm had significantly more lymphoreticular tumors of the lung ($P<0.0548$). Most of these tumors were reticulum cell sarcomas; 20 of 47 tumors were found in treated males and 8 of 44 tumors were seen in untreated males (Albert 1977).

D. *Innes Mouse Study*

A tumorigenicity screening study on PCNB was conducted by Bionetics Research Laboratories, Inc. from 1966–1967 for the National Cancer Institute (Innes et al., 1969). While the purity of the sample was not reported, it is suspected that it contained about 88% PCNB and 11% hexachlorobenzene (U.S.E.P.A. 1976b).

Strain X and Strain Y mice, (C57BL–6 x C3H/Anf)F1 and (C57B1/6 x AKR)F1, respectively, were administered 464 mg/kg PCNB (maximum tolerated dose) by stomach tube at seven to 28 days of age and orally in the diet *ad libitum* at 1,206 ppm up to necropsy at 78 weeks. There were 18 males and 18 females of each species in the control and treated groups.

Mice were grossly examined post mortem externally and in the thoracic and abdominal cavities. Tissues of major organs and of grossly visible lesions were reviewed microscopically. The cranium and thyroid glands were not dissected.

A significantly elevated incidence of liver tumors was found in the Strain Y males ingesting PCNB. 10 of 17 (59%) treated males compared to 1 of 17 (6%) of control males had hepatomas at $p<0.00246$ (Albert 1977).

E. *Tumor Initiating Study in Mice*

The University of Birmingham Cancer Research Laboratories in Birmingham, England, has conducted a study on the tumor initiatory activity of technical PCNB (Searle, 1966). The purity of the compound was not reported.

Treated and untreated groups of albino mice (background unspecified), 6–8 weeks old, were assigned 10 males and 10 females each. The backs of mice to be treated were shaven and 0.3% PCNB dissolved in 0.2 ml acetone was applied twice weekly for 12 weeks. These mice then received applications of 0.25% croton oil on the same skin area for another 20 weeks. Mice were killed 20 weeks after the last croton oil treatment.

Total number of tumors and the numbers of mice bearing visible skin tumors were recorded weekly during croton oil treatment, and biweekly thereafter. Papillomas less than 1 mm in diameter or persisting less than three weeks were not counted.

Mice from treated and untreated groups began to develop papillomas after 5–8 weeks of croton oil treatment. Papillomas increased in number until 5–10 weeks after cessation

of applications, when some papillomas regressed. Seven treated males had tumors as compared to only one in the control group, significant at $p<0.0225$ (Albert 1977).

Also, 14 of 20 treated males and females (combined), compared to 5 to 20 untreated males and females (combined) had papillomas, which is significant at $p<0.0225$.

IV. OTHER ADVERSE EFFECTS ON WHICH THE AGENCY SEEKS ADDITIONAL INFORMATION

The Agency is concerned about preliminary information which indicates that HCB, an inherent contaminant of PCNB may induce oncogenic and other chronic effects in test animals. Since the reports providing most of the information are not yet in final form, the Agency cannot determine at this time that any RPAR criteria have been met by PCNB on the basis of these HCB reports. However, when final and verified reports are obtained, they will be fully evaluated along with other published studies which alone are not grounds for an RPAR (Courtney 1976, Khera and Villenueve 1975, Villenueve and Khera 1975). If an RPAR is declared for the potential effects of HCB in PCNB, a supplemental RPAR notice may be issued in the FEDERAL REGISTER for PCNB. If the Agency declares an RPAR for all products other than PCNB which contain HCB, a separate FEDERAL REGISTER notice will be issued, and all PCNB registrants may respond accordingly. A summary of the information awaiting consideration follows:

A. Oncogenicity

Dr. J. R. Cabral, while previously with the Eppley Institute for Research on Cancer, University of Nebraska, preliminarily reported that HCB induces oncogenic effects in hamsters (Cabral 1977a and 1977b).

Male and female Syrian golden hamsters were fed HCB in the diet at doses of 0, 50, 100, and 200 ppm, with 40, 30, 30, and 60 animals of each sex in each dosage group, respectively. After 80 weeks of feeding, significant increases in hepatomas were observed in HCB treated animals (low dose females, 37.5 percent, and males 27.2 percent; middle dose females, 42 percent, and males, 75 percent; high dose females, 81 percent, and males, 87 percent) compared to no hepatomas in untreated hamsters. Hemangioendotheliomas occurred significantly higher in hamsters receiving 200 ppm HCB (females, 9 percent, and males, 34 percent) than controls. Thyroid tumors were present only in treated animals and in proportion to the dose.

B. Reproductive and Other Adverse Effects

Linder et. al. (1977) are nearing the completion of a multi-generation reproductive study and some auxiliary experiments in rats. While the final results of the test are not yet available, the preliminary findings and the test design are of interest.

Technical grade hexachlorobenzene (HCB) was fed to rats at dietary concentrations of 0, 5, 20, or 100 ppm, and manifestations of toxicity observed through weaning of the third filial generation. Suckling pups of rats fed 100 ppm developed tremor and most of them died 4–14 days after birth. At weaning, liver weights of pups were increased in each filial generation of the group fed 20 ppm HCB, and, to a lesser degree, in some weanlings of the group fed 5 ppm. Significant HCB residues were found in whole fetuses and stomach contents of sucklings whose parents were fed 100 ppm HCB. Pathologic changes in the liver, consisting of hepatocellular enlargement in both sexes and slightly increased hemosiderin in females, were limited to adult rats fed 100 ppm HCB. In the lungs, an increase in size, number and distribution of intraalvelor (lipid-containing) macrophages was observed in HCB-treated rats. Porphyrinuria and excess storage of hepatic porphyrins occurred primarily in female rats fed 100 or 20 ppm HCB.

The Agency requests that any party having new or additional information on these or other potential adverse effects of PCNB or HCB submit such information for consideration in the RPAR process.

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*Not cited in text, but included in Working Group review.

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

REGISTRANT *NAME AND ADDRESS*

* 000148 THOMPSON-HAYWARD CHEMICAL COMPANY
BOX 2383
KANSAS CITY KS 66110

********** PRODUCT NAME **********

**00764* DE-PESTER TERRACHLOR 10% GRANULES

**00780* DE-PESTER TERRACHLOR-CAPTAN NO 10-10

**01040* T-H 20% TERRACLOR DUST

**01062* T-H TERRACLOR 2 LB. EMULSIFIABLE CONCENTRATE

**01077* T-H 10% TERRACLOR DUST

REGISTRANT *NAME AND ADDRESS*

* 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

********** PRODUCT NAME **********

**01522* ORTHO LAWN DISEASE CONTROL

**02073* ORTHOCIDE SOIL TREATER X-W

**02162* ORTHO PCNB 80 DUST CONCENTRATE

**02213* ORTHO SOIL TREATER 3 "X"

**02382* ORTHO ORTHOCIDE SOIL TREATER "X"

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

REGISTRANT *NAME AND ADDRESS*

* 000241 AMERICAN CYANAMID COMPANY
BOX 400
PRINCETON NJ 08540

********** PRODUCT NAME **********

**00146* THIMET 10% SYS. INSECT./TERRACLOR SUPER X SOIL FUNGL. GR

REGISTRANT *NAME AND ADDRESS*

* 000279 FMC CORP.
AGRICULTURAL CHEM DIV.
2000 MARKET STREET
PHILADELPHIA, PA. 19103

********** PRODUCT NAME **********

**01250* NIAGARA PCNB 40 DUST CODE: 30260

**02222* NIAGARA PCNB10 ZINEB 10 SOIL TREATER

**02350* NIAGARA LANSTAN 10 PCNB-5 GRANULAR SOIL FUNGICIDE

**02591* TERRACLOR 6.5 SUPER X 1.6 THIMET 6.5 GRANULAR CODE: 31964

**02938* TERRACLOR 6.5 THIMET 6.5 GRANULAR

**02967* TERRACLOR 5 ZINEB 2/5 THIMET 5 COATED GRANULES

**02975* CAPTAN TERRACHLOR 10-10

REGISTRANT	*NAME AND ADDRESS*
* 000476	STAUFFER CHEMICAL COMPANY LABELING & REGISTRATION DEPT 1200 SOUTH 47TH ST RICHMOND, CA 94804

********** PRODUCT NAME **********

**01315* STAUFFER CAPTAN TERRACLOR 10-10 SEED PROTECTANT

**01437* TERRACLOR 10 DUST

**01500* CAPTAN-PCNB 10-10 DUST

**01739* TERRACLOR 10 G GRANULES

**01881* CAPTAN-PCNB 10-10 GRANULAR

**01928* CAPTAN TERRACLOR 30-30 WP SEED PROTECTANT

**01977* CAPTAN-TERRACLOR* 30-30 SEED PROTECTANT

REGISTRANT	*NAME AND ADDRESS*
* 000524	MONSANTO COMPANY AGRICULTURAL PRODUCTS 800 N. LINDBERGH BLVD. ST. LOUIS, MO 63166

********** PRODUCT NAME **********

**00121* PCNB 80% DUST CONCENTRATE

**00122* PCNB TECHNICAL GRADE

REGISTRANT	*NAME AND ADDRESS*
* 000538	SCOTT O M & SONS COMPANY MARYSVILLE OH 43040

********** PRODUCT NAME **********

**00040* PROTURF FF 11

**00050* FUNGICIDE WITH FERTILIZER FOR BLUEGRASS LAWNS

**00055* SCOTTS FUNGICIDE WITH FERTILIZER FOR ST. AUGUSTINE GRASS LAWNS

**00078* LAWN DISEASE CONTROL

**00096* NEW LAWN DISEASE CONTROL

**00108* PROTURF NEW FF II

**00116* SCOTTS TURF BUILDER PLUS LAWN DISEASE PREVENTER

REGISTRANT	*NAME AND ADDRESS*
* 000550	VAN WATERS & ROGERS DIV OF UNIVAR 2256 JUNCTION AVENUE SAN JOSE, CA 95131

********** PRODUCT NAME **********

**00091* GUARDSMAN SEED GUARD

REGISTRANT	*NAME AND ADDRESS*
* 000554	AGSCO INC BOX 458 GRAND FORKS ND 58201

********** PRODUCT NAME **********

**00110* AGSCO PCNB-E.C.

REGISTRANT	*NAME AND ADDRESS*
* 000557	SWIFT AGRICULTURAL CHEMICAL CORP. 111 WEST JACKSON BOULEVARD CHICAGO, IL 60604

********** PRODUCT NAME **********

**01856* VIGORO BROWN PATCH CONTROL PLUS FERTILIZER

REGISTRANT	*NAME AND ADDRESS*
* 000728	SOUTHLAND PEARSON & COMPANY PO BOX 7151 MOBILE AL 36601

********** PRODUCT NAME **********

**00081* PEARSONS GREEN LAWN FUNGICIDE

REGISTRANT	*NAME AND ADDRESS*
* 000802	LILLY CHAS H COMPANY MILLER RD DIV 7737 N.E. KILLINGSWORTH PORTLAND, OR 97218

********** PRODUCT NAME **********

**00494* MILLER S TERRACHLOR 20D FUNGICIDE

REGISTRANT	*NAME AND ADDRESS*
* 000869	GREEN LIGHT COMPANY P.O. BOX 17985 SAN ANTONIO, TX 78217

********** PRODUCT NAME **********

**00037* GREEN LIGHT BULB STARTER & FOOD

REGISTRANT	*NAME AND ADDRESS*
* 001023	TUCO PRODUCTS COMPANY DIV UPJOHN CO 7171 PORTAGE RD KALAMAZOO MI 49001

********** PRODUCT NAME **********

**00010* ACTI DIONE - RZ

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

REGISTRANT *NAME AND ADDRESS*

* 001202 PUREGRO COMPANY
1052 W 6TH ST
LOS ANGELES CA 90017

********** PRODUCT NAME **********

**00105* GAVICIDE THIMET PCNB 6.5-6.5

**00192* PUREGRO TERRACHLOR 20 DUST

**00193* PUREGRO TERRACHLOR 10 GRANULES

**00203* PUREGRO DI SYSTON PCNB 6.5-6.5

REGISTRANT *NAME AND ADDRESS*

* 001258 OLIN CHEMICALS
OLIN CORPORATION
120 LONG RIDGE ROAD
STAMFORD, CT 06904

********** PRODUCT NAME **********

**00158* MATHIESON TERRACLOR 20% DUST

**00185* OLIN TERRACLOR 75% WETTABLE POWDER

**00279* TERRACLOR 2 LB EMULSIFIABLE SOIL FUNGICIDE

**00286* TERRACLOR 40% DUST SOIL FUNGICIDE

**00287* TERRACLOR 10% DUST-SOIL FUNGICIDE

**00407* MATHIESON BRAND TERRACLOR LANDPLASTER MIXTURE

**00466* MATHIESON TERRACAP 10-10-DUST

**00516* MATHIESON TERRACLOR 80% DUST CONCENTRATE

**00517* OLIN TERRACLOR TECHNICAL GRADE PCNB 99% SOIL FUNGICIDE

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

**CONTINUE REGISTRANT 001258

**00555* MATHIESON TERRACLOR 10% GRANULAR

**00584* MATHIESON GREENJACK LAWN FUNGICIDE

**00588* OLIN TURFCIDE EMULSIFIABLE TERRACLOR FUNGICIDE

**00740* OLIN TERRACLOR SUPER-X EMULSIFIABLE SOIL FUNGICIDE

**00758* TERRACLOR SUPER X GRANULAR 10-2.5 SOIL FUNGICIDE

**00759* OLIN TERRACLOR SUPER X DUST-SOIL FUNGICIDE

**00760* OLIN TERRACLOR SUPER X PRE MIX DUST SOIL FUNG TERACLOR PLUS TERRAZOLE

**00765* TURFCIDE 10% GRANULAR SOIL FUNGICIDE

**00776* TERRACLOR SUP X SOIL FUNG WITH DI SYSTON SYSTEMIC INSECT GRANULAR

**00786* OLIN TERRA-COAT COTTON SEED TREATMENT

**00789* OLIN TERRACLOR SUPER-X SOIL FUNG W/THIMET SYST. INSECT. GRAN

**00801* OLIN TERRACLOR LIQUID SEED TREATMENT FUNGICIDE

**00806* TERRACLOR

**00809* OLIN TERRACLOR 6.5% PLUS DI-SYSTON 6.5% GRANULAR

**00810* OLIN TERRACLOR SUPER-X-MOLY SEED TREATMENT FUNGICIDE

**00811* OLIN TERACLOR 6.5% SOIL FUNGICIDE WITH THIMET SYSTEMIC INSECTICIDE 6.5

**00813* OLIN TERRACLOR SUPER-X-SEED DUST 20-5

**00814* OLIN TERRA-COAT L-41 SEED TREATMENT FUNGICIDE

**00818* OLIN TERRA-COAT L-205

**00819* OLIN TERRA-COAT WP 6015

**00821* OLIN TERRACLOR 90% DUST CONCENTRATE

**00823* OLIN TERRACLOR SOIL FUNGICIDE 30% GRANULAR

**00824* OLIN TERRA COAT WP-4010 WITH MOLY SEED TREATMENT FUNGICIDE

**00830* OLIN-TERR COAT L-105 SEED TREATMENT FUNGICIDE

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

**CONTINUE REGISTRANT 001258

**00882* OLIN-TERRA COAT LT 2 SEED TREATMENT FUNGICIDE

**00884* OLIN-TERRA-COAT SD-205 SEED DUST FUNGICIDE

**00888* OLIN TERRACLOR SUPER-X WITH GRAPHITE SEED TREATMENT FUNGICIDE

**00914* OLIN TERRA-COAT 2-LF SEED TREATMENT FUNGICIDE

**00943* OLIN TERRACLOR SUPER-X 20-5 WITH GRAPHITE

**00944* OLIN TERRA-COAT 205-LF SEED TREATMENT FUNGICIDE

**00964* OLIN-TERRACLOR 20% GRANULAR SOIL FUNGICIDE

**00982* OLIN TERRA-COAT ZN-2055

REGISTRANT *NAME AND ADDRESS*

* 001339 COTTON STATES CHEM CO INC
P O DRAWER 157
W MONROE LA 71291

********** PRODUCT NAME **********

**00187* PUBSOW-TEC TERRACHLOR EMULSIFIABLE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 001526 A G CHEM-CHEM DIST
ARIZONA AGROCHEMICAL CO.
P.O. BOX 21537
PHOENIX AZ 85036

********** PRODUCT NAME **********

**00411* PHOENIX BRAND GRANULAR INSECTICIDE

**00439* PHOENIX BRAND PCNB 10% GRANULAR

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

**CONTINUE REGISTRANT 001526

**00492* PHOENIX BRAND GRANULES CONTAINING THIMET 6.5 PLUS PCNB 6.5

REGISTRANT *NAME AND ADDRESS*

* 002169 PATTERSON CHEMICAL COMPANY INC
1400 UNION AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

**00173* PATTERSON'S ROOT AND CROWN ROT CONTROL

REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
MGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********

**00759* GRO-TONE LAWN FUNGICIDE SPRAY

**00788* 10% THIRAM 10% PCNB

**00836* 20% TERRACHLOR DUST

REGISTRANT *NAME AND ADDRESS*

* 002749 ACETO CHEMICAL COMPANY INC
126-02 NORTHERN BLVD
FLUSHING NY 11368

********** PRODUCT NAME **********

**CONTINUE REGISTRANT 002749

**00009* PCNB 100

**00289* CAPTAN PCNB 30-30 FUNGICIDE SEED PROTECTANT

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REGISTRANT *NAME AND ADDRESS*

* 002935 WILBUR ELLIS CO.
P. O. BOX 1286
FRESNO, CA 93715

********** PRODUCT NAME **********

**00208* RED-TOP TERRACLOR 2 SPRAY

**00357* RED TOP PCNB 10 GRANULAR

**00361* RED TOP THIMET 6.5% SYST. INSECT W/PCNB 6.5% SOIL FUNG GRAN

**00362* RED TOP DI-SYSTON 6.5% SYST. INSECT. W/PCNB 6.5% SOIL FUNG GRAN

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REGISTRANT *NAME AND ADDRESS*

* 003125 CHEMAGRO DIV OF BAYCHEM CORP
BOX 4913
KANSAS CITY MO 64120

********** PRODUCT NAME **********

**00070* DEXON - TERRACLOR 35-35 WETTABLE POWDER

**00109* DEXON-TERRACLOR 5-5 GRANULAR SOIL FUNGICIDE

**00145* DEXON TERRACLOR 2.5%-10% DUST

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REGISTRANT *NAME AND ADDRESS*

* 003743 SOUTHERN AGRICULTURAL CHEMICALS INC
PO BOX 527
KINGSTREE SC 29556

********** PRODUCT NAME **********

**00251* 101 BRAND P C N B 75 WETTABLE

**00300* 30-30 PLANTER BOX TREATER

**00303* 10-10 PLANTER BOX TREATER

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REGISTRANT *NAME AND ADDRESS*

* 004185 SMITH-DOUGLASS DIV.
BORDEN CHEMICAL, BORDEN INC.
5100 VIRGINIA BEACH BLVD.
NORFOLK, VA 23501

********** PRODUCT NAME **********

**00229* CHAMPION LANDPLASTER WITH TERRACHLOR FOR PEANUTS

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REGISTRANT *NAME AND ADDRESS*

* 004581 PENNWALT CORP AGCHEM DIV.
PENNWALT TECHNOLOGICAL CENTER
P.O. BOX C
KING OF PRUSSIA, PA 19406

********** PRODUCT NAME **********

**00260* PCNB TECHNICAL

**00264* PCNB FUNGICIDE

REGISTRANT *NAME AND ADDRESS*

* 005522 FRYLINK ADRIAN ASSOCIATION
BOX 339
BABYLON NY 11702

********** PRODUCT NAME **********

**00001* AAFUMA

REGISTRANT *NAME AND ADDRESS*

* 005905 HELENA CHEMICAL CO
CLARK TOWER, 5100 POPLAR AVE, SUITE 2904
MEMPHIS TN 38137

********** PRODUCT NAME **********

**00310* HELENA 10% TERRACLOR DUST

REGISTRANT *NAME AND ADDRESS*

* 005967 MOYER CHEMICAL COMPANY
BOX 945
SAN JOSE CA 95108

********** PRODUCT NAME **********

**00055* DEXACLOR 35-35

REGISTRANT *NAME AND ADDRESS*

* 006720 SOUTHERN MILL CREEK PRODUCTS COMPANY INC
BOX 1096
TAMPA FL 33601

********** PRODUCT NAME **********

**00075* SMCP TTC TURF FUNGICIDE

REGISTRANT *NAME AND ADDRESS*

* 007001 OCCIDENTAL CHEMICAL CO
P O BOX 198
LATHROP, CA 95330

********** PRODUCT NAME **********

**00068* BEST TERRACLOR 40 DUST

**00175* TERRACLOR 2 EC

REGISTRANT *NAME AND ADDRESS*

* 007401 VOLUNTARY PURCHASING GROUP INC
PO BOX 460
BONHAM TX 75418

********** PRODUCT NAME **********

**00042* FERTI-LOME LAWN & GARDEN FUNGICIDE

**00084* FERTI-LOME LIQUID FUNGICIDE FOR BROWN PATCH CONTROL

**00163* FERTI-LOME AZALEA-CAMELLIS-GARDENIA PROBLEMS SOLVER

**00197* FERTI-LOME CONTAINING FUNGICIDE

REGISTRANT *NAME AND ADDRESS*

* 008222 LING FUANG INDUSTRIES, INC.
LING FUANG, IND.
P.O. BOX 1207
GARDNERVILLE, NV. 89410

********** PRODUCT NAME **********

**00021* T & C MULTI-PURPOSE INSECTICIDE-FUNGICIDE

**00023* TOWN & COUNTRY MULTI-PURPOSE SOIL & BULB DUST

REGISTRANT *NAME AND ADDRESS*

* 008340 AMERICAN HOECHST CORPORATION
270 SHEFFIELD STREET
MOUNTAINSIDE, NJ 07092

********** PRODUCT NAME **********

**00001* BRASSICOL 20

REGISTRANT *NAME AND ADDRESS*

* 008434 DOTSON & SONS INC
BOX 173
BRAWLEY CA 92227

********** PRODUCT NAME **********

**00033* DOT-SON BRAND STAND -AID

REGISTRANT *NAME AND ADDRESS*

* 009779 RIVERSIDE CHEM COMPANY
P.O. BOX 171199 855 RIDGE LAKE BLVD
MEMPHIS TN 38117

********** PRODUCT NAME **********

**00099* RIVERSIDE T-MAN COTTON SEEDLING FUNGICIDE

REGISTRANT *NAME AND ADDRESS*

* 010226 ROCKWOOD CHEM COMPANY
BOX 34
BRAWLEY CA 92217

********** PRODUCT NAME **********

**00005* ROCKWOOD ER SYST T THIMET 6.5% INSECT W/PCNB SOIL FUNG GRAN FOR CO

**00014* ROCKWOOD BRAND LITTLE PEBBLES CONTAINS DI SYSTON 6.5% PCNB 6.5%

**00032* ROCKWOOD BRAND TERRACLOR 2 LB. E.C.

REGISTRANT *NAME AND ADDRESS*

* 010290 PROFESSIONAL CHEMICAL COMPANY INC
P.O. BOX 94071 4517 YALE ST
HOUSTON TX 77018

********** PRODUCT NAME **********

**00021* TERRACLOR 2E

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

REGISTRANT *NAME AND ADDRESS*

* 010659 OCCIDENTAL CHEMICAL COMPANY
BOX 1185
HOUSTON TX 77001

********** PRODUCT NAME **********

**00034* ZIPP LAWNFOOD 6-12-12 FUNGUS CONTROL

REGISTRANT *NAME AND ADDRESS*

* 010820 QUIMICA ORGANICA DE MEXICO S A
C/O RENEE ROMERO & CO, INC
103 ROCKWOOD AVE
CALEXICO CA 92231

********** PRODUCT NAME **********

**00001* PCNB TECHNICAL MATERIAL FOR MANUFACTURING PURPOSES ONLY

REGISTRANT *NAME AND ADDRESS*

* 010912 HAYNES CHEMICAL COMPANY
P.O. BOX 30
EAST GRAND FORKS, MN 56721

********** PRODUCT NAME **********

**00001* HAYNES SEED TREAT NO.1

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

REGISTRANT *NAME AND ADDRESS*

* 011489 GREEN-UP PLANT FOOD COMPANY
PO BOX 9
NACOGDOCHES TX 75961

********** PRODUCT NAME **********

**00001* GREEN-UP LAWN-GARD PLANT FOOD

REGISTRANT *NAME AND ADDRESS*

* 011656 WESTERN FARM SERVICE INC SHELL CHEM COMPANY
1025 CONNECTICUT AVE-STE 200
WASH DC 20036

********** PRODUCT NAME **********

**00029* TERRACLOR* THIMET(R) 6.5 - 6.5

REGISTRANT *NAME AND ADDRESS*

* 018773 TURNER SALES & SUPPLY INC
PO BOX 847
TIFTON GA 31794

********** PRODUCT NAME **********

**00002* T-S-P 4 WAY FOR SEED DISEASE CONTROL

**** PRODUCT SEARCH LISTING **** PAGE 19

09/21/77 FEDERALLY REGISTERED PRODUCTS CONTAINING PCNB

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REGISTRANT *NAME AND ADDRESS*

* 033955 ACME DIVISION
PBI GORDON CORP
300 SOUTH THIRD ST
KANSAS CITY, KS 66118

********** PRODUCT NAME **********

**00518* ACME BULB SAVER

09/21/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING PCNB

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REGISTRANT *NAME AND ADDRESS*

* 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

********** PRODUCT NAME **********

**05845* ORTHOCIDE SOIL TREATER "X"

**08631* ORTHOCIDE PCNB 10-20 DUST

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REGISTRANT *NAME AND ADDRESS*

* 000279 FMC CORP.
AGRICULTURAL CHEM DIV.
2000 MARKET STREET
PHILADELPHIA, PA. 19103

********** PRODUCT NAME **********

**04970* PCNB 20 DUST

**04971* PCNB 10 ZINEB 10 SOIL TREATER

**09451* PCNB 5% IN FERTILIZER

****

REGISTRANT *NAME AND ADDRESS*

* 000557 SWIFT AGRICULTURAL CHEMICAL
CORP.
111 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

********** PRODUCT NAME **********

**09673* PAR EX PLUS PCNB

**09674* PAR EX PLUS PCNB

09/21/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING PCNB

**CONTINUE REGISTRANT 000557

**09675* PAR EX PLUS PCNB

**09676* PAR EX PLUS PCNB

**09731* PAR EX PLUS PCNB

**09732* PAR EX PLUS PCNB

**09733* PAR EX PLUS PCNB

**09734* PAR EX PLUS PCNB

**09735* PAR EX PLUS PCNB

**09736* PAR EX PLUS PCNB

**09737* PAR EX PLUS PCNB

**09738* PAR EX PLUS PCNB

**09739* PAR EX PLUS PCNB

**09740* PAR EX PLUS PCNB

**09741* PAR EX PLUS PCNB

**09742* PAR EX PLUS PCNB

**09743* PAR EX PLUS PCNB

**09744* PAR EX PLUS PCNB

**09745* PAR EX PLUS PCNB

**09746* PAR EX PLUS PCNB

**09747* PAR EX PLUS PCNB

**09748* PAR EX PLUS PCNB

**09749* PAR EX PLUS PCNB

**09750* PAR EX PLUS PCNB

**09751* PAR EX PLUS PCNB

**09752* PAR EX PLUS PCNB

**CONTINUE REGISTRANT 000557

**09753* PAR EX PLUS PCNB

**09754* PAR EX PLUS PCNB

**09755* PAR EX PLUS PCNB

**09756* PAR EX PLUS PCNB

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REGISTRANT *NAME AND ADDRESS*

* 000829 SOUTHERN AGRI INSECT INC
PO BOX 218
PALMETTO FL 33561

********** PRODUCT NAME **********

**09449* SA-50 BRAND TURF - TREATER FUNGICIDE

**09450* SA-50 BRAND TERRACHLOR SUPER -X

****

REGISTRANT *NAME AND ADDRESS*

* 000909 COOKE LABORATORY PRODUCTS
4759 S DURFEE AVE
PICO RIVERA CA 90660

********** PRODUCT NAME **********

**08642* COOKE FUNGICIDE

**08644* ROSEDALE'S FUNGI-TAC

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REGISTRANT *NAME AND ADDRESS*

* 001202 PUREGRO COMPANY
1052 W 6TH ST
LOS ANGELES CA 90017

********** PRODUCT NAME **********

**05009* PUREGRO TERRACLOR 2 E

**05033* PUREGRO TERRACHLOR SUPER X DISYSTON 6.5-1.63.5

**05034* PUREGRO TERRACHLOR SUPER X THIMET 6.5-1.63.5

**05035* PUREGRO THIMET PCNB 6.5-6.5 GRAN

**05061* PUREGRO DI-SYSTON PCNB 6.5-6.5

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REGISTRANT *NAME AND ADDRESS*

* 001258 OLIN CHEMICALS
OLIN CORPORATION
120 LONG RIDGE ROAD
STAMFORD, CT 06904

********** PRODUCT NAME **********

**08634* TERRACLOR R 2-16 EMULSIFIABLE

**08635* TERRACLOR R 10% GRANULAR

**08636* TERRACLOR R 2-16 EMULSIFIABLE

**08638* TERRACLOR R + DASANIT R 10-30 GRANULAR

**08639* TERRACLOR R + DASANIT R 10-30 GRANULAR

**08640* TERRACLOR R + DASANIT 10-3 GRANULAR

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REGISTRANT *NAME AND ADDRESS*

* 001526 A G CHEM-CHEM DIST
ARIZONA AGROCHEMICAL CO.
P.O. BOX 21537
PHOENIX AZ 85036

********** PRODUCT NAME **********

**03787* AGRO-CHEM BRAND TERRACLOR 10 GRANULAR

**03788* AGRO-CHEM BRAND TERRACLOR 2E

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REGISTRANT *NAME AND ADDRESS*

* 001871 FARMCRAFT, INC
8900 S W COMMERCIAL
TIGARD OR 97223

********** PRODUCT NAME **********

**08921* FARMCRAFT TERRACHLOR 20 DUST

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REGISTRANT *NAME AND ADDRESS*

* 002224 MOBIL CHEMICAL COMPANY INDUSTRIAL CHEMICALS DIV
P O BOX 29
KINGSTREE, SC 29556

********** PRODUCT NAME **********

**08632* MOCAP(NEMATICIDE-INSECTICIDE)-PCNB 3-10 GRANULAR

**08633* MOCAP (NEMATICIDE-INSECTICIDE)-PCNB 3-10 GRANULAR

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REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
MGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********

**06962* GRO-TONE GRANULAR LAWN FUNGICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 002935 WILBUR ELLIS CO.
P. O. BOX 1286
FRESNO, CA 93715

********** PRODUCT NAME **********

**06625* RED-TOP PCNB SEED-COAT

06634* RED-TOP SACTON-SUPER X * 6.5-6.5-1.63 GRANULAR

06635* RED-TOP THIMET-SUPER X * 6.5-6.5-1.63 GRANULAR

**06654* RED-TOP PCNB 10 DUST

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REGISTRANT *NAME AND ADDRESS*

* 003122 SUPERIOR FERTILIZER & CHEM COMPANY ATTN R BASS
BOX 1021
TAMPA FL 33600

********** PRODUCT NAME **********

**07192* SUPERIOR'S EXTRA VALUE TERRACLOR 2-EC

**07565* SUPERIOR'S SOIL FUNGICIDE

REGISTRANT	*NAME AND ADDRESS*
* 003238	AGRICO CHEMICAL CO. CROP PROTECTION CHEMICAL DIV. BOX 3451 TULSA, OK 74101

********** PRODUCT NAME **********

**10165* STANDARD BRAND LAWN & TURF FUNGICIDE

**10166* STANDARD FORMAD LAWN & TURF FUNGICIDE

REGISTRANT	*NAME AND ADDRESS*
* 005967	MOYER CHEMICAL COMPANY BOX 945 SAN JOSE CA 95108

********** PRODUCT NAME **********

**08641* TERRACLOR DUST NO. 20

REGISTRANT	*NAME AND ADDRESS*
* 006720	SOUTHERN MILL CREEK PRODUCTS COMPANY INC BOX 1096 TAMPA FL 33601

********** PRODUCT NAME **********

**03357* SMCP TERRACLOR 2-E

REGISTRANT	*NAME AND ADDRESS*
* 006973	SOILSERV INC PO BOX 1817 SALINAS CA 93901

********** PRODUCT NAME **********

**04969* SOILSERV TERRACLOR EC 25

REGISTRANT	*NAME AND ADDRESS*
* 007159	DOWNEY FERTILIZER COMPANY BOX 370 9447 E IMPERIAL HIGHWAY DOWNEY CA 90242

********** PRODUCT NAME **********

**08219* RED STAR VELVET TERRACAP

REGISTRANT	*NAME AND ADDRESS*
* 007413	PENNINGTON GRAIN & SEED INC PO BOX 290 MADISON GA 30650

********** PRODUCT NAME **********

**10284* PENNINGTON GREEN COAT FOR GRASS TREATMENT

REGISTRANT	*NAME AND ADDRESS*
* 007478	CHEM PAK COMPANY P.O. BOX 430757 SOUTH MAIMI FL 33157

********** PRODUCT NAME **********

**08028* CURE-A-LAWN

REGISTRANT	*NAME AND ADDRESS*
* 008278	METRO BIOLOGICAL LAB 8241 GAY ST CYPRESS CA 90639

********** PRODUCT NAME **********

**10167* METRO DITHANE M-45

REGISTRANT	*NAME AND ADDRESS*
* 008434	DOTSON & SONS INC BOX 173 BRAWLEY CA 92227

********** PRODUCT NAME **********

**07052* DOT-SOT BRAND STAND-AID

**07053* DOT-SON BRAND THIMET STAND-AID

**07054* DOT-SON BRAND TERRACLOR SOIL FUNGICIDE 10% GRANULAR

**08976* DOT-SON BRAND TERRACLOR 20%

REGISTRANT	*NAME AND ADDRESS*
* 009404	CHASE & COMPANY BOX 1697 SANFORD FL 32771

********** PRODUCT NAME **********

**03483* SUNNILAND THREE WAY FUNGICIDE FILE SYMBOL: 9404-EI

REGISTRANT	*NAME AND ADDRESS*
* 009782	WOODBURY CHEMICAL COMPANY PO BOX 4319 PRINCETON FL 33030

********** PRODUCT NAME **********

**03664* TERRACLOR 2-E

**03665* TERRACLOR 75-W

**03670* TRI-MIX FUNGICIDE

REGISTRANT	*NAME AND ADDRESS*
* 010226	ROCKWOOD CHEM COMPANY BOX 34 BRAWLEY CA 92217

********** PRODUCT NAME **********

**03784* ROCKWOOD BRAND SYSTEMIC T

REGISTRANT *NAME AND ADDRESS*

* 010258 SPRAY DISTRIBUTORS, INC.
11625 MC BEAN DR.
EL MONTE, CA 91732

********** PRODUCT NAME **********

**08637* TERRACLOR R 2-16 EMULSIFIABLE

REGISTRANT *NAME AND ADDRESS*

* 010965 CALIFORNIA DEPT OF AGRICULTURE
WEED & VERTEBRATE PEST CONTROL 1220 N ST
SACRAMENTO CA 95814

********** PRODUCT NAME **********

**09904* ANY APPROPRIATE PRODUCT

REGISTRANT *NAME AND ADDRESS*

* 010972 CASTLE A L INC
PO BOX 877
MORGAN HILL CA 95037

********** PRODUCT NAME **********

**06550* CASTLE BRAND DUST FUNGI CLOR 20

**10158* CASTLE BRAND DUST FUNGI CLOR 40

**10159* CASTLEW BRAND FUNGI CLOR 75W

REGISTRANT *NAME AND ADDRESS*

* 011017 FOSTER-GARDNER INC
1577-1ST ST
COACHELLA CA 92236

********** PRODUCT NAME **********

**08196* TERRACLOR 2 E

REGISTRANT *NAME AND ADDRESS*

* 011079 LESCO SEED & CHEMICAL INC
PO BOX 148
WATSONVILLE CA 95076

********** PRODUCT NAME **********

**07055* LESCO TERRACLOR 80% DUST

REGISTRANT *NAME AND ADDRESS*

* 011093 MASTER NURSERYMEN'S ASSN C/O LEO DUPUICH
3620 1/2 MT DIABLO BLVD
LAFAYETTE CA 94549

********** PRODUCT NAME **********

**07371* 49'ER BRAND FUNGICID

****

REGISTRANT *NAME AND ADDRESS*

* 011656 WESTERN FARM SERVICE INC SHELL CHEM COMPANY
1025 CONNECTICUT AVE-STE 200
WASH DC 20036

********** PRODUCT NAME **********

**05918* TERRACHLOR SUPER X THIMET 5-1.25-5 GRANULAR

****

REGISTRANT *NAME AND ADDRESS*

* 014775 ASGROW FLORIDA COMPANY
PO DRAWER D
PLANT CITY FL 33566

********** PRODUCT NAME **********

**08724* PROTECTURF WETTABLE

****

REGISTRANT *NAME AND ADDRESS*

* 021275 SPAULDING INC
1921 5TH AVE S
ST PETERSBURG FL 33733

********** PRODUCT NAME **********

**05364* X-CEL TERRACLOR 2E

**05547* X-CEL TTC

****

REGISTRANT *NAME AND ADDRESS*

* 023420 INDEPENDENCE ANIMAL HOSPITAL
INDEPENDENCE KS

********** PRODUCT NAME **********

**06946* FASCO TERRACLOR 2 E.C.

****

REGISTRANT *NAME AND ADDRESS*

* 035222 SOUTHERN CHEMICALS, INC.
204 N. ELM AVE, BOX 1480
SANFORD, FL 32771

********** PRODUCT NAME **********

**07175* TURF FUNGICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 035994 BOB BOYDSTUN PEST CONTROL
1419 N. BIG SPRING STREET
MIDLAND, TX 79701

********** PRODUCT NAME **********

**06087* BOYDSTUN'S CONC.SHRUB AND FLOWER SPRAY

**** PRODUCT SEARCH LISTING **** PAGE 15

09/21/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING PCNB

****

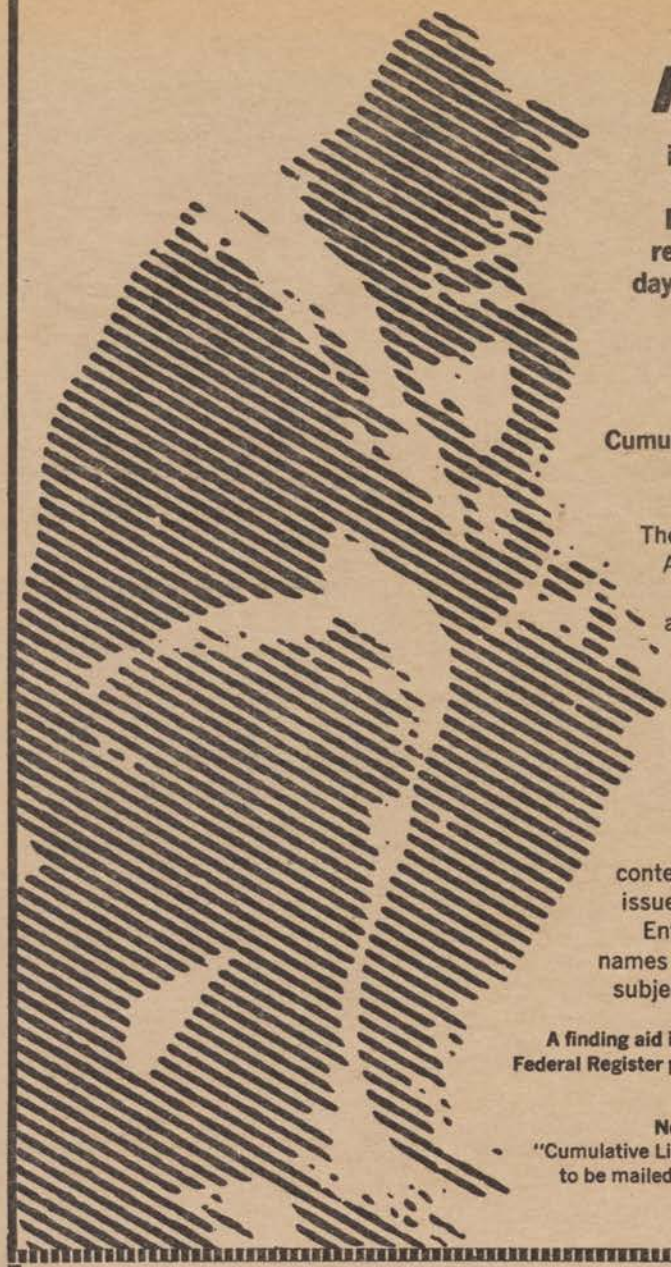
REGISTRANT *NAME AND ADDRESS*

* 037854 AGRICULTURAL SUPPLIES OF BATESVILLE, INC.
BOX 6
BATESVILLE, TX 78829

********** PRODUCT NAME **********

**08298* FALL OUT 10% TEBRACLOR DUST

[FR Doc.77-30279 Filed 10-19-77;8:45 am]



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